

# **LAW ON THE ELECTION OF THE PRESIDENT OF THE REPUBLIC**

## **I. GENERAL PROVISIONS**

### **Scope of the Law**

#### Article 1

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

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

### **Core principles of the election for the President of the Republic**

#### Article 2

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

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 over whom parental rights have not been extended, or who has not been wholly divested of legal capacity shall have the right to vote and to stand as a candidate at election for the President of the Republic. A person partly divested of legal capacity may vote and stand for election for the President of the Republic, 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

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

No one has the right to prevent or force a voter to vote, to take him/her 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.

### **Authority to conduct the election**

#### Article 5

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

### **Funds for conducting elections**

#### Article 6

Funds for conducting the 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.

## **Analogous application of other laws**

### Article 8

The provisions of the Law governing the election for Members of Parliament shall apply accordingly 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 accordingly 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 administrative dispute shall apply accordingly to deciding on an appeal against a decision of the Republic Electoral Commission on the complaint.

## **II. CALLING THE ELECTIONS**

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

#### Article 9

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

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

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

#### Article 10

The decision on calling the elections shall be made 90 days prior to the end 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 in a manner ensuring that it 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 be terminated before the expiration of the term for which he/she has been elected, the election shall be called in a manner ensuring that it is held no later than three months following the day when the term of office of the President of the Republic ended.

From the day of calling the election until the polling day at least 30 and no more than 60 days may elapse.

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

#### Article 11

The decision on calling the elections shall state the date of the polling day.

The polling day shall be a non-working day.

### III. NOMINATION OF CANDIDATES FOR THE PRESIDENT OF THE REPUBLIC

#### **Nominator of the candidate for the President of the Republic**

##### Article 12

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

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

#### **Deadline for the submission of the nomination of a candidate and its contents**

##### Article 13

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

The nomination of a candidate shall contain the name of the nominator, the name, surname, unique master citizen number (hereinafter: UMCN), occupation, place and address of residence of the candidate, as well as the name, surname, UMCN, place and address of residence, telephone number, e-mail address and signature of the person submitting the nomination of a candidate.

#### **Documentation to accompany the nomination of a candidate**

##### Article 14

Along with the nomination of a candidate, the following documents must be submitted to the Republic Electoral Commission:

1) Written consent of the candidate, confirming that he/she accepts the candidacy for the President of the Republic, on a form prescribed by the Republic Electoral Commission, containing his/her name, surname, UMCN, occupation, place and address of residence;

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

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

4) A list of voters who signed the submitted statements of voters supporting the nomination of the candidate in the electronic form, on the form prescribed by the Republic Electoral Commission, which shall contain the surname, name and UMCN of each voter, and data on the certifying authority that certified the signatures on the statements;

5) Authorisation to submit the nomination of a candidate on behalf of a political party, if it is not submitted by its representative registered 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;

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

7) Authorisation to conclude a coalition agreement on behalf of a political party, if it has not been concluded by its representative registered 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;

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

9) 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 that natural person, or the name of a legal entity and if that natural person has not signed another document submitted along with the electoral list, and whose signature is considered a consent to use his/her personal name in the name of the coalition or group of citizens.

### **Withdrawal of the nomination of a candidate**

#### **Article 15**

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

The nomination of a candidate submitted by a coalition may be withdrawn if all political parties that have concluded the coalition agreement so agree, unless otherwise stipulated by the coalition agreement.

The nomination of a candidate submitted by a group of citizens may be withdrawn if all voters who have formed the group of citizens so agree, unless otherwise stipulated by the agreement on the formation of a group of citizens.

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

### **Candidacy withdrawal**

#### **Article 16**

A candidate may file a certified written statement to the Republic Electoral Commission withdrawing his/her candidacy for the President of the Republic no later than on the day when the list of candidates for the election of the President of the Republic is established.

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

### **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 the polling day.

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

1) name and surname;

- 2) year of birth;
- 3) occupation;
- 4) name of the nominator.

In the municipality / 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 and in Cyrillic script, a list of candidates for the election of the President of the Republic in the language and script of the national minority shall be made as well, using the same font type and size.

Nominations of candidates for the 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 of lots shall be regulated by the Republic Electoral Commission.

No complaints shall be allowed against the results of the drawing of lots, but the result of the drawing of lots may be challenged by filing a complaint against the decision determining the list of candidates for the President of the Republic.

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

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

The complaint against the decision establishing the list of candidates for the President of the Republic may not contest the validity of the proclaimed nomination of the candidate.

#### IV. VOTING AND DETERMINATION OF 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 voting;
- 2) ordinal number placed in front of the name and surname of the candidate;
- 3) the name and surname of the candidate and name of the candidate's nominator;
- 4) a note that the voter should vote for one candidate only, by circling the ordinal number in front of his/her name and surname;
- 5) a note that voting is secret, that the voter should vote behind the voting screens, 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.

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

###### Article 19

Within 96 hours from the closing of polling stations, the local electoral commission shall compile a consolidated report on the results of voting from all polling stations located

within its territory, containing the following: 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 received by each candidate, and forward it, without delay, to the Republic Electoral Commission.

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

If a legal remedy has been filed due to irregularities during the conduct of voting at a polling station, or if a legal remedy has been filed against the decision establishing that the voting results cannot be determined at the polling station, or the decision annulling voting at a polling station, the deadline for compiling and forwarding the consolidated report on the results of voting shall start running from the date when the decisions on all filed legal remedies are delivered to the local electoral commission.

If repeat voting is conducted at certain polling stations, the deadline for compiling and forwarding a consolidated report on the results of voting 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.

