

# **LAW ON THE ELECTION OF MEMBERS OF PARLIAMENT**

## **I. GENERAL PROVISIONS**

### **Scope of the Law**

#### **Article 1**

This Law shall regulate the election and termination of term of office of Members of Parliament in the National Assembly (hereinafter: MPs).

National Assembly shall have 250 Members of Parliament, elected for a term of four years.

### **Core principles of the election of Members of Parliament**

#### **Article 2**

Citizens shall elect Members of Parliament on the basis of universal and equal suffrage.

Elections for MPs shall be free and direct, and voting shall be carried out by secret ballot in person.

### **Suffrage**

#### **Article 3**

Each adult citizen of the Republic of Serbia over whom parental rights have not been extended, or who has not been wholly divested of legal capacity shall have the right to vote for MPs in the elections and to stand as an MP.

A person partly divested of legal capacity may vote for MPs and stand as an MP in parliamentary elections, unless a court has declared him/her incapable of exercising the right to vote under the decision on partial deprivation of legal capacity.

### **Freedom to vote**

#### **Article 4**

The voter shall be free to decide whether and how to vote.

No one shall have the right to prevent or force a citizen to vote, to take a citizen to account for voting or failure to vote, or to demand a voter to declare for whom he/she has voted or why he/she has not voted.

### **Equal suffrage and proportional electoral system**

#### **Article 5**

Each voter shall have only one vote.

Voters shall vote for the electoral list of candidates for MPs (hereinafter: electoral list).

The MPs shall be elected in the Republic of Serbia as a single constituency.

Parliamentary seats shall be distributed among electoral lists proportionately to the number of the votes won, and the number of seats due to electoral lists shall be determined by applying the system of the highest quotient.

Parliamentary seats won by an electoral list shall be allocated to candidates for MPs in keeping with the order in which they are listed on that electoral list.

## **Informing on elections**

### **Article 6**

The citizens shall have the right to be informed through public service media about electoral programs and activities of submitters of electoral lists, as well as about candidates for MPs in accordance with the regulations governing public service media and electronic media.

During the election campaign, the media service provider shall be obliged to ensure representation without discrimination to submitters of proclaimed electoral lists and candidates for MPs, in accordance with the regulations governing public service media and electronic media.

It shall be forbidden, 48 hours before the Election Day and on the Election Day before the closing of polling stations, to publish estimates of election results, publicly present election candidates and their electoral programs, and invite voters to vote, or not to vote for certain electoral lists in the media and at public gatherings.

In terms of this Law, media means dailies and periodicals, news agency services, radio and television programs and online editions of these media, as well as independent online editions (editorial websites or web portals), which are registered in the Media Register, in accordance with the law.

## **II. AUTHORITIES RESPONSIBLE FOR CONDUCTING ELECTIONS FOR MPs**

### **1. Common rules regarding authorities responsible for conducting elections**

#### **Authority to conduct elections for MPs**

### **Article 7**

Elections for MPs (hereinafter: parliamentary elections) shall be conducted by the Republic Electoral Commission, local electoral commissions and polling boards.

#### **General rules on the status of the authorities responsible for conducting elections**

### **Article 8**

The authorities responsible for conducting parliamentary elections (hereinafter: electoral management bodies) shall be autonomous and independent in their work and operate in compliance with laws and regulations adopted on the basis of the law.

The electoral management bodies shall report about their work to the authority which has appointed them.

The work of the electoral management bodies shall be public.

A candidate for an MP may not attend the work of the electoral management bodies.

The prerequisites for the work of the electoral management bodies shall be provided by the National Assembly and municipal and/or city administrations.

All state and other authorities and organizations shall provide assistance to the electoral management bodies and provide them with the data necessary for their work.

#### **Members and deputy members of electoral management bodies**

#### Article 9

The electoral management bodies shall be composed of chairperson, other members of the electoral management bodies, and their deputies.

The same person may be appointed to the electoral management body more than once.

A deputy member of the electoral management body shall have the same rights and duties as the member he/she substitutes.

A deputy member of the electoral management body shall have the right to vote only when the member he/she substitutes is absent.

The electoral management body may authorize its member or deputy member to perform, on its behalf, certain activities related to the organization, preparation and carrying out of elections, i.e. voting.

#### **Standing and extended composition of the electoral management bodies**

#### Article 10

The electoral management bodies may operate in the standing or extended composition.

Every submitter of the proclaimed electoral list shall be entitled to nominate a member and a deputy member to the electoral management bodies in the extended composition.

Should a submitter of the proclaimed electoral list fail to nominate a member or deputy member to the electoral management body in the extended composition within the time limit set by the law, the body shall continue to work and make valid decisions without a representative of the concerned submitter of the electoral list.

Members/deputy members of the electoral management bodies in extended composition shall have the same rights and duties as members/deputy members of the electoral management bodies in extended composition.

#### **General rules on the nomination of members/deputy members of the electoral management bodies**

#### Article 11

When nominating members / deputy members to the electoral management bodies, authorized nominators should ensure gender balance and inclusion of persons with disabilities in the conduct of the election process.

The nomination of candidates for members / deputy members of the electoral management bodies shall include the name and surname of the nominated member / deputy member, his/her unique master citizen number (hereinafter: UMCN), place and address of residence, telephone number and e-mail address, and designation of the parliamentary group in the National Assembly (hereinafter: parliamentary group) or of other authorized nominator.

#### **Decision-making by the electoral management bodies**

#### Article 12

The electoral management bodies shall decide by a majority of the total number of votes of members in the standing or extended composition.

#### **Eligibility for membership in the electoral management bodies**

### Article 13

Only a person with suffrage who is not an MP or an MP candidate may be appointed as a member / deputy member of the electoral management body.

### **Termination of office in the electoral management body**

### Article 14

The office of a member or deputy member of the electoral management body shall be terminated by force of law, and the body competent for his/her appointment shall establish termination of his/her office *ex officio* if:

- 1) he/she dies;
- 2) he/she is disfranchised;
- 3) electoral list on which he/she is a candidate for MP is proclaimed;
- 4) the submitter of the electoral list who has nominated him/her, withdraws the electoral list;
- 5) the decision on the proclamation of the electoral list whose submitter has nominated him/her is annulled;
- 6) he/she has been sentenced to a period of incarceration of at least 6 months by a final court decision;
- 7) he/she has been deprived of his/her legal capacity;
- 8) in other cases stipulated by law.

A member or a deputy member of the electoral management body shall be dismissed by the body in charge for his/her appointment:

- 1) if he/she submits a letter of resignation in writing;
- 2) if it is subsequently established that he/she does not meet the special conditions for appointment;
- 3) in other cases stipulated by law.

Upon the entry into force of a decision on calling the elections, the Republic Electoral Commission shall be the authority competent to dismiss a member / deputy member of the Republic Electoral Commission and the local electoral commission in the standing composition, to establish that his/her office has ceased by force of law, and to appoint at the proposal of authorised nominator a new member to replace the one who has been dismissed, or whose office has been terminated by force of law.

A decision of the electoral management body may not be challenged on the grounds that this body was not deciding in the prescribed composition if the prescribed legal remedy challenging its composition was not timely filed.

### **A special case of termination of office**

### Article 15

The same person may not be a member of two electoral management bodies.

If one person is appointed to more than one electoral management bodies, his / her office in the body in which he / she was appointed later shall be terminated by force of law.

## **2. Republic Electoral Commission**

### **Special condition for the appointment of a member and deputy member of the Republic Electoral Commission**

#### Article 16

Only a person with a BA degree in law may be appointed a member or deputy member of the Republic Electoral Commission.

### **Standing composition of the Republic Electoral Commission**

#### Article 17

Standing composition of the Republic Electoral Commission shall consist of the chairperson, 16 members, deputy chairperson and 16 deputy members appointed by the National Assembly.

Decision on the appointment of members and deputy members of the standing composition of the Republic Electoral Commission shall be published in the “Official Gazette of the Republic of Serbia”.

The term of office of the standing composition of the Republic Electoral Commission shall cease when the new legislature of the National Assembly appoints a new standing composition of the Republic Electoral Commission.

The new legislature of the National Assembly shall appoint a new standing composition of the Republic Electoral Commission within six months from the day of the constitution of the National Assembly.

### **Authorized nominator for the appointment of members and deputy members of Republic Electoral Commission in standing composition**

#### Article 18

Members and deputy members of the Republic Electoral Commission in the standing composition shall be appointed at the proposal of parliamentary groups proportionately to their representation in the total number of MPs belonging to parliamentary groups.

No parliamentary group may nominate more than half of the members of the Republic Electoral Commission in the standing composition.

A parliamentary group that has more than half of the total number of MPs shall nominate the chairperson, deputy chairperson, seven members and seven deputy members of the Republic Electoral Commission in the standing composition, while the remaining members and deputy members of the Republic Electoral Commission in the standing composition shall be nominated by other parliamentary groups proportionately to their total representation in the total number of MPs belonging to parliamentary groups.

A parliamentary group in terms of nominating members / deputy members of the Republic Electoral Commission in the standing composition shall also be deemed single MPs or MP groups which have less than the number of MPs required to form a parliamentary group:

- 1) if all such MPs are elected from the same electoral list;
- 2) if the electoral list on which they were elected has not won the required number of seats to form a parliamentary group;
- 3) if none of them has joined any parliamentary group;
- 4) if all such MPs have signed a proposal for the appointment of a member / deputy member of the Republic Electoral Commission in the standing composition.

### **Gender representation in the Republic Electoral Commissions in the standing composition**

#### Article 19

The parliamentary group entitled to nominate two persons to the Republic Electoral Commission in the standing composition shall nominate one member of each gender.

The parliamentary group entitled to nominate three persons to the Republic Electoral Commission in the standing composition shall nominate two members of one gender and one member of the other gender.

The parliamentary group entitled to nominate four persons to the Republic Electoral Commission in the standing composition shall nominate two members of each gender.

The parliamentary group entitled to nominate five persons to the Republic Electoral Commission in the standing composition shall nominate three members of one gender and two members of the other gender.

The proposal of the parliamentary group entitled to nominate more than five persons to the Republic Electoral Commission in the standing composition must include at least 40% of members of the underrepresented gender among the persons nominated.

### **Appeal against the decision on appointment of a member and deputy member of the Republic Electoral Commissions in standing composition**

#### Article 20

Against the decision on appointment of member and deputy member of the Republic Electoral Commission in standing composition, every submitter of the proclaimed electoral list that has won seats in the current parliamentary term of the National Assembly and every voter may file an appeal with the Administrative Court, through the National Assembly, within seven days of its publication in the official Gazette of the Republic of Serbia.

The National Assembly shall forward the appeal and all the accompanying files to the Administrative Court within 24 hours of receiving the appeal.

The Administrative Court shall decide on the appeal within seven days following the receipt of the appeal and the accompanying files.

The decision made in the appeal procedure shall be final and extraordinary legal remedies stipulated by the law governing the administrative dispute may not be filed against it.

### **Participants in the work of the Republic Electoral Commission without the right to make decisions**

#### Article 21

Participants in the work of the Republic Electoral Commission without the right to make decisions shall be: the Secretary of the Republic Electoral Commission, the Deputy Secretary of the Republic Electoral Commission and two participants responsible for statistics related tasks.

The Secretary and Deputy Secretary of the Republic Electoral Commission shall be appointed by the National Assembly at the proposal of the Speaker of the National Assembly from among the employees of the National Assembly Service.

The participants responsible for statistics related tasks shall be appointed by the National Assembly at the proposal of the national statistical authority.

Only a person who has the right to vote and who is not a Member of Parliament or a candidate for a Member of Parliament may be appointed as a participant in the work of the Republic Electoral Commission without the right to make decisions.

Only a person with a BA degree in law may be appointed as Secretary or Deputy Secretary of the Republic Electoral Commission.

The provisions of this Law governing the termination of office in the electoral management body shall also apply to participants in the work of the Republic Electoral Commission without the right to make decisions.

### **Republic Electoral Commission in the extended composition**

#### Article 22

A member / deputy member of the Republic Electoral Commission in the extended composition shall be appointed by the Republic Electoral Commission at the proposal of the submitter of the proclaimed electoral list, which must be submitted no later than seven days before the Election Day.

The Republic Electoral Commission shall decide on the proposal for the appointment of a member / deputy member of the Republic Electoral Commission in the extended composition within 24 hours of receiving the proposal.

The decision on the appointment of a member / deputy member of the Republic Electoral Commission in the extended composition shall apply as of the date following the day of its adoption.

A member / deputy member of the Republic Electoral Commission in the extended composition who has been dismissed or whose office has been terminated by force of law may be substituted at the request of the submitter of the proclaimed electoral list on whose proposal he/she was appointed only while the Republic Electoral Commission works in the extended composition.

The Republic Electoral Commission shall work in its extended composition until the general report on the election results becomes final.

### **Complaint against decision on a proposal for the appointment of a member / deputy member of the Republic Electoral Commission in the extended composition**

#### Article 23

Against the decision dismissing or rejecting a proposal for the appointment of a member / deputy member of the Republic Electoral Commission in the extended composition, the submitter of the proposal may file a complaint with the Republic Electoral Commission within 48 hours of publishing that decision on the website of the Republic Electoral Commission (hereinafter: website).

Against the decision on the appointment of a member / deputy member of the Republic Electoral Commission in the extended composition, the submitter of the proclaimed electoral list, the registered political party or a voter may file a complaint with the Republic Electoral Commission within 48 hours following the publication of that decision on the website.

### **Competences of the Republic Electoral Commission**

#### Article 24

The Republic Electoral Commission shall:

- 1) ensure lawful conduct of the elections;
- 2) prescribe instructions for carrying out electoral activities;
- 3) publish a calendar of electoral activities;
- 4) prescribe forms for conducting electoral activities;

- 5) monitor the application of, and issue opinions regarding the application of this Law;
- 6) appoint, dismiss and establish termination of office of a member / deputy member of the electoral management body, in accordance with this Law;
- 7) prescribe uniform standards for election material;
- 8) provide election material for conducting elections;
- 9) prescribe the manner of handover of the election material before and after voting;
- 10) designate polling stations, in accordance with this Law;
- 11) decide on the submitted electoral list;
- 12) compile and publish a manual for the practical application of the rules governing how polling boards conduct voting and determine the results of voting at the polling station;
- 13) prescribe the manner of monitoring the turnout of voters;
- 14) prescribe training programs and implement trainings for members / deputy members of local electoral commissions and polling boards;
- 15) inform and educate voters on the manner of exercising the right to vote, as well as other participants in the election procedure;
- 16) decide on complaints, in accordance with this Law;
- 17) prescribe in more detail the manner of filing complaints and actions upon complaints in the Republic Electoral Commission;
- 18) determine election results, render and publish general report on the election results;
- 19) coordinate and supervise the work of electoral management bodies;
- 20) prescribe the code of conduct of members and deputy members of the electoral management bodies;
- 21) submit to the National Assembly a report on the conducted elections;
- 22) perform other tasks stipulated by this Law.

