

L A W

ON THE ELECTION OF THE PRESIDENT OF THE REPUBLIC¹

I. GENERAL PROVISIONS

Subject Matter

Article 1

This Law shall regulate the election of the President of the Republic (hereinafter: the presidential election).

The President of the Republic shall be elected for a term of five years.

Basic Principles Governing the Election of the President of the Republic

Article 2

Citizens shall elect the President of the Republic on the basis of universal and equal suffrage.

Presidential elections shall be free and direct, and voting shall be carried out by secret ballot in person.

Suffrage

Article 3

Every adult citizen of the Republic of Serbia who is not subject to an extension of parental rights or who has not been fully deprived of legal capacity shall have the right to vote for the President of the Republic and to stand for election as President of the Republic.

A person partially deprived of legal capacity shall have the right to vote for the President of the Republic and to stand for election as President of the Republic, unless the court has established, in its decision on the partial deprivation of legal capacity, that the person is incapable of exercising the right to vote.

Freedom of voting

Article 4

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

No one shall have the right to prevent or compel a voter to vote, to hold a voter accountable for having voted or not having voted, or to require a voter to disclose for whom they voted or why they did not vote.

Competence for Conducting Presidential Elections

Article 5

The presidential election shall be conducted by the authorities in charge of conducting elections for Members of Parliament.

¹ "Official Gazette of the RS", Nos. 14/22 and 47/26

Persons appointed to election management bodies shall meet the requirements prescribed by law, including holding a valid certificate confirming completion of the training for work in a local electoral commission (municipal, city or city municipality electoral commission), or on a polling board.

Funds for Conducting the Presidential Election

Article 6

Funds for conducting the presidential election shall be provided in the budget of the Republic of Serbia.

Legal Remedies in the Election Procedure

Article 7

Legal remedies in the election procedure shall be a request for annulment of voting at a polling station, complaint and appeal.

Mutatis Mutandis Application of Other Laws

Article 8

The provisions of the Law governing the election for Members of Parliament shall apply mutatis mutandis to the election for the President of the Republic in matters not specifically regulated by this Law.

The provisions of the Law governing general administrative procedure shall apply mutatis mutandis to deciding on the request for annulment of voting at a polling station and to deciding on a complaint.

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

II. CALLING ELECTIONS

Competence to Call Presidential Elections

Article 9

Election for the President of the Republic shall be called by the President of the National Assembly.

The decision calling the presidential election shall enter into force on the day of its publication in the "Official Gazette of the Republic of Serbia".

Time Limits for Calling Presidential Elections and Polling

Article 10

The decision calling the presidential elections shall be made 90 days prior to the expiry of the term of office of the incumbent President of the Republic.

Should the term of office of the President of the Republic be extended due to the state of war or the state of emergency, the election shall be called so that polling is held no later than three months following the day when the state of war or state of emergency ended.

Should the term of office of the President of the Republic terminates before the expiry of the term for which the President was elected, the presidential elections shall

be called so that polling is held no later than three months following the date on which the term of office of the President of the Republic terminates.

No fewer than 30 days and no more than 60 days shall elapse between the day on which the presidential elections are called and polling day.

Content of the Decision Calling the Presidential Elections

Article 11

The decision calling the presidential elections shall specify the polling day.

Polling day shall be a non-working day.

III. NOMINATION OF CANDIDATES FOR PRESIDENT OF THE REPUBLIC

Nominator of a Candidate for President of the Republic

Article 12

A candidate for President of the Republic (hereinafter: the candidate) may be nominated by a political party entered in the Register of Political Parties (hereinafter: a political party), a coalition of political parties (hereinafter: a coalition), or a group of citizens.

A candidate may not be nominated by a coalition formed by a political party and a group of citizens.

Time Limit for Submitting a Candidate Nomination and Its Content

Article 13

A candidate nomination shall be submitted directly to the Republic Electoral Commission, in paper and electronic form, using the prescribed form, no later than 20 days before polling day.

The candidate nomination shall contain the name of the nominator; the candidate's first name, surname, unique master citizen number (hereinafter:UMCN), occupation, place of residence and residential address; and the first name, surname, UMCN, place of residence and residential address, telephone number, email address and signature of the person submitting the candidate nomination.

Documentation to Accompany the Candidate Nomination

Article 14

Along with the candidate nomination, the following documentation shall also be submitted to the Republic Electoral Commission:

1) the candidate's written consent to accept the nomination for President of the Republic, on the form prescribed by the Republic Electoral Commission, containing the candidate's first name, surname, UMCN, occupation, place of residence and residential address;

2) a document containing the data read from the identity card with a microcontroller (chip), or a photocopy of an identity card without a microcontroller, for the candidate;

3) at least 10,000 written statements by voters supporting the candidate nomination, on the form prescribed by the Republic Electoral Commission, certified

before the expiry of the time limit for submitting the candidate nomination and containing the surname, first name, UMCN, place of residence and residential address of each voter;

4) a list, in electronic form and on the form prescribed by the Republic Electoral Commission, of the voters who signed the submitted statements supporting the candidate nomination, containing the first name and surname and UMCN of each voter, as well as the details of the certifying officer who certified the signature on the statement;

5) an authorisation to submit the candidate nomination on behalf of a political party if the nomination is not submitted by the representative entered in the Register of Political Parties, given in writing and containing the first name, surname, UMCN, place of residence and residential address of the authorised person;

6) a coalition agreement if the candidate is nominated by a coalition;

7) an authorisation to conclude a coalition agreement on behalf of a political party if the agreement was not concluded by the representative entered in the Register of Political Parties, given in writing and containing the first name, surname, UMCN, place of residence and residential address of the authorised person;

8) an agreement on the formation of a group of citizens if the candidate is nominated by a group of citizens;

9) written consent for the personal name of a natural person or the name of a legal person to be used in the name of the coalition or group of citizens, containing the first name, surname, UMCN, place of residence and residential address of the natural person, or the name and registered office of the legal person giving such consent, where the coalition or group of citizens includes in its name the personal name of that natural person or the name of the legal person and where that natural person has not signed any document submitted with the candidate nomination, the signing of which shall be deemed to constitute consent to the use of their personal name in the name of the coalition or group of citizens.

Withdrawal of a Candidate Nomination

Article 15

The nominator of a candidate may withdraw the candidate nomination no later than the day on which the list of candidates for the election of the President of the Republic is established.

A candidate nomination submitted by a coalition may be withdrawn if all political parties that concluded the coalition agreement consent to such withdrawal, unless otherwise provided by the coalition agreement.

A candidate nomination submitted by a group of citizens may be withdrawn if all voters who formed the group of citizens consent to such withdrawal, unless otherwise provided by the agreement on the formation of the group of citizens.

Within 24 hours, and no later than on the day when the list of candidates for the presidential election is established, the Republic Electoral Commission shall render a decision establishing that the candidate nomination has been withdrawn.

Candidacy Withdrawal

Article 16

A candidate may submit to the Republic Electoral Commission a certified written statement withdrawing from candidacy for President of the Republic no later

than the day on which the list of candidates for the election of the President of the Republic is established.

Within 24 hours, and no later than the day on which the list of candidates for the presidential election is established, the Republic Electoral Commission shall render a decision establishing that the proclaimed candidate has withdrawn.

List of Candidates for the Election of the President of the Republic

Article 17

The Republic Electoral Commission shall render a decision establishing the list of candidates for the election of the President of the Republic and publish it in the "Official Gazette of the Republic of Serbia" no later than 15 days before polling day.

The list of candidates for the election of the President of the Republic shall contain the following information about each candidate:

- 1) first name and surname;
- 2) year of birth;
- 3) occupation;
- 4) name of the nominator.

In the municipality or city in which a national minority language is in official use on the day of calling the elections, in addition to the list of candidates for the election of the President of the Republic printed in the Serbian language using the Cyrillic script, a list of candidates for the election of the President of the Republic shall also be prepared in the language and script of the national minority, using the same font type and size.

Candidates for President of the Republic shall be proclaimed in the order in which nominations of candidates who meet the conditions for proclamation have been submitted.

The order of candidates on the list of candidates for the election of the President of the Republic shall be determined by drawing lots, in the presence of representatives of the nominators of candidates.

The procedure for drawing lots shall be regulated by the Republic Electoral Commission.

No complaint may be lodged against the result of the drawing of lots; instead, the result of the drawing of lots may be challenged by a complaint against the decision establishing the list of candidates for the election of the President of the Republic.

The order of candidates on the ballot paper shall be in line with the order of candidates on the list of candidates for the President of the Republic.

The nominator of a proclaimed candidate may file a complaint with the Republic Electoral Commission against the decision establishing the list of candidates for the President of the Republic, within 48 hours following the publication of this decision on the REC website.

The complaint against the decision establishing the list of candidates for the President of the Republic may not challenge the validity of a proclaimed candidacy.

IV. VOTING AND ESTABLISHING THE ELECTION RESULTS

Ballot paper

Article 18

The ballot paper for the election of the President of the Republic shall contain the following:

- 1) the name of the election and the date of polling;
- 2) the ordinal number placed before the first name and surname of each candidate;
- 3) the first name and surname of the candidate and the name of the candidate's nominator;
- 4) a note that a vote may be cast for only one candidate, by circling the ordinal number placed before the candidate's first name and surname;
- 5) a note that voting is secret, that voting shall take place behind a voting screen and that, after completing the ballot paper, the voter shall fold it so that the way in which it has been completed cannot be seen and shall place the ballot paper, so folded, in the ballot box;
- 6) the imprint of the seal of the Republic Electoral Commission.