In supervising the work of local electoral commissions, the Republic Electoral Commission is authorized to annul ex officio decisions of the local electoral commission made contrary to the provisions of this Law.

The forms required for the submission of the electoral list shall be prescribed by the Republic Electoral Commission within three days following the day when the decision on calling the elections came into force.

The Republic Electoral Commission shall adopt its Rules of Procedure.

The Instructions for conducting electoral activities and the Rules of Procedure of the Republic Electoral Commission shall be published in the "Official Gazette of the Republic of Serbia".

### **Publication of decisions of the Republic Electoral Commission**

#### **Article 25**

Decisions of the Republic Electoral Commission shall be published on its website, without delay, and no later than within 24 hours following the end of the session at which such decisions were made.

The date and time of publication of the decision must be stated on the website.

Decisions of the Republic Electoral Commission shall be published in the "Official Gazette of the Republic of Serbia" when thus stipulated by law.

When making and publishing a decision upon a request, the Republic Electoral Commission shall be obliged to inform the requester by phone or e-mail that the decision on his/her request has been made and published on the website.



If the decision of the Republic Electoral Commission was made upon a request, the requester may request that a written copy of that decision be delivered to him/her at the seat of the Republic Electoral Commission or be sent by mail.

The time when the requester was informed by phone or email that the decision upon his/her request has been made and published, and/or when a written copy of the decision was delivered to him/her at the seat of the Republic Electoral Commission, or sent to him/her by mail shall not affect counting of time within which legal remedies may be filed against that decision.

### **Publicity of the work of the Republic Electoral Commission**

#### Article 26

The work of the Republic Electoral Commission shall be public.

The publicity of the work of the Republic Electoral Commission shall be ensured by the Republic Electoral Commission's streaming its sessions and press conferences on the website and publishing the minutes of its sessions, providing the media with audio and video signal enabling them to broadcast its sessions, enabling interested foreign and international organizations and associations (observers) to monitor its work, and in other ways in accordance with the law and the Rules of Procedure of the Republic Electoral Commission.

### **3. Local electoral commission**

#### **Local electoral commission in the standing composition**

##### Article 27

Local electoral commissions shall be municipal electoral commissions, city electoral commissions and electoral commissions of city municipalities of the City of Belgrade.

Local electoral commissions in the standing composition shall be appointed in accordance with the law governing local elections.

Should councillors' groups be changed after the day of calling the elections, city / municipality / city municipality assembly may not appoint a new local electoral commission before the completion of the elections.

#### **Special case of formation of local electoral commission in the standing composition**

##### Article 28

If on the day when the decision on calling the elections comes into force, there is no local electoral commission in the city / municipality assembly, the Republic Electoral Commission shall form, by its decision, a local electoral commission in the standing composition as the electoral management body for the territory of that city or municipality, within seven days following the day when the decision on calling the elections came into force.

The local electoral commissions in standing composition formed by the Republic Electoral Commission shall have a chairperson, six members and their deputies, who shall be appointed at the proposal of parliamentary groups proportionately to their representation in the National Assembly on the day the decision on calling the elections came into force.

A parliamentary group with more than half of the total number of MPs shall nominate the chairperson, deputy chairperson, two members and two deputy members of the local electoral commission in the standing composition formed by the Republic Electoral

Commission, while the remaining members and deputy members of the local electoral commission in the standing composition shall be nominated by other parliamentary groups proportionately to their representation in the total number of MPs belonging to parliamentary groups.

The Republic Electoral Commission may delegate the competence for several local self-government units in which there are no local electoral commissions to a local electoral commission in the standing composition formed by its decision.

Only a person with a BA degree in law may be appointed a chairperson or deputy chairperson of the local electoral commission.

When forming a local electoral commission in the standing composition, the Republic Electoral Commission shall appoint, at the proposal of the head of the administrative district, the secretary and deputy secretary of the local electoral commission in the standing composition, who participate in its work without the right to make decisions.

Only a person with a BA degree in law may be appointed a secretary or deputy secretary of the local electoral commission.

### **Nomination of a member / deputy member of the local electoral commission in the standing composition**

#### Article 29

A single MP or parliamentary groups which have less than the number of MPs required to form a parliamentary group shall also be deemed a parliamentary group in terms of nominating members / deputy members of the local electoral commission in the standing composition formed by the Republic Electoral Commission if:

- 1) All such MPs are elected from the same electoral list;
- 2) The electoral list on which they were elected has not won the required number of seats to form a parliamentary group;
- 3) None of them has joined any parliamentary group;
- 4) All such MPs have signed the nomination of a member / deputy member of the local electoral commission in the standing composition.

For the purpose of forming a local electoral commission in the standing composition, the Republic Electoral Commission shall timely prescribe and publish on its website the order of positions according to which parliamentary groups shall nominate members and deputy members of that local electoral commission.

Should a parliamentary group fail to submit a proposal for the appointment of a member or deputy member of the local electoral commission in the standing composition in due time, the Republic Electoral Commission shall appoint to the local electoral commission in the standing composition a person nominated by the head of the administrative district.

When nominating a candidate for a member, deputy member, secretary and deputy secretary of a local electoral commission, the authorized nominator shall, if possible, give priority to a person who has completed training for work in the local electoral commission and has experience in conducting elections.

### **Local electoral commission in the extended composition**

#### Article 30

A member / deputy member of the local electoral commission in the extended composition shall be appointed by the local electoral commission at the proposal of the submitter of the proclaimed electoral list, which must be submitted no later than seven days before the Election Day.

The local electoral commissions shall decide on the nomination of a member / deputy member of the local electoral commission in the extended composition within 24 hours of receiving the proposal.

The decision on the appointment of a member / deputy member of the local electoral commission in the extended composition shall apply from the day following the day of its adoption.

A member / deputy member of the local electoral commission in the extended composition who has been dismissed or whose office has been terminated by force of law may be substituted at the request of the submitter of the proclaimed electoral list on whose proposal he/she was appointed only while the local electoral commission works in the extended composition.

The local electoral commission shall work in its extended composition until the general report on election results becomes final.

### **Complaints against the decision on a nomination of a member / deputy member of the local electoral commission in the extended composition**

#### Article 31

Against the decision dismissing or rejecting a nomination of a member / deputy member of the local electoral commission in the extended composition, the nominator may file a complaint with the Republic Electoral Commission within 48 hours following the publication of that decision on the website.

Against the decision on the appointment of a member / deputy member of the local electoral commission in the extended composition, the submitter of the proclaimed electoral list or a voter may file a complaint with the Republic Electoral Commission within 48 hours following the publication of that decision on the website.

### **Competences of the local electoral commission**

#### Article 32

Local electoral commission shall:

- 1) organize technical preparations for elections;
- 2) appoint, dismiss and establish termination of office of members / deputy members of the electoral management body, in accordance with this Law;
- 3) designate polling stations, in accordance with this Law;
- 4) decide on requests for annulment of voting at the polling station due to irregularities during the conduct of voting;
- 5) take over election material from the Republic Electoral Commission and deliver it to polling boards;
- 6) take over election material from polling boards upon completion of the voting;
- 7) provide support to polling boards during the conduct of voting;
- 8) inform the Republic Electoral Commission on the course of voting;
- 9) render consolidated report on the results of voting at polling stations located on its territory;
- 10) perform other tasks in accordance with the law and acts of the Republic Electoral Commission.

### **Publication and delivery of decisions of the local electoral commission**

#### Article 33

Decisions of the local electoral commission shall be published on the website without delay, and no later than 24 hours following the end of the session at which such decisions were made, in the manner prescribed by the Republic Electoral Commission.

The local electoral commission shall deliver every decision it makes regarding the conduct of elections to the Republic Electoral Commission without delay, in writing and electronically, in the manner prescribed by the Republic Electoral Commission.

When making and publishing a decision upon a request, the local electoral commission shall be obliged to inform the requester by phone or e-mail that the decision on his/her request has been made and published on the website.

If the decision of the local electoral commission was made upon a request, the requester may request that a written copy of that decision be delivered to him/her at the seat of the local electoral commission or be sent by mail.

The time when the requester was informed by phone or email that the decision upon his/her request has been made and published, and/or when a written copy of the decision was delivered to him/her at the seat of the local electoral commission, or sent to him/her by mail shall not affect counting of time within which legal remedies may be filed against that decision.

#### **4. Polling board**

##### **Appointment and term of office of a polling board member / deputy member**

###### **Article 34**

Members and deputy members of the polling board must be appointed no later than ten days before the polling day.

A nomination of a member / deputy member of the polling board may be submitted no later than 15 days before the polling day.

The term of office of a member / deputy member of the polling board shall start from the day the decision on his / her appointment is published, and shall cease when the election material is handed over upon completion of the voting and the result protocols of the polling board are checked, as well as in other cases stipulated by law.

##### **Polling board in the standing composition**

###### **Article 35**

The polling board in the standing composition shall consists of a chairperson, two members, a deputy chairperson and two deputy members appointed by the local electoral commissions at the proposal of parliamentary groups.

The procedure for nominating members and deputy members of the polling board in the standing composition shall be prescribed in more detail by the Republic Electoral Commission.

When nominating a candidate for the chairperson and deputy chairperson of a polling board, the parliamentary group shall, if possible, give priority to a person who has completed training for work in the polling board and has experience in conducting elections.

##### **Criteria for appointment of the polling board in the standing composition**

###### **Article 36**

The number of chairpersons, deputy chairperson, members and deputy members of all polling boards in the standing composition on the territory of a certain local electoral

commission belonging to a parliamentary group must be proportional to its representation in the National Assembly on the day the decision on calling the elections comes into force.

A parliamentary group which, on the day when the decision on calling the elections comes into force, has more than half of the total number of MPs, shall nominate in one half of the polling boards a chairperson and two deputy members, and in the other half of the polling boards shall nominate a deputy chairperson, one member and another member's deputy, while the remaining positions in the polling boards shall be allocated to other parliamentary groups proportionately to their representation in the National Assembly on the day when the decision on calling the elections came into force.

No parliamentary group may nominate both the chairperson and deputy chairperson of the polling board at one polling station.

Based on the criteria stipulated by law, the Republic Electoral Commission shall prescribe and timely publish on its website the order of positions for the territory of each local electoral commission according to which parliamentary groups shall nominate members and deputy members of the polling boards in the standing composition

A single MP or parliamentary groups which have less than the number of MPs required to form a parliamentary group shall also be deemed a parliamentary group for the purpose of nominating members of the polling board in the standing composition if:

- 1) All such MPs are elected from the same electoral list;
- 2) The electoral list on which they were elected has not won the required number of seats to form a parliamentary group;
- 3) None of them has joined any parliamentary group;
- 4) All such MPs have signed a nomination of a member / deputy member of polling board in the standing composition.

### **Nomination of a member / deputy member of the polling board in the standing composition**

#### Article 37

The nomination of a member / deputy member of the polling board in the standing composition shall be submitted by the parliamentary group to the local electoral commission on the form prescribed by the Republic Electoral Commission.

Should a parliamentary group fail to submit a nomination of a member or deputy member of the polling board in the standing composition in due time, the local electoral commissions shall appoint to the polling board in the standing composition a person nominated by the head of the municipal or city administration.

When nominating a member or a deputy member to the polling board in the standing composition, the head of the municipal or city administration shall, if possible, give priority to a person who has completed training for work in the polling board and has experience in conducting elections.

### **Polling board in the standing composition abroad and within penal institutions**

#### Article 38

A member / deputy member of the standing polling boards abroad shall be appointed by the Republic Electoral Commission at the proposal of the Ministry in charge of foreign affairs, preferably from among voters residing abroad, and the chairperson of the polling board shall be appointed from among employees of the diplomatic and consular missions of the Republic of Serbia abroad (hereinafter: diplomatic and consular mission).

A member / deputy member of the polling board in the standing composition within the penal institution shall be appointed by the Republic Electoral Commission at the proposal of the Ministry in charge of justice, and none of them may be a person working in that Ministry or voting within the institution.

### **Polling boards in the extended composition**

#### Article 39

A member / deputy member of the polling board in the extended composition shall be appointed by the local electoral commission at the proposal of the submitter of the proclaimed electoral list.

A member / deputy member of the polling board in the extended composition abroad and within penal institutions shall be appointed by the Republic Electoral Commission at the proposal of the submitter of the proclaimed electoral list.

The submitter of the proclaimed electoral list shall submit a nomination of a member / deputy member of the polling board in the extended composition on a form prescribed by the Republic Electoral Commission.

The procedure for nominating a member / deputy member of the polling board in the extended composition shall be prescribed in more detail by the Republic Electoral Commission.

### **Complaints against decisions on the appointment of a member / deputy member of the polling board**

#### Article 40

Against the decision dismissing or rejecting a proposal for the appointment of a member / deputy member of the polling board, the nominator may file a complaint with the Republic Electoral Commission within 48 hours following the publication of that decision on the website.

Against the decision on the appointment of a member / deputy member of the polling board in the standing composition, the submitter of the proclaimed electoral list, the parliamentary group or a voter may file a complaint with the Republic Electoral Commission within 48 hours following the publication of that decision on the website.

Against the decision on the appointment of a member / deputy member of the polling board in the extended composition, the submitter of the proclaimed electoral list or a voter may file a complaint with the Republic Electoral Commission within 48 hours following the publication of that decision on the website.

### **Replacement of a member of the polling board**

#### Article 41

A member or a deputy member of the polling board in the standing composition may be replaced at the request of the authorized nominator no later than three days before the polling day.

Exceptionally, the chairperson or deputy chairperson of the polling board may be replaced prior to the opening of the polling station for voting, at the latest, if they die, become ill or lose their right to vote.

The decision on the replacement of a member or deputy member of the polling board shall be made by the commission that has appointed him/her to the polling board, i.e. by its duly authorized member.

### III. ELECTION MATERIAL

#### **General Rules**

##### Article 42

The election material used to conduct the elections shall be prepared in accordance with this Law and the Instructions of the Republic Electoral Commission.