Consolidated Report on Voting Results

Article 19

Within 96 hours of the closing of polling stations, the local electoral commission shall compile, for all polling stations located within its territory, and shall without delay submit to the Republic Electoral Commission a consolidated report on voting results containing the number of voters registered in the voter register, the number of voters who turned out to vote, 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 received by each candidate.

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

Where a legal remedy has been filed due to irregularities in the conduct of voting at a polling station, or where a legal remedy has been filed against a decision establishing that the voting results cannot be established at the polling station, or against a decision annulling the voting at a polling station, the time limit for compiling and forwarding the consolidated report on voting results shall start running from the date when the decisions on all legal remedies lodged have been delivered to the local electoral commission.

Where repeat voting is conducted at individual polling stations, the time limit for compiling and forwarding the consolidated report on 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 delivered to the local electoral commission.

Where a request has been submitted for a sample-based audit of the result protocols of polling boards, the time limit for compiling and forwarding the consolidated report on voting results shall be calculated from the completion of the audit of the result protocols of the polling boards.

The nominator of a proclaimed candidate and a voter registered in the electoral register at a polling station located within the territory of the local electoral commission

may lodge a complaint with the Republic Electoral Commission against the consolidated report on voting results within 72 hours of the publication of the consolidated report on the Commission's website.

The nominator of a proclaimed candidate and a voter registered in the electoral register at a polling station abroad may lodge a complaint with the Republic Electoral Commission against the consolidated report on voting results abroad within 72 hours of the publication of the consolidated report on the Commission's website.

General Report on the Election Results

Article 20

Within 96 hours of receiving all consolidated reports on voting results, the Republic Electoral Commission shall adopt and publish, for all polling stations, a General Report on the Election Results containing the number of voters registered in the voter register, the number of voters who turned out to vote, the number of voters who voted, the number of invalid ballot papers, the number of valid ballot papers and the number of votes received by each candidate.

The number of voters who cast their vote shall be established based on the number of ballot papers found in the ballot boxes.

Where a legal remedy has been filed against a consolidated report on voting results, the time limit for adopting and publishing the General Report on the election results shall be calculated from the date on which the decision on the legal remedy has been delivered to the Republic Electoral Commission.

The nominator of a proclaimed candidate and a voter may lodge a complaint with the Republic Electoral Commission against the General Report on the election results within 72 hours of the publication of the General Report on the Commission's website.

Candidate Elected President of the Republic

Article 21

A candidate who has received a majority of the votes cast shall be elected President of the Republic.

Repeat Voting

Article 22

If no candidate receives a majority of the votes cast, the Republic Electoral Commission shall, within three days from the date on which the General Report on the Election Results becomes final, render a decision ordering repeat voting to be held within 15 days from the date of adoption of that decision on repeat voting.

Where an appeal has been lodged against the decision ruling on a complaint against the General Report on the Election Results, the time limit for rendering the decision on repeat voting shall be calculated from the date on which the decision on the appeal has been delivered to the Republic Electoral Commission.

The day of repeat voting shall be determined by the Republic Electoral Commission by decision, which shall be published in the "Official Gazette of the Republic of Serbia".

Repeat voting shall be held on a non-working day.

Candidates Participating in Repeat Voting

Article 23

The two candidates who received the highest number of votes in the first round of voting shall participate in the repeat voting.

More than two candidates shall participate in the repeat voting:

if more than two candidates share first place;

if one candidate has won the first place, and two or more candidates share second place.

The candidate who received the highest number of votes cast in the first round of voting, shall be listed first on the ballot paper in the repeat voting.

The order of candidates who received the same number of votes shall be established according to their order in the first round of voting.

Polling Board Responsible for Conducting Repeat Voting

Article 24

Repeat voting shall be conducted by the same polling board in its standing composition.

The polling board in its extended composition conducting repeat voting shall consist of members and substitute members appointed upon the nomination of the nominators of the candidates participating in the repeat voting.

At the request of an authorised nominator, a member or substitute member of the polling board may be replaced no later than three days before the day of repeat voting.

If the nominator of a candidate participating in the repeat voting did not nominate a member or substitute member of the polling board in its extended composition, the nominator shall have the right to nominate them for conducting the repeat voting.

Observers Monitoring Repeat Voting

Article 25

The authorisation issued by the Republic Electoral Commission for observing the work of election management bodies shall also be valid for repeat voting.

An applicant for accreditation as an observer shall have the right to replace their representative for observing repeat voting and, if they have not registered a representative to observe the work of an election management body, may register a representative for observing repeat voting.