The Republic Electoral Commission shall provide ballot paper, control list for the validation of the ballot box (hereinafter: control list), excerpt from the electoral roll, collective electoral list of MP candidates (hereinafter: collective electoral list), form of the Result Protocols, ballot box, screen for ensuring the secrecy of voting (hereinafter: screen), electoral ink spray, UV lamp, and other material needed for conducting the voting.

The Republic Electoral Commission shall publish the decision determining the colour of the ballot paper and the colour of the control list in the "Official Gazette of the Republic of Serbia".

The ballot paper and the control list may not be of the same colour.

Ballot papers and other election material shall be printed in the printing house of the "Official Gazette" public enterprise (hereinafter: the printing house).

#### **Ballot paper**

##### Article 43

The ballot paper shall contain:

- 1) The name of the elections and the date of voting;
- 2) Ordinal number placed in front of the name of the electoral list;
- 3) Names of electoral lists given in the same order as determined on the collective electoral list, with the name and surname of the first candidate from the electoral list;
- 4) A note that the voter should vote for only one electoral list by circling the ordinal number in front of the name of that list;
- 5) A note that voting is secret, that the voter should vote behind the screen, and that after filling in the ballot paper, the voter should fold it so that it is not visible how it was filled, and insert it thus folded into the ballot box;
- 6) Imprint of the seal of the Republic Electoral Commission.

#### **Use of language and script**

##### Article 44

The text of the ballot paper shall be printed in the Serbian language, in Cyrillic script.

In municipalities / cities in which the language of the national minority is in official use on the day of calling the election, the text of the ballot paper shall be printed in the Serbian language, in Cyrillic script, and below this text, the text in the language and script of the national minority shall be printed, using the same font type and size.

If several languages of national minorities are in official use in the municipality / city on the day of calling for election, the text in the languages of national minorities shall be written after the text in the Serbian language, in alphabetical order of the name of the language of the national minority.

#### **Number of ballot papers**

#### Article 45

The number of ballot papers to be printed must be equal to the total number of voters registered in the electoral roll.

The Republic Electoral Commission shall determine the number of ballot papers to be printed by its decision that shall be published in the “Official Gazette of the Republic of Serbia”.

### **Printing of ballot papers**

#### Article 46

Ballot papers shall be printed on watermarked paper.

The Republic Electoral Commission shall determine the form and layout of the ballot paper by a decision containing a sample of the ballot paper.

Based on a verified ballot paper sample, the printing house shall make preparations for the printing of ballot papers.

The first copies of the ballot papers shall be destroyed on the spot all until having printed a ballot paper that meets the required graphic standards.

The Chairperson of the Republic Electoral Commission or a person authorized by him/her shall compare the first printed ballot paper that meets the required graphic standards with the verified ballot paper sample.

Having determined that the printed copy of the ballot paper is in conformity with the verified sample, the Chairperson of the Republic Electoral Commission or a person authorized by him/her shall, by his/her signature, approve the printing of ballot papers in the determined number of copies.

### **Destruction of technical surplus of ballot papers and of the material used to prepare printing of ballot papers**

#### Article 47

Immediately upon completion of printing, in the presence of at least three authorized members / deputy members of the Republic Electoral Commission, appointed at the proposal of different authorized nominators, all technical surplus of ballot papers as well as all the material that was used to prepare printing of ballot papers shall be destroyed, about which a record shall be made.

When appointing members / deputy members of the Republic Electoral Commission who attend the destruction of technical surplus of ballot papers and material used to prepare printing of ballot papers, at least one member / deputy member of the Republic Electoral Commission must be a representative of the opposition electoral list (an electoral list whose submitter is not a parliamentary party, i.e. an electoral list whose submitter is not a part of the parliamentary majority on the day when the decision on calling the elections came into force).

### **Overseeing printing and delivery of ballot papers**

#### Article 48

The Republic Electoral Commission shall oversee the printing of ballot papers.

Representatives of submitters of electoral lists and representatives of domestic and foreign observers shall have the right to attend the printing, counting and packing of ballot papers and their delivery to the Republic Electoral Commission, local electoral commissions and polling boards, before and after the voting.



The Republic Electoral Commission shall timely inform the submitters of electoral lists and domestic and foreign observers on the place and time when the printing of ballot papers shall start, on the place and time when the ballot papers shall be handed over to the local electoral commissions, and the place and time when the ballot papers shall be handed over to the polling boards.

### **Denial of the right to oversee printing and delivery of ballot papers**

#### Article 49

A representative of the Republic Electoral Commission authorized to control the printing of ballot papers may deny a representative of the proclaimed electoral list or a representative of domestic or foreign observer the right to oversee the printing of ballot papers if he/she interferes with the printing and packing of ballot papers or if he/she fails to comply with safety measures in the printing house, about which an official note shall be made and immediately submitted to the Republic Electoral Commission.

The representative of the Republic Electoral Commission, local electoral commission and polling board authorized to hand over ballot papers before and after the voting may deny a representative of the proclaimed electoral list or a representative of domestic or foreign observers the right to observe handover of the ballot papers if he/she interferes with the delivery of the ballot papers, about which an official note shall be made and immediately submitted to the Republic Electoral Commission.

Against the decision denying a representative of the proclaimed electoral list or a representative of the observers the right to oversee the printing of ballot papers, or the right to observe handover of the ballot papers, the observer or submitter of the proclaimed electoral list whose representative was denied the right to oversee or observe may file a complaint with the Republic Electoral Commission within 48 hours following the time when the related representative was denied the right to oversee or observe.

### **Ballot box**

#### Article 50

A transparent ballot box with a movable lid that has an opening for inserting ballot papers shall be used for the voting in elections.

The Republic Electoral Commission shall prescribe in more detail the shape and dimensions of the ballot box.

### **Electoral ink spray**

#### Article 51

Special insoluble UV ink, visible under the UV lamp light, shall be sprayed on the voter's finger, as a mark that he/she has cast his/her vote.

### **Screen**

#### Article 52

The Republic Electoral Commission shall prescribe in more detail the shape and dimensions of the screens and the manner in which they shall be placed at the polling station.

### **Keeping election material after the completion of the election**

#### Article 53

Ballot papers, control lists and excerpts from the electoral roll shall be kept for one year following the day of publishing the general report on the election results.

Other election material and documentation related to the conduct of elections shall be kept in accordance with the regulations governing the storage of archival material and documentary material.

### **The right to inspect election material after the completion of the voting**

#### Article 54

The representative of the submitter of the proclaimed electoral list and the candidate for MP shall have the right to inspect the election material in the official premises of the local electoral commissions within five days following the polling day, including excerpts from the electoral roll, result protocols and ballot papers.

Election material from polling stations abroad shall be available for inspection in the official premises of the Republic Electoral Commission.

During the inspection of the election material, it shall be prohibited to film, photograph or record voters' data on the excerpts from the electoral roll, or to copy excerpts from the electoral roll.

The Republic Electoral Commission shall prescribe in more detail the manner of exercising the right to inspect the election material.

The rules relating to the exercise of the right to inspect of representatives of the submitter of the proclaimed electoral list and the candidate for MP, shall also apply to requests to inspect election material pursuant to other laws, as well as to requests to inspect election material in accordance with the provisions of this Law which govern the checking of the result protocols performed by members of the Republic Electoral Commission and the local electoral commission and the sampling control of the polling board's result protocols.

### **Information on recording in the excerpt from the electoral roll**

#### Article 55

A voter shall have the right to request from the local electoral commission information whether it has been recorded in the excerpt from the electoral roll that he/she has voted in the elections.

The Republic Electoral Commission shall be responsible for providing information on whether it has been recorded in the excerpt from the electoral roll that the voter has voted at a polling station abroad.

The Republic Electoral Commission shall prescribe the manner of exercising the right to information on whether it has been recorded that a voter has voted.

## **IV. POLLING STATIONS**

### **Competence to designate polling stations**

#### Article 56

The local electoral commissions shall designate polling stations on the basis of the proposal of the municipal or city administrations no later than ten days following the day when the decision on calling the elections came into force.

The Republic Electoral Commission shall designate polling stations within penal institutions at the proposal of the Ministry in charge of justice, and polling stations abroad at

the proposal of the Ministry in charge of foreign affairs, no later than 20 days before the voting day.

Polling stations where persons who on the election day are serving military service, attending a military training or school programs in the Serbian Armed Forces units or institutions cast their votes, shall be designated by the Republic Electoral Commission at the proposal of the Ministry in charge of keeping the electoral roll, which it shall compile in cooperation with the municipal or city administrations based on the data submitted to them by the Ministry in charge of defence.

### **Manner of designating polling stations**

#### **Article 57**

The polling station shall be designated in such a way as to be accessible to voters and to enable them to vote without difficulty.

A polling station shall be, if possible, designated for voting by a maximum of 2,500 and at least 100 voters.

In exceptional cases, with the approval of the Republic Electoral Commission, a polling station may be designated for more than 2,500 voters if there are no conditions to open more polling stations, or for less than 100 voters if the spatial distance or unfavourable geographical position would make it significantly more difficult for local residents to vote at another polling station.

The designation for each polling station shall include the number of the polling station, the name of the polling station, the address of the polling station and the territory from where voters shall be voting at that polling station (street, village, hamlet, settlement, etc.).

The manner of designating polling stations shall be prescribed in more detail by the Republic Electoral Commission.

### **Voting premises**

#### **Article 58**

Premises in publicly owned facilities shall be designated as the polling stations, and only exceptionally, also premises in privately owned facilities.

Premises in a religious facility, a facility owned or used by a political party, or in a facility owned by a MP candidate or a member of his/her family may not be designated as a polling station.

All facilities where the premises designated as polling stations are located, whether publicly or privately owned, while voting is in progress, shall be considered facilities in public use within the meaning of the Law regulating movement with the assistance of a guide dog.

## **V. THE COURSE OF THE ELECTION PROCEDURE**

### **1. Calling the elections**

#### **Competence to call the elections**

#### **Article 59**

Elections shall be called by the President of the Republic.

The decision on calling the elections shall enter into force on the day when it is published in the "Official Gazette of the Republic of Serbia".

### **Deadlines for calling the elections and voting**

#### Article 60

The decision on calling the elections shall be made 90 days before the expiration of four years from the day when the National Assembly was constituted.

No less than 45 days, and no more than 60 days shall elapse between the day of calling the elections and the day of holding the elections.

### **Contents of the decision on calling the elections**

#### Article 61

The decision on calling the elections shall state the date of voting.

The day of voting shall be a non-working day.

## **2. Submission of electoral lists**

### **Submitter of the electoral list**

#### Article 62

The electoral list may be submitted by a political party registered in the Register of Political Parties (hereinafter: political party), a coalition of political parties or a group of citizens.

The electoral list may not be submitted by a coalition formed by a political party and a group of citizens.

### **Political party as the submitter of the electoral list**

#### Article 63

The electoral list shall be submitted on behalf of a political party by its representative entered in the Register of Political Parties or by a person authorized by him/her.

The authorization to submit the electoral list shall be given in writing, and the signature on the authorization needs not be certified.

### **Coalition of political parties as the submitter of the electoral list**

#### Article 64

A coalition of political parties (hereinafter: the coalition) shall be formed by at least two political parties by an agreement (hereinafter: the coalition agreement) concluded in the form of a publicly certified (legalized) document.

The coalition agreement shall contain:

- 1) Name of the coalition;
- 2) Statement that a coalition is being formed for the purpose of submitting an electoral list for participation in elections for MPs;
- 3) Name of the electoral list;

4) Data on a maximum of two persons who are authorized to submit the electoral list (name and surname, UMCN, place and address of residence, telephone number, and e-mail address);

5) Designation of the political party and data on the person responsible for financial operations, submission of reports, compliance with obligations, prohibitions and restrictions prescribed by the law governing the financing of political activities, for bookkeeping and contact with the Anti-Corruption Agency (name and surname, UMCN, place and address of residence, telephone number, and e-mail address);

6) Date of concluding the coalition agreement.

The coalition agreement must be concluded and certified after the entry into force of the decision on calling the elections, and before starting collecting signatures of voters who support the electoral list.

### **A group of citizens as the submitter of the electoral list**

#### *Article 65*

A group of citizens shall be formed by at least ten voters by an agreement concluded in the form of a publicly certified (legalized) document.

The agreement on the formation of a group of citizens shall contain:

1) Name of the group of citizens;

2) Statement that a group of citizens is being formed for the purpose of submitting an electoral list for participation in elections for MPs;

3) Name, surname, UMCN, place and address of residence of voters who form a group of citizens;

4) Name of the electoral list;

5) Data on the person responsible for financial operations, submission of reports, compliance with obligations, prohibitions and restrictions prescribed by the law governing the financing of political activities, for bookkeeping and contact with the Anti-Corruption Agency (name and surname, UMCN, place and address of residence, telephone number, and e-mail address); data on a maximum of two persons who are authorized to submit the electoral list (name and surname, UMCN, place and address of residence, telephone number, and e-mail address);

6) Date of concluding the agreement on the formation of a group of citizens.

The agreement on the formation of a group of citizens must be concluded and certified after the entry into force of the decision on calling the elections, and before starting collecting signatures of voters who support the electoral list.

### **Assignment of the person authorized to submit the electoral list**

#### *Article 66*

The submitter of the electoral list may authorize a maximum of two persons to submit the electoral list.

Unless otherwise determined by the act authorizing two persons to submit electoral list, each of them may independently take actions for which he/she is authorized.

A person authorized to submit electoral list may perform also other actions in the electoral procedure on behalf of the submitter of the electoral list, unless the submitter of the electoral list has otherwise determined by the act granting the authorization.

Revocation and narrowing the scope of the authorization to submit the electoral list and to undertake other actions in the electoral procedure shall begin to produce legal effect when the Republic Electoral Commission receives a written notice to that effect.

The person authorized to submit the electoral list may re-assign his / her authorization to another person, unless the submitter of the electoral list has otherwise determined by the act granting the authorization.

### **Name of the submitter of the electoral list**

#### Article 67

A political party shall state in the electoral list as the name of the submitter of the list its full and / or abbreviated name under which it is entered in the Register of Political Parties.

The Coalition shall state in the electoral list as the name of the submitter of the electoral list the name determined by the coalition agreement which must begin with the word: Coalition.

A group of citizens shall state in the electoral list as the name of the submitter of the electoral list the name determined by the agreement on the formation of a group of citizens, which must begin with the words: Group of citizens.

The name of a group of citizens may not contain the word "party" in any grammatical case.

The name of the coalition or group of citizens may contain the name and surname of a natural person or the name of an legal entity subject to their written statement of agreement to that effect, where it is understood that by signing the electoral list, coalition agreement, agreement on the formation of a group of citizens or authorization to enter into such agreements such natural person has also agreed with the use of his/her name in the name of the submitter of the electoral list.

### **Name of the electoral list**

#### Article 68

A political party shall state in the electoral list the name of its list, while a coalition and a group of citizens shall state in the electoral list the name of the list determined by the coalition agreement, or the agreement on the formation of a group of citizens.

The name of the electoral list may also contain the name of a legal entity subject to its written statement of agreement to that effect.

The name of the electoral list submitted by a group of citizens may not contain the word "party" in any grammatical case.

### **List leader**

#### Article 69

The name of the electoral list may contain name and surname of one or more natural persons (list leaders) subject to their written statement of agreement to that effect, where it is understood that by signing the electoral list, authorization to submit the electoral list, coalition agreement, agreement on the formation of a group of citizens or authorization to enter into such agreements such natural person has also agreed with the use of his/her name in the name of the electoral list.

The name of the electoral list may, in addition to the name of the list leader, contain his/her nickname or generally known pseudonym.

The name of the electoral list shall not contain the names of historical figures or fictional characters.

The list leader may, but does not have to, be a candidate for MP on that electoral list.

The list leader may also be a person who is a candidate for another state body or a candidate or list leader for the election of the autonomous province or local self-government unit bodies, for which elections are held at the same time.

The same person may not be the leader of two electoral lists, nor may he/she be the leader of one electoral list, and a candidate for MP on another electoral list.

### **Deadline for submission of the electoral list and its content**

#### Article 70

The electoral list shall be submitted directly to the Republic Electoral Commission, in writing and electronically on the prescribed form, and no later than 20 days before the polling day.

The electoral list shall contain the name of the submitter of the electoral list, the name of the electoral list, the ordinal number of the candidate for MP, as well as the name, surname, UMCN, occupation, place and address of residence for each candidate for MPs, and the name, surname, UMCN, place and address of residence, telephone number, e-mail address and signature of the person submitting the electoral list.

If the electoral list is submitted by a coalition, the electoral list shall state for each candidate for MPs the full or abbreviated name of the political party that has nominated him/her.

After the electoral list has been proclaimed, the submitter of the electoral list may not change the order in which the candidates were given in the electoral list

### **Documentation submitted along with the electoral list**

#### Article 71

Accompanying the electoral list, the following documents must be submitted to the Republic Electoral Commission:

1) Written consent of each candidate accepting the nomination as an MP candidate on the form prescribed by the Republic Electoral Commission, which shall contain his/her name, surname, UMCN, occupation, place and address of residence;

2) Document with the read out ID card, if with a microcontroller (chip), or ID card photocopy, if without a microcontroller, for each candidate for MP;

3) At least 10,000 written statements of voters who support the electoral list on the form prescribed by the Republic Electoral Commission, certified before the expiry of the deadline for submission of the electoral list, which shall contain name, surname, UMCN, place and address of residence for each voter;

4) List of voters who signed the submitted statements of voters supporting the electoral list in electronic form, on the form prescribed by the Republic Electoral Commission, which shall contain the surname and name of the voter, UMCN and data on the certifying authority who certified the signature on the statement;

5) Written consent of the list leader to use his/her personal name in the name of the electoral list, which shall contain his/her name, surname, UMCN, place and address of residence, if the electoral list contains personal name of a natural person and if he/she has not signed another document submitted along with the electoral list, and the signing of which is considered to be giving consent for his/her personal name to be used in the name of the electoral list;

- 6) Written consent of the legal entity to use its name in the name of the electoral list, which shall contain the name and seat of the legal entity that gives that consent;
- 7) Authorization to submit electoral list on behalf of a political party, if it is not submitted by its representative entered in the Register of Political Parties, which shall be given in writing, and shall contain the name, surname, UMCN, place and address of residence of the authorized person;
- 8) Coalition agreement if the electoral list is submitted by a coalition;
- 9) Authorization to conclude a coalition agreement on behalf of a political party, if it has not been concluded by its representative entered in the Register of Political Parties, which shall be given in writing, and shall contain the name, surname, UMCN, and place and address of residence of the authorized person;
- 10) Agreement on the formation of a group of citizens if the electoral list is submitted by a group of citizens;
- 11) Written consent to use personal name of a natural person or name of a legal entity in the name of the coalition, or group of citizens, which shall contain the name, surname, UMCN, place and address of residence of the natural person, or the name and seat of the legal entity, or the group of citizens, if their name contains personal name of a natural person, or name of a legal entity and if that natural person has not signed another document submitted along with the electoral list, and whose signing is considered giving consent to use that personal name in the name of the coalition or group of citizens.

### **Collecting signatures of voters who support the electoral list**

#### *Article 72*

A voter may support by his/her signature only one electoral list.

Statements of voters supporting the electoral list shall be certified by a notary public or municipal / city administration, and in municipalities or cities where notaries public have not been appointed, statements of voters supporting the electoral list may be certified by the basic court, court unit or intake office of the basic court.

The amount of fee for the certification of signatures of voters supporting the electoral list shall be determined by the Ministry in charge of justice.

A certified statement of voter supporting the electoral list shall also be valid when such errors have been made at completing statement forms that allow determining with certainty which electoral list is supported, provided that the statement has been certified by the competent authority.

It is forbidden to collect signatures of support from voters at their workplace or to expose voters, in any way, to pressure to support the electoral list.

Seven days prior to the Election Day, at the latest, the Republic Electoral Commission shall publish on its website, for each proclaimed electoral list the number of verified voters' statements who supported the electoral list with their signature per each local self-government unit, accompanied by the data on the number of statements in each local self-government unit verified by each of the authorised certifiers individually (notary public, municipal or city administration or basic court, court unit or basic court's registry office).

### **Gender representation on the electoral list**

#### *Article 73*

There must be at least 40% of members of the underrepresented gender on the electoral list, so that among every five candidates in the list according to their order (the first



five places, the next five places, and so on until the end) there must be three members of one and two members of the other gender.

### **Deadline for deciding on the electoral list**

#### Article 74

The Republic Electoral Commission shall make a decision on the electoral list within 48 hours following its submission.

### **Proclamation of the electoral list**

#### Article 75

The Republic Electoral Commission shall proclaim, by its decision, a timely submitted and orderly electoral list, accompanied by all legally prescribed documents, which meets all legally prescribed conditions to be proclaimed.

Electoral lists shall be proclaimed in the order in which they fulfilled conditions to be proclaimed.

### **Dismissal of the electoral list**

#### Article 76

The Republic Electoral Commission shall dismiss, by its decision, all untimely submitted electoral lists, deficient electoral lists and electoral lists submitted by a person who is not legally authorized to nominate candidates for MPs.

A list of candidates for MPs that is not submitted on the prescribed form, or that does not contain the name of the electoral list or the name of the submitter of the electoral list, or the prescribed data on candidates for MPs shall be considered a deficient electoral list.

### **Rejecting to proclaim the electoral list**

#### Article 77

The Republic Electoral Commission shall reject, by its decision, to proclaim the electoral list if a person nominated as an MP candidate does not have the right to vote, or is listed as an MP candidate on a previously proclaimed electoral list, or is a leader of a previously proclaimed electoral list, if it is incompliant with the legal rules on gender representation on the electoral list, and if the name of the submitter of the electoral list and the name of the electoral list are not determined in accordance with the law.

### **Rectifying deficiencies**

#### Article 78

If the submitter of the electoral list has not submitted all the documents required to be enclosed with the electoral list and if there are other deficiencies in terms of proclaiming the electoral list which do not constitute grounds for dismissal or rejection of the electoral list, the Republic Electoral Commission shall issue a conclusion ordering the submitter to rectify such deficiencies within 48 hours after that conclusion was published on the website, and instruct the submitter what documents should be submitted, or what should be done in order to rectify such deficiencies, and warn the submitter of the legal consequences in case of failure to timely rectify deficiencies.

Should the submitter of the electoral list fail to submit the documents, or to rectify the deficiencies indicated in the conclusion, the Republic Electoral Commission shall, within 24 hours from the expiration of the deadline for complying with the conclusion, issue a decision rejecting to proclaim that electoral list.

If the submitter of the electoral list rectifies all the deficiencies indicated in the conclusion, the Republic Electoral Commission must, within 24 hours from the rectification of the deficiencies, issue a decision proclaiming that electoral list.

### **Complaint against decisions on the electoral list**

#### Article 79

Against the decision rejecting to proclaim the electoral list and the decision on the dismissal of the electoral list, the submitter of the electoral list may file a complaint with the Republic Electoral Commission within 48 hours following the publication of that decision on the website.

Against the decision proclaiming the electoral list, a candidate for MP on that electoral list, a person whose name is contained in the name of that electoral list or in the name of the submitter of that electoral list, political party, the submitter of the proclaimed electoral list or a voter may file a complaint with the Republic Electoral Commission within 48 hours following the publication of that decision on the website.

No complaint may be filed against the conclusion ordering the submitter to rectify deficiencies in the electoral list, but such conclusion may be challenged by a complaint against the decision issued on the electoral list.

### **The right to inspection**

#### Article 80

The submitter of the proclaimed electoral list shall have the right to inspect, through a person authorized by it, all proclaimed electoral lists and the documents submitted along with them, within 48 hours following the day the collective electoral list was published.

During the inspection of the proclaimed electoral lists and the documentation submitted along with them, it shall be forbidden to film, photograph or record personal data.

The rules relating to the exercise of the right to inspection of the representative of the submitter of the proclaimed electoral list shall also apply to the requests for inspection of the proclaimed electoral lists and the documents submitted along with them based on other laws.

### **Withdrawal of the proclaimed electoral list**

#### Article 81

The submitter may withdraw a proclaimed electoral list no later than the day when the collective electoral list is proclaimed.

A proclaimed electoral list submitted by a coalition may be withdrawn if all the parties that have concluded the coalition agreement so agree, unless otherwise stipulated by the coalition agreement.

A proclaimed electoral list submitted by a group of citizens may be withdrawn if all voters who have formed a group of citizens so agree, unless otherwise stipulated by the agreement on the formation of a group of citizens.

The Republic Electoral Commission shall issue a decision establishing that the proclaimed electoral list has been withdrawn, on the day of proclamation of the collective electoral list, at the latest.

## **Exclusion of candidates from the proclaimed electoral list**

### **Article 82**

A candidate for MP may not withdraw his/her candidacy after the decision proclaiming the electoral list has been issued.

If a candidate for MP dies or loses the right to vote after the decision proclaiming the electoral list has been issued, the submitter of the electoral list may not nominate a new candidate, and the Republic Electoral Commission shall issue a decision establishing that the place of that candidate on the electoral list remains vacant, no later than on the day of proclamation of the collective electoral list.

The proclaimed electoral list may not be challenged if, due to death or loss of the right to vote, the legally prescribed rule on gender representation on the electoral list has been violated.

## **Collective electoral list**

### **Article 83**

The Republic Electoral Commission shall issue a decision proclaiming a collective electoral list and publish it in the "Official Gazette of the Republic of Serbia" no later than 15 days before the polling day.

The collective electoral list shall contain all electoral lists with the personal names of all MP candidates and data on the year of their birth, occupation and place of residence.

The order of electoral lists on the collective electoral list shall be set according to the order in which they were proclaimed.

In municipality and city where a national minority language is in official use on the day of calling the election, in addition to the collective electoral list printed in the Serbian language and in Cyrillic script, also a collective electoral list in the language and script of the national minority shall be made, using the same font type and size.

Collective electoral list must be prominently displayed at the polling station during the voting.

## **Complaint against collective electoral list**

### **Article 84**

Against the decision on proclaiming the collective electoral list, the submitter of the proclaimed electoral list may file a complaint with the Republic Electoral Commission within 48 hours of publishing that decision on the website.

A complaint against collective electoral list may not challenge validity of a proclaimed electoral list.

## **3. Voting at the polling station**

### **Polling station where the voter shall vote**

#### **Article 85**

A voter shall vote at the polling station where he is registered in the excerpt from the electoral roll.

Exceptionally, a voter may vote outside the polling station where he is registered in the excerpt from the electoral roll in accordance with the law.

## **Invitation to vote**

### *Article 86*

The municipal or city administration shall deliver to the voter an invitation to vote no later than five days before the polling day, which shall contain: the day and time of voting, the number and address of the polling station and the number under which the voter is entered in the excerpt from the electoral roll.

The invitation to vote shall be delivered to the voter who votes abroad by the diplomatic and consular mission.

The invitation to vote shall be delivered to the voter who votes in the penal institution by the Ministry in charge of justice.

The invitation to vote shall be delivered to the voter who on the polling day shall be serving military service, attending military training or attending school programs in the Serbian Armed Forces units or institutions by the Ministry in charge of defence.

## **General rules on the work of the polling board**

### *Article 87*

The polling board must be at the polling station one hour before the opening of the polling station and during the voting and determination of the voting results.

A member of the polling board and his/her deputy may be present at the polling station at the same time or take turns.

## **Completeness and compliance of the election material**

### *Article 88*

The required number of ballot papers, control lists, ballot boxes, collective electoral lists, form of result protocols, form of records on the observers of the polling board's work, electoral ink spray, UV lamp and other material necessary for conducting voting at the polling station shall be delivered to the polling board no later than 24 hours before the polling day.

Before the beginning of the voting, the polling board shall establish whether the received election material is complete and compliant.

## **Actions when the election material is incomplete or non-compliant**

### *Article 89*

If the received election material is incomplete or non-compliant, the polling board shall immediately notify the local electoral commission thereof.

If an excerpt from the electoral roll, a ballot box, control list or other material without which voting cannot be conducted is missing, the polling board shall not open a polling station.

If it receives fewer ballot papers than the number of voters registered in the excerpt from the electoral roll, the polling board shall be obliged to open a polling station.

The polling board may not add voters to the excerpt from the electoral roll, even when it considers that a person has been left out by an obvious omission of the body responsible for compiling the excerpt from the electoral roll.

## **Layout of the polling station**

### **Article 90**

Layout of the room where the voting takes place shall be such that, looking from the entrance, points for performing individual electoral activities are set in the following order: point where a polling station member performs the UV lamp check, point where the voter's identity is determined, point where the excerpt from the electoral roll stands, point where a polling board member applies electoral ink spray, point where the ballot papers are handed out, point where the screens are placed, and point where the ballot box is placed.