Candidate Elected President of the Republic in Repeat Voting

Article 26

In repeat voting for President of the Republic, the candidate who receives the highest number of votes shall be elected.

If the candidates receive the same number of votes in repeat voting, the vote shall be repeated within 15 days following the date of adoption of the decision ordering repeat voting.

Loss of a Candidate's Suffrage between the First and Repeat Voting

Article 27

Should a candidate lose their suffrage in the period between the first and repeat voting, the entire electoral procedure shall be repeated.

V. CONCURRENT PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

Coordinated Conduct of Elections

Article 28

If elections for President of the Republic (hereinafter: presidential election) and elections for Members of Parliament (hereinafter: parliamentary election) are held on the same day, voting shall take place at the same polling stations and shall be conducted by the same polling boards.

Election Material

Article 29

The ballot papers and the control sheets used to verify the integrity of the ballot boxes for the presidential election and the parliamentary election shall not be of the same colour.

Separate extracts from the voter register and separate ballot boxes shall be provided for each polling station for the presidential election and the parliamentary election.

Separate bags for packing the election material for the presidential election and the parliamentary election shall be provided for each polling station and shall not be of the same colour.

Notice of Voting

Article 30

If the presidential election and the parliamentary election are held on the same day, the municipal or city administration shall deliver one notice of voting to each voter.

Election Management Bodies in Their Extended Composition

Article 31

Each nominator of a proclaimed candidate or submitter of a proclaimed electoral list of candidates for Members of Parliament (hereinafter: electoral list) shall have the right to nominate a member and a substitute member of an election management body in its extended composition.

A political party, coalition or group of citizens that is both the nominator of a proclaimed candidate and the nominator of a proclaimed electoral list may nominate only one member and one substitute member to the election management bodies in their extended composition.

Assessment of the Identity of Coalitions and Groups of Citizens

Article 32

Whether a coalition and a group of citizens are the same entity in terms of nominating a member and substitute member to election management bodies in the extended composition shall not be assessed according to the name of the coalition, or the group of citizens, but according to the signatories to the coalition agreement, or the agreement establishing the group of citizens.

A coalition that is the nominator of a proclaimed candidate and a coalition that is the nominator of a proclaimed electoral list shall be deemed to be the same coalition if more than half of the same political parties formed both coalitions.

A group of citizens that is the nominator of a proclaimed candidate and a group of citizens that is the nominator of a proclaimed electoral list shall be deemed to be the same group of citizens if more than half of the same voters formed both groups of citizens.

Procedure Where a Political Party Participates Independently in One Election and in a Coalition in Another

Article 33

If two or more political parties stand for one election independently, and for the other within a coalition, each of them shall have the right to nominate one member and one substitute member to an election management body in its extended composition.

Position of a Member of an Election Management Body in Its Extended Composition

Article 34

A member of an election management body in its extended composition appointed upon the nomination of a political party, coalition or group of citizens standing for one election may vote only on decisions of the election management body that are common to both electoral procedures (e.g. designation of polling stations, establishing the polling board in its standing composition) and that concern only the electoral procedure in which their nominator participates.

VI. TRANSITIONAL PROVISIONS

Temporary Increase in the Number of Members of Election Management Bodies in the Standing Composition

Article 35

The first presidential election called after the entry into force of this Law shall be conducted by the Republic Electoral Commission, whose standing composition shall include, in addition to the members and substitute members appointed pursuant to the law governing the election of Members of Parliament, a further six members and their substitutes appointed by the National Assembly upon the nomination of the President of the National Assembly within seven days from the entry into force of this Law. Their term of office shall last until the General Report on the Election Results becomes final.

The first presidential election called after the entry into force of this Law shall be conducted with the participation of local electoral commissions whose standing composition shall include, in addition to the members and substitute members appointed pursuant to the provisions of the law governing local elections, one

additional member and one substitute member appointed by the Republic Electoral Commission upon the nomination of the President of the National Assembly. Their term of office shall last until the Consolidated Report on Voting Results becomes final.

The first presidential election called after the entry into force of this Law shall be conducted with the participation of polling boards whose standing composition shall include, in addition to the members and substitute members appointed pursuant to the provisions of the law governing the election of Members of Parliament, one additional member and one substitute member appointed by the Republic Electoral Commission upon the nomination of the President of the National Assembly

If the first presidential election called after the entry into force of this Law is held on the same day as the parliamentary election, members of election management bodies in the standing composition appointed upon the nomination of the President of the National Assembly to conduct the parliamentary election shall participate in the work of the election management bodies conducting the presidential election.

VII. FINAL PROVISIONS

Law Repealed

Article 36

On the day this Law enters into force, the Law on the Election of the President of the Republic ("Official Gazette of the Republic of Serbia", Nos. 111/07 and 104/09 – other law) shall cease to have effect.

Entry into Force

Article 37

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