The local electoral commission, the polling board and the municipal or city administration shall take care of setting up polling stations.

The polling board and the Ministry in charge of foreign affairs shall take care of setting up polling stations abroad.

The polling board and the Ministry in charge of justice shall take care of setting up polling stations within penal institutions.

More detailed rules on the layout of the room where the voting takes place shall be prescribed by the Republic Electoral Commission.

## **Duration of voting at the polling station**

### **Article 91**

Voting shall last continuously from 7 a.m. to 8 p.m.

If the opening of the polling station was postponed or if the voting was suspended for more than one hour, the voting shall be extended for as long as the opening of the polling station was postponed, or for as long as the suspension of voting lasted.

The polling station shall close before 8 p.m. when all voters registered in the excerpt from the electoral roll have voted, but the results of voting at that polling station may not be publicly announced or displayed at the polling station before 8 p.m.

The Republic Electoral Commission, taking into account the difference in time zones, shall determine the time of beginning and end of voting at polling stations abroad, so that it lasts 13 hours and ends no later than 8 p.m. in the Republic of Serbia.

The results of voting at polling stations abroad may not be publicly announced or displayed at the polling station before the voting in the Republic of Serbia is completed.

## **Compliance of the ballot box**

### **Article 92**

The polling board, in the presence of the first voter to arrive at the polling station, shall determine whether the ballot box is compliant and empty, and enter its finding in the control list.

The control list shall be signed by the first voter to arrive at the polling station and at least one member of the polling board.

The polling board, in the presence of the first voter to arrive at the polling station, shall insert the completed and signed control list into the ballot box, which shall then be sealed.

Compliance of the ballot box may not be checked in the presence of a voter who, upon a UV lamp check, was found to have voted at another polling station, who does not have a valid public identity document, who is not registered in the electoral roll, or who is a member of the polling board at that polling station.

## **Voting at the polling station**

### **Article 93**

The polling board shall hand out a ballot paper to a voter for whom it has established, by a UV lamp check, that he/she has not voted at another polling station, and whose identity it has established by inspecting his / her ID card or other appropriate public document containing a photograph and UMCN (e.g. travel document, military ID card, or other document in accordance with the instructions of the Republic Electoral Commission) and who is entered in the excerpt from the electoral roll.

A voter who, after being checked by a UV lamp, has been found to have traces of UV ink on his/her fingers, may vote if he/she submits for inspection a decision on his/her appointment as a member of the polling board.

After the competent member of the polling board circles the ordinal number under which the voter is entered in the excerpt from the electoral roll and after the voter enters his/her signature in the excerpt from the electoral roll, the polling board shall mark the index finger of his/her right hand, or another finger, as appropriate, using ink spray, and hand him/her a ballot paper.

The voter shall fill in the ballot paper behind the screen placed in such a way as to ensure complete secrecy of the voting.

After filling in the ballot paper, the voter shall fold it so that it is not visible how he/she had filled it in, and insert it thus folded into the ballot box.

## **Instructing voters**

### **Article 94**

After handing out a ballot paper to the voter, the polling board shall instruct him/her that he/she may vote for one electoral list only by circling the ordinal number in front of the name of that electoral list, that the voting is secret and that it takes place behind a screen, and that after filling in the ballot paper, the voter should fold it so that it is not visible how the ballot paper was filled in, and insert it thus folded into the ballot box.

The polling board shall warn the voter, in particular, that voting is based on freedom to vote, and that no one has the right to prevent or force him/her to vote, to take him/her to account for voting or failure to vote, or to ask him/her to declare why and for whom he/she has voted.

## **Special guarantees for free and secret balloting**

### **Article 95**

As many voters as there are screens may be present at one time at the polling station.

The polling board shall leave appropriate space between the screens and place them at an appropriate distance from the polling board members and observers, so that other voters, polling board members and observers cannot see how the voter fills in the ballot paper.

The polling board shall take special care to ensure that no one approaches the screen while the voter is filling out the ballot paper.

At the polling station, polling board members, other voters, observers or any other person shall not be allowed to suggest to the voter for whom to vote.

One person may not vote instead of another person.

## **Voting outside polling station**

## Article 96

A voter who is unable to vote at the polling station due to a serious illness, age or disability can vote outside the polling station, within the area covered by the polling station, if he/she notifies local electoral commission thereof no earlier than 72 hours before the day of voting and no later than 11 a.m. on the day of voting, or the polling board on the day of voting, no later than 11 a.m.

Until the opening of polling stations, the local electoral commission shall publish on its website the total number of voters from its area who have informed it by the day of voting that they want to vote outside the polling station.

The polling board shall assign three of its members (polling board commissioners) who were appointed at the proposal of different authorized nominators to go to voters who vote outside the polling station, where they would establish such voter's identity, perform a UV lamp check, and deliver him/her a certificate of the right to vote outside the polling station.

After a voter who votes outside the polling station signs the certificate of the right to vote outside the polling station, he hands it over to the polling board commissioners, who then mark index finger of his/her right hand, or another finger, as appropriate, using ink spray, and hand him/her a ballot paper, collective electoral list and a special envelope in which he/she will put the completed ballot.

After that, polling board commissioners shall instruct the voter who votes outside the polling station about the manner of voting and leave the room where he/she is.

Thereafter the voter who votes outside the polling station shall fill in the ballot paper, fold it and insert in a special envelope which the polling board commissioners shall seal in front of him/her and put it together with the certificate of the right to vote outside the polling station in the official envelope.

Immediately upon returning to the polling station, the polling board commissioners shall hand over the official envelope to the polling board, which shall open it and check whether inside it there is a signed certificate of right to vote outside the polling station, and if such certificate is there, shall circle the ordinal number under which related voter is entered in the excerpt from the electoral roll, and put a note on the signature line in the excerpt from the electoral roll that the voter has voted outside the polling station, open the sealed envelope, take out the folded ballot paper and insert it thus folded into the ballot box.

If there is no certificate of the right to vote outside the polling station inside the official envelope or if this certificate is not signed, it shall be considered that the voter did not vote, and the special envelope with the ballot paper inside it shall not be opened, but shall be placed in the storage sack for the election material together with unused ballots papers.

## **Voting with an aide**

### Article 97

A voter who, due to illiteracy, vision impairment, disability or some other reason, is unable to fill in the ballot paper himself / herself, shall have the right to vote at the polling station with the help of an aide appointed by him/her to fill in the ballot paper instead of him/her the way as instructed by him/her .

Also a voter who votes outside the polling station shall enjoy the right to vote with the help of an aide appointed by him/her, if due to illiteracy, vision impairment, disability or some other reason, he/she is unable to fill in the ballot paper by himself / herself.

## **Maintaining order at the polling station**

## Article 98

The polling board shall maintain order at the polling station.

If the order at the polling station is disturbed, the polling board may suspend the voting until the order is restored.

The order at the polling station shall be deemed disturbed, in particular, when at the polling station or directly in front of the polling station:

1) Individuals who do not have any rights or duties related to the conduct of elections linger;

2) Developments at the polling station are filmed or photographed without authorization;

3) Information on developments at the polling station, including, in particular, on who turned out and who did not, are communicated out using mobile phones or other means of communication;

4) Lists of voters who turned out or did not turn out are compiled, apart of the official records in the excerpt from the electoral roll;

5) Symbols of political parties, submitters of proclaimed electoral list, as well as other electoral propaganda material are displayed.

Polling board members who are in charge of the excerpt from the electoral roll may write down tally marks on a separate piece of paper for each voter who arrived at the polling station to vote and thus keep records of turnout.

If turnout records are kept at a certain polling station, data on the number of voters who have voted must be available to all polling board members.

A polling station, in terms of the provisions of this Law which regulate the maintenance of order at a polling station, shall mean a room where voting takes place, and if there are several rooms for voting in one facility, the entire facility shall be deemed a polling station.

### **Conclusion of voting at the polling station**

## Article 99

The polling board shall advise all voters present at the polling station, or immediately in front of it, at the time of closing that they can cast their votes.

The polling board shall appoint one of its members to establish the number of voters present at the polling station at the time of closing and the order in which they vote, to stand behind the last of the present voters in order to mark the end of the queue, and to wait for all the voters standing in the queue to cast their votes.

### **Voting in special situations**

## Article 100

When, due to a natural disaster, epidemic or other reasons, voting at certain polling stations cannot be conducted in accordance with the rules stipulated by this Law without endangering the safety and health of voters, the Republic Electoral Commission, having obtained an opinion from the competent state authorities, shall prescribe special rules under which polling boards shall be formed, election material delivered and voting conducted at those polling stations.

The Republic Electoral Commission may in no case form a polling board consisting of less than three members, nor may it deviate from the rules laid down by this Law 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, checking compliance of the ballot box, voting at the polling station, instructing voters, special guarantees for voting secrecy, and maintaining order at the polling station.

#### **4. Establishing voting results at the polling station**

##### **Place of establishing voting results**

###### Article 101

The polling board shall establish the results of voting at the polling station itself.

If the voting results cannot be established at the polling station without endangering the safety and health of polling board members and safety of the election material, the Republic Electoral Commission may prescribe that the election material be moved to another place and voting results be established 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.

##### **Procedure for establishing voting results**

###### Article 102

The polling board shall establish the number of voters who turned out by counting voter signatures in the excerpt from the electoral roll and notes on voters who voted outside the polling station entered in the excerpt from the electoral roll.

After establishing the number of voters registered in the excerpt from the electoral roll and the number of voters who turned out, the polling board shall count the unused ballot papers, and then establish whether the ballot box was sealed and compliant throughout the voting, open the ballot box and check if it contains a completed and signed control list.

The polling board shall sort out all ballot papers found in the ballot box into valid and invalid ones, and then establish the number of invalid ballot papers.

The polling board shall then sort out valid ballot papers per electoral lists, and establish the number of votes won by each electoral list.

##### **Invalid and valid ballot papers**

###### Article 103

An invalid ballot paper shall be the one that is not completed, on which the ordinal numbers in front of two or more electoral lists have been circled, as well as any other ballot paper that is completed in such a manner that it cannot be determined with certainty for which electoral list the voter has voted.

A valid ballot paper shall be the one with a circled number in front of the name of one electoral list, as well as a ballot that is completed in such a manner that it can be concluded with certainty for whom the voter has voted.

##### **Result Protocols**

###### Article 104

Result Protocols shall be made on the prescribed form, which shall be completed in six copies.

In municipalities and cities where a national minority language is in official use on the day of calling the elections, in addition to the form of result protocols printed in the Serbian language and in Cyrillic script, a form of protocols in the language and script of the national minority shall be produced, using the same font type and size.

The first copy of the result protocols shall be submitted to the Republic Electoral Commission, the second to the local electoral commissions, the third shall be displayed at the polling station for public inspection, while the remaining three copies of the result protocols shall be delivered to representatives of the electoral lists which have won the largest number of votes at the polling station.

### **Contents of the result protocols**

#### Article 105

The polling board shall enter the following in the result protocols: the number of voters registered in the excerpt from the electoral list, the number of voters who turned out, the number of ballot papers in the ballot box, the number of invalid ballot papers, the number of valid ballot papers and the number of votes won by each electoral list.

The result protocols shall also include other facts of relevance for the course of voting and determination of the voting results at the polling station, including data on the time when the polling station was opened and closed, on checking ballot box compliance and completing and signing the control list, on checking whether the ballot box was compliant and sealed at all times, and whether the control list was found inside, on any suspension of the voting and disturbance of order at the polling station, as well as the remarks made by the polling board members.

The result protocols shall be signed by the members of the polling board, or their deputies.

### **Handover of the election material after the closing of the polling station**

#### Article 106

After determining voting results, the polling board shall without delay, and no later than 12 hours following the closing of the polling station, deliver to the local electoral commission the first and the second copy of the result protocols, a form of the records on the observers of the polling board's work, excerpts from the electoral roll, sealed envelopes containing control list, unused ballot papers, invalid ballot papers and valid ballot papers, respectively, as well as other election material.

Election material shall be handed over by the chairperson of the polling board or his/her deputy.

Election material shall be taken in by at least two members of the local electoral commission appointed at the proposal of different nominators.

All members of the polling board may attend the handover of the election material.

Election material from a polling station abroad shall be transferred to the Republic Electoral Commission without delay in the manner in which a diplomatic consignment is delivered.

### **Special guarantees for representatives of the opposition electoral list in the polling board**

#### Article 107

A member or deputy member of the polling board appointed at the proposal of the opposition electoral shall have the right to take part in all the activities of the polling board, and in particular to participate in the handover of the election material, sorting and counting of ballot papers, completing the result protocols and check of the result protocols at the delivery of the election material.

The chairperson of the polling board shall be obliged to encourage members and deputy members of the polling board appointed at the proposal of the opposition electoral list to oversee, in particular, certain electoral activities, such as: checking compliance of the ballot box, sorting out ballot papers into valid and invalid ones, and counting votes won by each electoral list.

When polling board commissioners are appointed to conduct voting outside the polling station, at least one commissioner must be a representative of the opposition electoral list.

Should the Republic Electoral Commission prescribe special rules for the formation of polling stations for conducting voting in special situations, such special rules must stipulate that at least one third of polling board members be appointed at the proposal of the opposition electoral lists.

## **5. Establishing of voting results**

### **Checking result protocols**

#### Article 108

When handing over the election material after the end of the voting, representatives of the polling board and local electoral commission shall check the result protocols, identify any errors in completing the protocols, and produce a report.

If during the checking of the result protocols the election material was inspected, the factual situation established by such inspection of the election material shall be entered in the report on the checking of result protocols.

The report on the checking of the result protocols shall state whether there are any objections by the members of the polling board or observers of the polling board's operation.

The result protocols of the polling board that conducted voting abroad shall be checked and corrected by the Republic Electoral Commission.

The Republic Electoral Commission shall post all result protocols of the polling boards on the website, and if errors in completing the result protocols have been rectified, also the decision rectifying the result protocols of the polling board shall be published.

### **Actions in case of minor errors**

#### Article 109

If there are obvious errors in filling in the result protocols (minor errors), the local electoral commission shall issue a decision on correcting the result protocols based on the report on checking the result protocols of the polling board.

Minor errors shall be if:

1) The number of voters registered in the excerpt from the electoral roll is not recorded or is erroneously recorded in the result protocols;

2) The number of voters who turned out is not recorded in the result protocols, and the other results are logically and computationally correct;

3) The number of voters who turned out recorded in the result protocols is greater than the number of voters registered in the excerpt from the electoral roll, and the other results are logically and computationally correct;

4) The total number of ballot papers in the ballot box is not recorded in the result protocols, and the other results are logically and computationally correct;

5) The number of valid ballot papers is not recorded in the result protocols, and the sum of the number of invalid ballot papers and the number of votes won individually by each electoral list is equal to the number of ballot papers in the ballot box.

### **Actions in case of serious errors**

#### Article 110

If there are gross logical and computational errors (serious errors) in the result protocols, representatives of the polling board and the local electoral commission shall also inspect the election material when checking the result protocols.

Based on the report on checking the result protocols, the local electoral commission shall issue a decision to correct the result protocols, a decision establishing that voting results cannot be determined at a certain polling station, or a decision annulling voting *ex officio*.

Serious errors shall be, in particular, the following:

1) If the number of ballot papers in the ballot box recorded in the result protocols is greater than the number of voters who turned out;

2) If in the result protocols the sum of the number of votes won individually by each electoral list is not equal to the number of valid ballot papers, and the sum of the number of invalid ballot papers and the number of valid ballot papers is equal to the number of ballot papers in the ballot box;

3) If the sum of the number of invalid ballot papers and the number of votes won individually by each electoral list recorded in the result protocols is greater than the number of voters registered in the excerpt from the electoral roll;

4) If the number of valid ballot papers recorded in the result protocols is not equal to the sum of the number of votes won individually by each electoral list, and the sum of the number of invalid ballot papers and the number of votes won individually by each electoral list is equal to the number of ballot papers in the ballot box;

5) If the number of invalid ballot papers is not recorded in the result protocols, and the sum of the number of votes won individually by each electoral list is equal to or less than the number of ballot papers in the ballot box;

6) If the number of invalid ballot papers recorded in the result protocols is not equal to the difference between the number of ballot papers in the ballot box and the number of valid ballot papers, and the sum of the number of votes won individually by each electoral list is equal to or less than the number of ballot papers in the ballot box.

### **Check of the result protocols performed by members and deputy members of the Republic Electoral Commission and local electoral commissions**

#### Article 111

Every member and deputy member of the Republic Electoral Commission and the local electoral commission shall have the right to inspect the election material from each polling station within 48 hours following the end of voting and to check whether a voter who has submitted to him his/her own address, UMCN, and written consent for such check, has voted.

## **Request for sample control of the result protocols**

### Article 112

At the request submitted within 48 hours following the closing of polling stations, the Republic Electoral Commission shall order local electoral commission to perform control of result protocols from a maximum of 5% of polling stations on the territory of the local electoral commission.

A request for sample control of result protocols may be submitted by a proclaimed opposition electoral list which according to the preliminary election results has won more than 2% of votes and proclaimed opposition minority electoral list which according to the preliminary election results has won more than 1% of votes.

If the sample control of the result protocols from more than 5% of the polling stations was requested, the control of the result protocols shall be performed at those polling stations where the biggest number of voters have been registered.

The requester may file a complaint against the decision dismissing or rejecting the request for sample control of the result protocols with the Republic Electoral Commission within 48 hours following the publication of that decision on the website.

The submitter of the proclaimed electoral list may file a complaint against the decision granting the request for sample control of the result protocols with the Republic Electoral Commission within 48 hours following the publication of that decision on the website.

## **Sample control of the result protocols**

### Article 113

The local electoral commission shall compile a report on the performed control of the result protocols and post it on the website.

Should it be established, based on the control of the result protocols in respect of the number of votes won by a certain electoral list, that the overall discrepancy between the content of the election material and the result protocols is greater than 10% at all controlled polling stations in the territory of the local electoral commission, the Republic Electoral Commission shall order a control of result protocols from further 5% of polling stations.

Should it be established, after additional control of the result protocols in respect of the number of votes won by a certain electoral list, that the overall discrepancy between the content of the election material and the result protocols is greater than 10% at all controlled polling stations in the territory of the local electoral commission, the Republic Electoral Commission shall order control of result protocols from all polling stations in the territory of the local electoral commission.

The sample control of the result protocols shall be concluded when the Republic Electoral Commission adopts the report of the local electoral commission establishing that in the controlled sample there is no discrepancy between the content of election material and the result protocols greater than 10%, or a report on the results of control of all polling stations in the territory of the local electoral commission.

## **Legal consequences of the control of the result protocols**

### Article 114

If during the check of result protocols performed by members and deputy members of the Republic Electoral Commission and local electoral commissions, or if during the sample control of result protocols, it is established that the content of the election material and the

result protocols do not agree, the local electoral commissions shall issue a decision on correcting the result protocols.

If during the check of result protocols performed by members and deputy members of the Republic Electoral Commission and local electoral commissions, or if during the sample control of result protocols, it is established that there are irregularities which constitute a reason for the *ex officio* annulment of voting at the polling station, the local electoral commission shall issue a decision annulling the voting at the polling station.

If there is a reasonable suspicion that the huge discrepancy between the content of the election material and the result protocols is a consequence of conscious and intentional activity aimed at establishing a false election result, the Republic Electoral Commission shall press criminal charges against members of the polling board with the competent public prosecutor's office.

### **Impossibility to determine voting results at the polling station**

#### Article 115

The local electoral commission shall *ex officio* issue a decision establishing that the voting results cannot be determined at a certain polling station:

- 1) if voting at that polling station was not held, or after it had been suspended it was not continued;
- 2) if it did not receive the result protocols;
- 3) if the submitted result protocols were not signed by at least three member of the polling board;
- 4) if there are gross logical-computational errors in completing the result protocols that could not be rectified even after inspecting the entire election material from the polling station.

The decision establishing that the voting results cannot be established at the polling station abroad shall be issued by the Republic Electoral Commission.

The decision establishing that the voting results cannot be established at the polling station shall be posted on the website.

Against the decision establishing *ex officio* that the voting results cannot be established at the polling station, the submitter of the proclaimed electoral list or a voter registered in the excerpt from the electoral roll at that polling station may file a complaint with the Republic Electoral Commission within 72 hours following the publication of that decision on the website.

### ***Ex officio* annulment of voting at the polling station**

#### Article 116

The local electoral commission shall *ex officio* issue a decision annulling the voting at the polling station if it establishes that:

- 1) the number of ballot papers in the ballot box is higher than the number of voters who turned out;
- 2) the polling board allowed a person who is not registered in the excerpt from the electoral roll to cast a vote;
- 3) there is no control list in the ballot box, or that the control list was not completed or that it was not signed by the first voter and at least one member of the polling board;
- 4) the sum of the number of unused ballot papers and the number of ballot papers in the ballot box is greater than the number of ballot papers received by the polling board.

The decision on the *ex officio* annulment of voting at the polling station abroad shall be made by the Republic Electoral Commission.

The decision on *ex officio* annulment of voting at the polling station shall be published on the website.

Against the decision *ex officio* annulling voting at the polling station, the submitter of the proclaimed electoral or a voter registered in the excerpt from the electoral roll at that polling station list may file a complaint with the Republic Electoral Commission within 72 hours following the publication of that decision on the website.

### **Repeat voting**

#### Article 117

Voting at a polling station shall be repeated if it is established that the voting results cannot be established at that polling station or if the voting at that polling station has been annulled.

The decision on conducting repeat voting at a polling station shall be made by the Republic Electoral Commission within three days following the day when the decision establishing that the voting results cannot be established at that polling station or a decision annulling voting at that polling station was published on the website.

If a legal remedy has been filed against the decision establishing that the voting results cannot be established at the polling station, or the decision annulling voting at the polling station, the deadline for issuing a decision on conducting repeat voting at that polling station shall start running from the day when the decision on related legal remedy is delivered to the Republic Electoral Commission.

Repeated voting shall be conducted within ten days following the adoption of the decision on conducting repeat voting.

### **Polling board conducting repeat voting**

#### Article 118

The local electoral commission shall appoint a new polling board to conduct the repeat voting.

If at the polling station where the voting is to be repeated, a submitter of the proclaimed electoral list has not nominated a member, or a deputy member of the polling board in the extended composition, he/she shall have the right to nominate them for conducting the repeat voting.

### **Consolidated report on voting results**

#### Article 119

Within 96 hours following the closing of polling stations, the local electoral commission shall issue, for all polling stations located on its territory, and without delay submit to the Republic Electoral Commission a consolidated report on the voting results containing: the number of voters entered in the electoral roll, the number of voters who turned out, the number of ballot papers found in the ballot boxes, the number of invalid ballot papers, the number of valid ballot papers and the number of votes won by each electoral list.

The consolidated report on the results of voting abroad shall be issued by the Republic Electoral Commission.

If a legal remedy has been filed due to irregularities during the conduct of voting at the polling station, or if a legal remedy has been filed against the decision establishing that

the voting results cannot be established at the polling station, or the decision annulling voting at the polling station, the deadline for compiling and submitting a consolidated report on voting results shall start running from the day when the decisions on all filed legal remedies are delivered to the local electoral commission.

If repeated voting is conducted at certain polling stations, the deadline for compiling and submitting a consolidated report on the voting results shall start running from the closing of the polling station where the voting was repeated last, or from the day when decisions on all filed legal remedies in connection with the repeat voting have been submitted to the local electoral commission.

If a request for sample control of result protocols has been submitted, the deadline for compiling and submitting the consolidated report on the voting results shall start running from the conclusion of the control of the result protocols.

Against the consolidated report on voting results, the submitter of the proclaimed electoral list and a voter registered in the electoral roll at the polling station located on the territory of the local election commission may file a complaint with the Republic Electoral Commission within 72 hours following the publication of the consolidated report on the website.

Against the consolidated report on the results of voting abroad, the submitter of the proclaimed electoral list and the voter registered in the electoral roll at the polling station abroad may file a complaint with the Republic Electoral Commission within 72 hours following the publication of the consolidated report on the website.

### ***Ex officio* annulment of the consolidated report on voting results**

#### Article 120

Should it find that the local electoral commission has not established the voting results in accordance with the provisions of this Law, the Republic Electoral Commission shall *ex officio* issue a decision annulling the consolidated report on voting results.

If the local electoral commission fails to render a consolidated report on voting results in due time or if the consolidated report on voting results is annulled, the Republic Electoral Commission may take over the entire election material and render a consolidated report on voting results if the nature of the matter so allows and if the established facts provide a reliable basis for that.

### **General report on election results**

#### Article 121

Within 96 hours following the receipt of all consolidated reports on voting results, the Republic Electoral Commission shall compile and publish a general report on election results for all polling stations, containing: the number of voters registered in the electoral roll, the number of voters who turned out, the number of voters who cast their votes, the number of invalid ballot papers, the number of valid ballot papers, the number of votes won by each electoral list and the number of seats won by each electoral list.

The number of voters who cast their votes shall be determined based on the number of ballot papers in the ballot boxes.

If a legal remedy has been filed against the consolidated report on the voting results, the deadline for compiling and publishing general report on the election results shall start running from the day when the decision on the legal remedy has been submitted to the Republic Electoral Commission.



Against the general report on the election results, the submitter of the proclaimed electoral list and a voter may file a complaint with the Republic Electoral Commission within 72 hours following the publication of the general report on the website.

### **Publication of reports on election results**

#### Article 122

The Republic Electoral Commission shall publish voting results for each polling station and all consolidated reports on voting results on its website.

The general report on the election results shall be published in the "Official Gazette of the Republic of Serbia".

### **Statistical data processing**

#### Article 123

Statistical data processing shall include entering voting results from the result protocols in the database of election results from all polling stations, logical and computational control of results entered in the result protocols and generation of reports for the Republic Electoral Commission and local electoral commissions.

National statistical authority shall assign persons who shall perform statistical data processing tasks at the seat of the Republic Electoral Commission and local electoral commissions.

Submitters of proclaimed electoral lists may sign in with the Republic Electoral Commission a person having the right to attend the statistical processing of data in the Republic Electoral Commission and local electoral commissions.

Immediately after their statistical processing, data on the voting results at polling stations shall be published on the website. As soon as they are statistically processed, the data on the results of voting at the polling stations shall be published on the website, starting with the data from the polling station first processed, and ending with the publishing of the general election results.

At its session, the Republic Electoral Commission shall determine the preliminary election results for all polling stations that have been processed within 24 hours following the closing of the polling stations.

The Republic Electoral Commission shall prescribe rules on statistical data processing.

## **6. Suspension of electoral activities**

### **Reason for suspending electoral activities**

#### Article 124

The Republic Electoral Commission shall *ex officio* issue a decision on the suspension of electoral activities when, due to the state of war and the state of emergency, or emergency situation declared in the territory of the Republic of Serbia, it is not possible to conduct elections or it is significantly more difficult.

The decision on the suspension of electoral activities shall be published in the "Official Gazette of the Republic of Serbia".

### **Consequences of suspension of electoral activities**

#### Article 125

Upon suspension of electoral activities, all deadlines for the performance of electoral activities shall cease to run.

During the suspension of electoral activities, the electoral management bodies may not take any actions in the election procedure.

Electoral activity undertaken during the suspension of electoral activities may produce legal effects only upon continuation of the election procedure.

Exceptionally, during the suspension of electoral activities, voters may sign statements on their support of electoral lists.

### **Continuation of electoral activities**

#### Article 126

When the reasons for the suspension of electoral activities cease, the Republic Electoral Commission shall *ex officio* issue a decision on the resumption of electoral activities and publish it in the "Official Gazette of the Republic of Serbia".

The deadlines that have ceased to run due to the suspension of the electoral activities shall continue to run from the day when the decision on the resumption of the electoral activities has been published in the "Official Gazette of the Republic of Serbia".

### **Motion for suspension or resumption of electoral activities**

#### Article 127

A motion for suspension or resumption of electoral activities may be submitted by a political party and a submitter of the proclaimed electoral list.

The Republic Electoral Commission shall take and publish a decision on the motion for suspension or resumption of electoral activities within 24 hours following its receipt.

## **VI. DISTRIBUTION AND ASSIGNMENT OF SEATS AND TERMINATION OF TERM OF OFFICE**

### **Electoral census**

#### Article 128

Only electoral lists that have won at least 3% of the votes cast may participate in the distribution of seats.

If no electoral list has won 3% of the votes cast, then all electoral lists that have won votes may participate in the distribution of seats.

### **Highest quotient system**

#### Article 129

Seats shall be distributed by dividing the total number of votes won by an electoral list participating in the distribution of seats by each consecutive number from one to 250.

The quotients thus derived shall be sorted by size, and the number of seats allocated to each electoral list shall be equal to the number of its quotients among 250 highest quotients of all electoral lists participating in the distribution.

If two or more electoral lists get the same quotients based on which a seat should be allocated, the electoral list that has won higher number of votes shall have priority.

If the number of seats due to a certain electoral list is higher than the number of MP candidates it has, the seat that is not allocated to that electoral list shall be allocated to the electoral list having the next highest quotient for which the seat has not been allocated.

### **Allocation of seats**

#### Article 130

Within ten days following the publication of the general report on the election results, the Republic Electoral Commission shall allocate seats to MP candidates in the order in which they are listed on the electoral list, starting from the first candidate on the electoral list, by its decision, and issue certificates of their election as MPs.

### **Termination of term of office**

#### Article 131

Terms of office of MPs shall cease when terms of office of two thirds of MPs from the next parliamentary term of the National Assembly are confirmed.

Before the terms of office of two thirds of MPs from the next parliamentary of the National Assembly are confirmed, the term of office of an MP shall cease if:

- 1) he/she dies;
- 2) he has been wholly deprived of his/her legal capacity by a final court decision, or if he/she has been declared incapable of exercising the right to vote, under a final court decision on partial deprivation of legal capacity;
- 3) he/she has been sentenced to a term of imprisonment of not less than six months by a final court decision;
- 4) he/she has assumed an office which, according to the Constitution and the law, is incompatible with the office of the MP;
- 5) he/she has lost the citizenship of the Republic of Serbia;
- 6) he/she resigns.

The term of office of a Member of Parliament shall cease when an event constituting a reason for the termination of the tenure arises.

### **Resignation of the Member of Parliament**

#### Article 132

The resignation of the Member of Parliament shall be submitted in writing, and hold a certified signature, and the signature of the submitter must be certified in accordance with the law governing the certification of signatures.

The resignation shall be submitted in person to the National Assembly within three days following the day of certification of the submitter's signature.

A resignation is valid only if the signature of the MP is certified after his/her seat has been confirmed.

The resignation may not be revoked.

The term of office of the MP shall cease on the day he/she resigns.

### **Establishing termination of term of office**

#### Article 133

The National Assembly shall establish termination of the term of office of the Member of Parliament immediately after receiving the notification on the reasons for the termination of the term of office, at the session that is in progress, or at the first following session.

### **Filling in vacant MP seat**

#### Article 134

The seat of an MP whose term of office has been terminated before the terms of office for two thirds of MPs from the next parliamentary term of the National Assembly have been confirmed shall be allocated, by a decision, to the first next candidate from the same electoral list to whom a seat was not allocated, within seven days following the day of establishing termination of the term of office.

If there are no candidates on the same electoral list to whom seats have not been allocated, the vacant seat shall be filled in by allocating it to the first candidate from another electoral list which has the next highest quotient for which the seat was not allocated.

### **Filling in vacant MP seat from a coalition electoral list**

#### Article 135

The seat of an MP from the coalition electoral list whose term of office has been terminated before the tenures for two thirds of MPs from the next parliamentary term of the National Assembly have been confirmed shall be allocated, by a decision, to the first next candidate from the same political party on that electoral list to whom a seat was not allocated.

If there are no candidates from the same political party on that electoral list to whom seats have not been allocated, the vacant seat shall be filled in by allocating it to the first next candidate from that electoral list to whom a seat has not been allocated, unless stipulated by the coalition agreement that in such cases the seat shall be allocated to the first next candidate of a certain political party to whom a seat was not allocated.

### **Re-allocation of a seat to an MP**

#### Article 136

A Member of Parliament who resigned in order to assume office of a member of the Government may, upon termination of his/her office of a member of the Government, submit a request to be reallocated a seat in the same parliamentary term of the National Assembly, if there is a vacant MP seat belonging to the electoral list from which he was elected.

## **VII. SPECIAL RULES APPLICABLE TO NATIONAL MINORITY ELECTORAL LISTS**

### **National minority electoral list**

#### Article 137

For the purposes of this Law, the national minority electoral list shall mean the electoral list for which the Republic Electoral Commission has determined that the main goal of its submission is to represent the interests of the national minority, as well as to protect and enhance rights of national minority members, in compliance with the international legal standards.

The Republic Electoral Commission shall establish that the electoral list enjoys the status of a national minority electoral list in terms of this Law, by a special decision issued at the same time when proclaiming it, at the proposal of the submitter of the electoral list which shall be submitted together with the electoral list.

The Republic Electoral Commission may seek opinion of the competent national minority council on whether a certain electoral list may hold the status of a national minority electoral list.

The submitter of the national minority electoral list may only be a political party of a national minority or a coalition composed exclusively of political parties of national minorities.

### **Prohibition to circumvent the law**

#### Article 138

The Republic Electoral Commission shall reject, by its decision, motion to grant certain electoral list status of the national minority electoral list if the list leader or MP candidate on that electoral list is a person who is generally known to be a member of another political party which is not a national minority political party or if other circumstances are established which undoubtedly indicate the intention to circumvent the law.

### **Position of the national minority electoral list in respect of nomination**

#### Article 139

The Republic Electoral Commission may proclaim a national minority electoral list if the submitter of the electoral list has submitted 5,000 certified statements of voters supporting the electoral list.

### **Position of the national minority electoral list in respect of allocation of seats**

#### Article 140

The national minority electoral list shall participate in the distribution of seats also when it has won less than 3% of the votes cast.

When the seats are allocated applying the system of the highest quotient, the quotients of national minority electoral lists that have won less than 3% of the votes cast shall be increased by 35%.

## **VIII. PRESENTATION OF PROCLAIMED ELECTORAL LIST SUBMITTERS AND CANDIDATES**

### **The right of the submitter of the proclaimed electoral list to be presented**

#### Article 141

The submitters of the proclaimed electoral lists and the candidates from the proclaimed electoral lists shall have the right to be presented free of charge and equally in the programs of public service media in the manner stipulated by this Law.

### **Ensuring presentation of the submitter of the electoral list**

#### Article 142

In their programs, public service media shall provide all submitters of the proclaimed electoral lists and candidates from the proclaimed electoral lists conditions to present their election platforms free of charge and without discrimination.

#### **Impartiality in the presentation of the submitters of the proclaimed electoral lists**

#### Article 143

In their program contents intended for presentations, public service media shall provide submitters of the proclaimed electoral lists and candidates from the proclaimed electoral lists conditions for impartial, fair and balanced presentation.

#### **Agreement on the number and duration of program items presenting submitters of proclaimed electoral lists**

#### Article 144

Per two representatives of the national public service media, the government and political parties that have MPs shall determine the number and duration of program items for the presentation of the submitters of the proclaimed electoral lists.

The agreement on the number and duration of program items for the presentation of the submitters of the proclaimed electoral lists shall be concluded no later than five days from the day when the decision on calling elections came into force and shall be published on the website without delay.

National public service media, with the participation of representatives of the Government, political parties that have MPs and submitters of proclaimed electoral lists, shall determine rules for the presentation of submitters of proclaimed electoral lists, election programs and MP candidates.

#### **Election Campaign Supervisory Committee**

#### Article 145

Within the conduct of elections, general oversight over the actions of political parties, submitters of proclaimed electoral lists, MP candidates and public service media pertaining to electoral activities, shall be performed by the election campaign Supervisory Committee (hereinafter: the Supervisory Committee).

The Supervisory Committee shall have ten members, appointed by the National Assembly, among whom one half at the proposal of the Government, and one half at the proposal of National Assembly parliamentary groups from among prominent public servants.

Members of the Supervisory Committee may not be members of political parties' bodies.

The chairperson of the Supervisory Committee shall be elected from among the members of the Supervisory Committee by secret ballot.

#### **Competence of the Supervisory Committee**

#### Article 146

The Supervisory Committee shall:

1) monitor pre-electoral activities and pinpoint any irregularities in the actions of political parties, candidates and other participants in the election procedure;

2) control public service media compliance with the provisions of this Law related to ensuring conditions for impartial, fair and balanced presentation of submitters of proclaimed electoral lists and candidates from proclaimed electoral lists;

3) propose measures to ensure equality of candidates in the presentation of their programs;

4) address the public with a view of protecting the moral integrity of the candidate's personality;

5) warn of the actions of political parties, candidates and the media which obstruct the election campaign and endanger the equality of rights of all candidates;

6) adopt its Rules of Procedure.

Should any participant in the election campaign by his/her conduct call for violence, spread national, religious or racial hatred or incite gender inequality, the Supervisory Committee shall without delay prompt initiation of proceedings before the competent state authorities.

If the agreement on the number and duration of program items for the presentation of the submitters of the proclaimed electoral lists is not concluded within the stipulated deadline, the Supervisory Committee shall determine the number and duration of the program items for the presentation of the submitters of the proclaimed electoral lists.

Funds for the work of the Supervisory Committee shall be provided in the budget of the Republic of Serbia.

Prerequisites for the work of the Supervisory Committee shall be provided by the National Assembly.

## IX. PROTECTION OF ELECTORAL RIGHTS

### **Legal remedies in the conduct of elections**

#### Article 147

Legal remedies in the conduct of elections shall be the requests for the annulment of voting at the polling station, complaints and appeals.

### **Requests for annulment of voting at the polling station**

#### Article 148

The submitter of the proclaimed electoral list shall have the right to file a request for annulment of voting at the polling station because of the irregularities during the conduct of voting, within 72 hours following the closing of the polling station.

A voter may, within 72 hours following the closing of the polling station, file a request for annulment of voting at the polling station where he / she is registered in the excerpt from the electoral roll if the polling board has unreasonably prevented him / her from voting or if his / her right to free and secret voting has been violated.

The local electoral commission shall decide on the request for annulment of voting at the polling station, and the Republic Electoral Commission shall decide on the request for annulment of voting at the polling station abroad.

The body responsible for deciding on the request for annulment of voting at the polling station shall decide on such a request within 72 hours following its receipt and publish its decision it on the website.

### **Content of the request for annulment**

## **of voting at the polling station**

### Article 149

The request for annulment of voting at the polling station must be comprehensible and contain everything necessary to enable acting upon it, including in particular:

- 1) designation of the body competent to decide on the request;
- 2) name, surname, UMCN, place and address of residence, telephone number and e-mail address of the voter, if the requester is a voter;
- 3) name of the proclaimed electoral list, name of the submitter of the proclaimed electoral list and name, surname, UMCN, place and address of residence, telephone number and e-mail address of the person authorized to represent the submitter of the proclaimed electoral list if the request is submitted by the submitter of the proclaimed electoral list;
- 4) signature of the requester;
- 5) the subject of the request, and in particular the exact designation of the polling station (name of the municipality or city where the polling station is located and the number of the polling station), and the exact description of the action with indication of who undertook that action and when;
- 6) facts on which the request is based;
- 7) evidence.

If the request for annulment of voting is incomprehensible or incomplete, the body competent to decide on that request shall issue a decision dismissing it.

## **General rules on the right to complaint**

### Article 150

The submitter of the proclaimed electoral list shall have the right to file a complaint against the decision made, action taken or failure to make a decision or take action in the conduct of elections, unless otherwise stipulated by this Law.

A complaint may not be filed against a decision, action or failure to make a decision or take an action, for which another legal remedy is provided.

The submitter of the electoral list, a political party, a parliamentary group, a candidate for a Member of Parliament, a voter and a person whose name is in the name of the electoral list or of the submitter of the electoral list may file a complaint when so stipulated by this Law.

## **Content of the complaint**

### Article 151

A complaint must be comprehensible and contain all information necessary to enable acting upon it, including in particular:

- 1) note that the complaint is filed with the Republic Electoral Commission;
- 2) name, surname, UMCN, place and address of residence, telephone number and e-mail address of the complainant if the complainant is a natural person;
- 3) name and seat of the complainant, and name, surname, UMCN, place and address of residence, telephone number and e-mail address of the person authorized to represent the complainant if the complainant is a legal entity;
- 4) name of the proclaimed electoral list, name of the submitter of the proclaimed electoral list and name, surname, UMCN, place and address of residence, telephone number and e-mail address of the person authorized to represent the submitter of the proclaimed electoral list, if the complaint is filed by the submitter of the proclaimed electoral list;



- 5) signature of the complainant;
  - 6) the subject of the complaint, and in particular the exact designation of the decision with the indication of the issuer, date of issuance and the number under which the decision was filed if the complaint challenges a decision, or the exact description of the action indicating who took the action and when ;
  - 7) the facts on which the complaint is based;
  - 8) evidence.
- If the complaint is incomprehensible or incomplete, the Republic Electoral Commission shall issue a decision dismissing it.

### **Deadline for filing a complaint**

#### Article 152

A complaint may be filed within 72 hours following the publication of the decision, or taking of the action that the complainant considers irregular, unless otherwise stipulated by this Law.

A complaint because no decision or action has been taken within the period prescribed by law or a bylaw of the Republic Electoral Commission may be filed within 72 hours following the expiration of the period in which the decision should have been rendered, or within which the action should have been taken, unless otherwise stipulated by this Law.

### **Jurisdiction to decide on the complaint**

#### Article 153

The Republic Electoral Commission shall decide on complaints.

The Republic Electoral Commission shall issue and publish a decision on the complaint within 72 hours following the receipt of the complaint.

The Republic Electoral Commission shall publish the complaint and the decision on the complaint on the website.

### **Complaint against the decision on the request for annulment of voting at the polling station**

#### Article 154

The requester may file a complaint against the decision under which the request for annulment of voting at the polling station was dismissed or rejected with the Republic Electoral Commission within 72 hours following the publication of that decision on the website.

A complaint because a decision on the request for annulment of voting at the polling station has not been made within the prescribed time limit may be filed within 72 hours following the expiration of the period in which the decision on that request should have been made.

Against the decision by which the request for annulment of voting at the polling station was granted, each submitter of the proclaimed electoral list may file a complaint with the Republic Electoral Commission within 72 hours following the publication of that decision on the website.

A complaint against the decision on the request for annulment of voting at the polling station shall be filed through the local electoral commission, which shall deliver the complaint and all necessary documents to the Republic Electoral Commission within 72 hours following the receipt of the complaint.

The Republic Electoral Commission shall issue a decision on the complaint within 72 hours following the receipt the complaint and the related files, and publish it on the website.

### **Decisions of the Republic Electoral Commission on the complaint**

#### Article 155

If a complaint is granted, the Republic Electoral Commission shall annul the decision made in the conduct of the election, or the action taken in the conduct of the election.

When it finds that the decision against which a complaint was filed should be annulled, the Republic Election Commission may render another decision instead of the annulled one.

When it finds that the decision on the request for annulment of voting at the polling station should be annulled, the Republic Election Commission may decide on the merits of the request for annulment of voting at the polling station if the nature of the matter so allows and if the established facts provide a reliable basis for that.

### **Appeal against the decision of the Republic Electoral Commission on the complaint**

#### Article 156

The complainant may file an appeal against the decision of the Republic Electoral Commission by which a complaint was dismissed or rejected with the Administrative Court within 72 hours following the publication of that decision on the website.

An appeal due to the fact that the decision on a complaint was not made within the prescribed deadline may be filed within 72 hours following the expiration of the deadline in which the decision on the complaint should have been made.

A submitter of the proclaimed electoral list, a submitter of the electoral list, a political party, a parliamentary group, a candidate for MP, a voter and a person whose name is in the name of the electoral list or of the submitter of the electoral list may file an appeal with the Administrative Court within 72 hours following the publication of that decision on the website, if the granting of the complaint results in direct violation of the legal interest.

### **Actions upon appeal**

#### Article 157

The Republic Electoral Commission shall forward the appeal and all pertaining case files to the Administrative Court within 24 hours following the receipt of the appeal.

The Administrative Court shall render a decision on the appeal within 72 hours following the receipt of the appeal and the related files.

The Administrative Court shall deliver the decision made in the appeal procedure to the appellant through the Republic Electoral Commission.

### **Decisions of the Administrative Court on appeal**

#### Article 158

If an appeal is approved, the Administrative Court shall annul the decision made in the conduct of the election, or the action taken in the conduct of the election.

When it finds that the decision against which the appeal was filed should be annulled, the Administrative Court may decide on the merits of the appeal if the nature of the matter so allows and if the established facts provide a reliable basis for that.

The decision of the Administrative Court, by which it decided on the merits of the appeal, shall replace the annulled decision on the whole.

The decision made in the appeal procedure shall be final and extraordinary legal remedies provided by the law governing administrative disputes may not be filed against it.

If the Administrative Court approves the appeal and annuls the decision made in the conduct of the election, or the action taken in the conduct of the election, the appropriate decision shall be made, or the appropriate action shall be taken no later than ten days following the receipt of the decision by the Republic Election Commission

### **Application of regulations governing general administrative procedure and administrative dispute**

#### Article 159

The provisions of the law governing the general administrative procedure shall accordingly apply to deciding on the request for annulment of voting at the polling station and to deciding on the complaint.

The provisions of the law governing the administrative dispute shall accordingly apply to deciding on the appeal against the decision of the Republic Electoral Commission deciding on the complaint.

### **Publication of legal remedies and decisions upon legal remedies**

#### Article 160

The Republic Electoral Commission shall publish on its website all filed legal remedies and decisions made upon them.

## **X. OBSERVATION OF THE WORK OF ELECTION AUTHORITIES**

### **Application process for a domestic observer**

#### Article 161

Association registered in the Republic of Serbia whose goals are set in the field of elections and which is interested in observing the work of electoral management bodies may submit an application for domestic observer to the Republic Electoral Commission no later than seven days before the Election Day.

The application for election observation for a domestic observer shall be accompanied by a list of representatives of the domestic observer containing the name, surname, UMCN and observation area for each representative of the domestic observer applying for accreditation.

A representative of a domestic observer may be accredited as a domestic observer only if he/she is an adult citizen of the Republic of Serbia, if he/she is not a candidate for MP or a member of the electoral management body.

### **Application process for a foreign observer**

#### Article 162

International and foreign organizations and associations that are interested in monitoring the work of electoral management bodies may submit an application for foreign observer to the Republic Electoral Commission no later than ten days prior to the Election Day.

The application for election observation for a foreign observer shall be accompanied by a list of representatives of the foreign observer, containing the name, surname, travel document number and name of the issuing country, and observation area for each representative of the foreign observer applying for accreditation.

The application for election observation for a foreign observer shall be accompanied also by a list of interpreters if they are accompanying registered representatives of the foreign observer, containing the name, surname and UMCN for each registered interpreter who is a citizen of the Republic of Serbia, or name, surname, travel document number and name of the issuing country for each registered interpreter who is a citizen of a foreign country, applying for accreditation.

The application for a foreign observer and the list of representatives and their accompanying interpreters shall be delivered by the Republic Electoral Commission without delay to the Ministry in charge of foreign affairs, which shall submit its opinion on that application to the Republic Electoral Commission within three days of receiving it.

### **Application process for a foreign country as the election observer**

#### Article 163

Representative of a foreign country which is interested in monitoring the work of electoral management bodies may submit foreign country's application for election observation to the Ministry in charge of foreign affairs, no later than ten days prior to the Election Day.

Foreign country's application for election observation shall be accompanied by a list of its representatives, containing the name, surname, number of the travel document, name of the issuing country, and the field of monitoring for each of its representatives applying for accreditation.

Foreign country's application for election observation shall be accompanied also by a list of interpreters if they are accompanying its registered observers, containing the name, surname and UMCN for each interpreter who is a citizen of the Republic of Serbia, or name, surname, travel document number and name of the issuing country for each registered interpreter who is a citizen of a foreign country, applying for accreditation.

The Ministry in charge of foreign affairs shall forward foreign country's application for election observation and the list of its representatives and interpreters along with its opinion to the Republic Electoral Commission within three days following the day it received the application.

### **Authorization of observers**

#### Article 164

An observer who has applied to observe the work of polling stations may be allowed to observe the work of all polling stations on the territory of a certain local electoral commission.

An observer who has applied to observe the work of a polling board abroad or the work of a polling board within penal institutions may be allowed to observe the work of only that polling station for which he has applied.

An observer who has applied to observe the work of local electoral commissions may be allowed to observe the work of all local electoral commissions on the territory of a certain administrative district, or the City of Belgrade.

Sessions of the Republic Electoral Commission, local electoral commissions or at the polling station may not be attended at the same time by two representatives of the same association which is registered as a domestic observer.

### **Authorization and identification cards**

#### Article 165

The Republic Electoral Commission shall issue an appropriate authorization to the applicant whose application to observe the work of the electoral management body has been granted, and appropriate identification cards to its representatives and their accompanying interpreters, in which the necessary data from the list enclosed with the observer application shall be entered.

Authorizations and identification cards shall be issued within three days from the day of submitting the observer application, or from receiving the opinion of the Ministry in charge of foreign affairs provided that the application meets the requirements prescribed by law.

The costs of observing the work of the electoral management body shall be covered by the observation applicants.

### **Observer's status**

#### Article 166

The electoral management bodies shall enable observer's representative and his/her accompanying interpreter to observe every electoral activity without hindrance.

Observer's representative and his/her accompanying interpreter shall be obliged to carry their identification cards visibly displayed.

An interpreter shall not have right to be present at the session of the electoral commission or at the polling station without the observer's representative whom he/she is accompanying.

### **Observer of the work of the electoral commission**

#### Article 167

Representative of the observer of the work of the electoral commission shall be obliged to comply with the scope of authorization granted to him/her.

The Republic Electoral Commission may revoke the accreditation of a representative of the observer of the work of the electoral commission if he/she does not comply with the scope of his/her authorization.

### **Observer of the work of the polling board**

#### Article 168

Representative of the observer of the work of the polling board may monitor the work of the polling board from the handover of election material before voting to the conclusion of the handover of election material after voting, including opening of the ballot box, counting of votes, determination of voting results, voting outside the polling station, as well as repeat voting at that polling station.

If the voting is repeated at a polling station, submitter of the observer application shall have the right to replace its representatives observing the work of the polling board, or if it did not have its representatives at that polling station, he may submit application for observing the work of the polling board in the conduct of the repeat voting.

A representative of observers of the work of the polling board shall be obliged to comply with the rules on maintaining order at the polling station.

The polling board may remove observer's representative from the polling station if he/she does not comply with the rules on maintaining order at the polling station, if he/she uses a mobile phone or other means of communication at the polling station, and in particular if he/she interferes with the work of the polling board.

The polling board shall immediately inform the local electoral commission about the removal of the observer's representative and the reasons for his / her removal, and the polling board abroad shall inform the Republic Electoral Commission thereof.

A record on the presence of representatives of observers of the work of the polling board shall be made on a form prescribed by the Republic Election Commission, which shall contain data on the representatives of observers who monitored the work of the polling board and their remarks, if any.

## XI. COSTS OF THE CONDUCT OF THE ELECTIONS

### Article 169

Funds for the work of electoral management bodies, election materials and other costs of the conduct of elections shall be provided in the budget of the Republic.

The Republic Electoral Commission shall determine remunerations for the work in the electoral management bodies and other expenditures in the conduct of elections.

## XII. PENAL PROVISIONS

### **Violation of the rules on electoral silence**

### Article 170

Legal entity shall be fined from 100,000 to 600,000 dinars for infringement if, within 48 hours before the polling day or on the polling day before the closing of polling stations, it publishes an estimate of the election results in the media or at public gatherings, publicly presents election candidates and their election platforms, or invites voters to vote or not to vote for certain electoral lists.

Responsible person in the media which, within 48 hours before the polling day or on the polling day before the closing of polling stations, publish an estimate of the election results, publicly present election candidates and their election platforms, or invite voters to vote or not to vote for certain electoral lists shall be fined from 50,000 to 150,000 dinars for infringement.

Responsible person in the legal entity which, within 48 hours before the polling day or on the polling day before the closing of polling stations, publishes an estimate of the

election results in the media or at public gatherings, publicly presents election candidates and their election platforms, or invites voters to vote or not to vote for certain electoral lists shall be fined from 20,000 to 50,000 dinars for infringement.

A natural person who, within 48 hours before the polling day or on the polling day before the closing of polling stations, publishes an estimate of the election results in the media or at public gatherings, publicly presents election candidates and their election platforms, or invites voters to vote or not to vote for certain electoral lists shall be fined from 10,000 to 40,000 dinars for infringement

### **Failure to deliver invitation to vote**

#### Article 171

Head of the competent authority for informing voters about the time and place of voting shall be fined from 20,000 to 50,000 dinars for infringement if it fails to deliver invitation to vote in a timely manner.

### **Displaying election propaganda material at the polling station**

#### Article 172

Political party, coalition or another legal entity shall be fined from 100,000 to 400,000 dinars for infringement if it displays symbols of the political party or of the submitter of the proclaimed electoral list, or other election propaganda material at the polling station or immediately in front of the polling station.

Responsible person in the political organization or other legal entity shall be fined from 10,000 to 25,000 dinars for infringement if it displays symbols of the political party or of the submitter of the proclaimed electoral list, or other election propaganda material at the polling station or immediately in front of the polling station.

A natural person shall be fined from 10,000 to 25,000 dinars for infringement if he/she displays symbols of the political party or of the submitter of the proclaimed electoral list, or other election propaganda material at the polling station or immediately in front of the polling station

### **Preventing participation in work and monitoring of the work of electoral management bodies**

#### Article 173

A member of the electoral management body shall be fined from 25,000 to 50,000 dinars for infringement if he/she prevents another member from monitoring and participating in the work of the electoral management body, or if he/she prevents observer's representative from monitoring the work of the electoral management body.

### **Disturbance of order at the polling station**

#### Article 174

A fine of 10,000 to 30,000 dinars for infringement shall be imposed on a person who disturbs the order at the polling station.

### **Violation of the rights of submitters of the proclaimed electoral lists and of MP candidates**

#### Article 175

Public service media shall be fined from 50,000 to 600,000 dinars for infringement if it fails to enable all submitters of the proclaimed electoral lists and candidates from the proclaimed electoral lists to present in its program items their election platforms, free of charge and without discrimination.

Responsible person in the public service media shall be fined from 10,000 to 30,000 dinars if it fails to enable all submitters of the proclaimed electoral lists and candidates from the proclaimed electoral lists to present in its program items their election platforms, free of charge and without discrimination.

### XIII. TRANSITIONAL AND FINAL PROVISIONS

#### **Deadline for adopting uniform standards for election material**

##### Article 176

The Republic Electoral Commission shall prescribe uniform standards for election material within ten days following the date this Law enters into force.

#### **Deadline for the formation of the Republic Electoral Commission**

##### Article 177

The National Assembly shall form the Republic Electoral Commission in accordance with this Law within seven days following its entry into force.

#### **Deadline for the formation of the Supervisory Committee**

##### Article 178

The National Assembly shall establish the Supervisory Committee in accordance with this Law within seven days following its entry into force.

#### **Temporary increase in the number of members of electoral management bodies in the standing composition**

##### Article 179

The first elections for MPs to be called after the entry into force of this Law shall be conducted by the Republic Electoral Commission, whose standing composition, in addition to the chairperson, 16 members and their deputies appointed by the parliamentary groups, shall include six members and their deputies who shall be appointed by the National Assembly at the proposal of the Speaker of the National Assembly within seven days following the entry into force of this Law, and their term of office shall last until the general report on the election results becomes final.

Local electoral commissions which shall participate in the conduct of the first elections for MPs to be called after the entry into force of this Law shall include in their standing composition, in addition to members and deputy members appointed in accordance with the law governing local elections, per one more member and one more deputy member who shall be appointed by the Republic Electoral Commission at the proposal of the Speaker



of the National Assembly, and their term of office shall last until the consolidated report on the voting results becomes final.

Polling boards which shall participate in the conduct of the first elections for MPs to be called after the entry into force of this Law, shall include in their standing composition, in addition to members and deputy members appointed in compliance with the general rules stipulated by this Law, per one more member and one more deputy member, who shall be appointed by the Republic Electoral Commission at the proposal of the Speaker of the National Assembly.

### **Regulations that are repealed**

#### Article 180

On the day this Law enters into force, the Law on the Election of Members of Parliament ("Official Gazette of RS", nos. 35/00, 57/03 - CC, 72/03 - other law, 18/04, 85/05 – other law, 101/05 - other law, 104/09 - other law, 28/11 - CC, 36/11, 12/20 and 68/20), and the Instructions on the shape and dimensions of the ballot box ("Official Gazette of RS ", no. 42/00) ) shall cease to have effect.

### **Entry into force of the Law**

#### Article 181

This Law shall enter into force on the next day following the date of its publication in the "Official Gazette of the Republic of Serbia".