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

Against the consolidated report on the results of voting, the nominator of the proclaimed candidate and the voter registered in the electoral roll at a polling station located within the territory of the local electoral 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 nominator of the proclaimed candidate and the voter registered in the electoral roll at a 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.

## **General elections report**

### *Article 20*

Within 96 hours from the receipt of all consolidated reports on voting results, the Republic Electoral Commission shall render and publish general elections report for all polling stations, 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 received by each candidate.

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

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

Against the general elections report, the nominator of the proclaimed candidate and the voter may file a complaint with the Republic Electoral Commission within 72 hours following the publication of the general elections report on the website.

## **Candidate elected as President of the Republic**

### **Article 21**

The candidate who receives the majority of 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 day when the general elections report became final, issue a decision ordering a repeat vote within 15 days following the date of issuing this decision on repeat voting.

If the appeal has been filed against the decision on the complaint against general elections report, the deadline for issuing the decision on repeat voting shall start running from the day when the decision on the appeal is delivered to the Republic Electoral Commission.

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

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

### **Candidates in the repeat voting**

#### **Article 23**

The two candidates who receive the largest number of votes cast shall participate in the repeat voting.

More than two candidates shall participate in the repeat voting:

- 1) if more than two candidates share the first place;
- 2) if one candidate has won the first place, and two or more candidates share the second place.

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

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

### **Polling board responsible for conducting a repeat voting**

#### **Article 24**

A repeat voting shall be conducted by the same polling board in the standing composition.

A polling board in the extended composition that conducts a repeat voting shall consist of members and deputy members appointed at the proposal of the nominators of candidates who participate in the repeat voting.

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

If the nominator of a candidate who participates in the repeat voting does not propose a member / deputy member of the polling board in the extended composition, he/she shall have the right to propose them for conducting the repeat voting.

### **Observers monitoring the repeat voting**

#### Article 25

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

The submitter of the observer application shall have the right to replace its representative for observing the repeat voting, or if it did not have a representative observing the work of a certain electoral management body, it may submit an application to observe the repeat voting.

### **Candidate elected as President of the Republic in the repeat voting**

#### Article 26

The candidate who receives the largest number of votes cast in the repeat voting for the President of the Republic, shall be elected.

If the candidates receive equal number of votes in the repeat voting, the vote shall be repeated within 15 days following the day of rendering the decision on the repeat voting.

### **Loss of a candidate's right to vote between the first and repeat voting**

#### Article 27

Should a candidate lose his/her right to vote in the period between the first and repeat voting, the entire election process shall be repeated.

## **V. SIMULTANEOUS = ELECTION FOR THE PRESIDENT OF THE REPUBLIC AND ELECTIONS FOR MEMBERS OF PARLIAMENT**

### **Coordinated conduct of elections**

#### Article 28

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

### **Election material**

#### Article 29

Ballot papers, as well as control lists for the election for the President of the Republic and the elections for Members of Parliament, may not be of the same colour.

Separate excerpts from the electoral roll and separate ballot boxes for the election for the President of the Republic and for the elections for Members of Parliament shall be provided for each polling station.

Separate storage bags for election material for the election for the President of the Republic and for the elections for Members of Parliament, which may not be the same colour, shall be provided for each polling station.

### **Invitation to vote**

#### Article 30



If the election for the President of the Republic and the elections for Members of Parliament are held on the same day, the municipal / city administration shall send to each voter a single invitation to vote.

### **Electoral management bodies in the extended composition**

#### Article 31

Each nominator of the proclaimed candidate and the submitter of the proclaimed electoral list of MP candidates (hereinafter: electoral list) shall have the right to propose a member and a deputy member to an electoral management body in the extended composition.

A political party, coalition or a group of citizens that is both the nominator of the proclaimed candidate and the submitter of the proclaimed electoral list may nominate only one member and one deputy member to an electoral management body in the extended composition.

### **Assessment of the identity of coalitions or citizens' groups**

#### Article 32

Whether a coalition and a group of citizens are the same entity in terms of nominating a member and deputy member to electoral 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 of the coalition agreement, or agreement establishing the group of citizens.

The coalition that is the nominator of the proclaimed candidate and the coalition that is the submitter of the proclaimed electoral list shall be deemed to be the same coalition if both have been established by more than half of the same political parties.

The group of citizens that is the nominator of a proclaimed candidate and the group of citizens that is the submitter of a proclaimed electoral list shall be deemed the same group of citizens if both have been established by more than half of the same voters.

### **Treatment of a political party that participates in one election independently, and in the other within a coalition**

#### Article 33

If two or more political parties stand for one election independently, and in others they stand for elections in a coalition, each of them shall have the right to nominate one member and one deputy member to an electoral management body in the extended composition.

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 deputy member to an electoral management body in the extended composition

### **Position of a member of an electoral management body in the extended composition**

#### Article 34

A member of an electoral management body in the extended composition appointed at the proposal of a political party, coalition, or group of citizens standing for one election may vote only for those decisions of the electoral management body that are common for both

election procedures (such as designation of polling stations, formation of a polling board in the standing composition) and which relate only to the election procedure in which his/her nominator participates.

## VI. TRANSITIONAL PROVISIONS

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

#### Article 35

The first election for the President of the Republic to be called after this Law enters into force shall be conducted by the Republic Electoral Commission, whose standing composition, in addition to members and deputy members appointed on the basis of the Law governing parliamentary elections, shall also include six more members and their deputies, appointed by the National Assembly on 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 elections report becomes final.

The standing composition of local electoral commissions that will participate in carrying out the first election for the President of the Republic to be called after this Law enters into force, shall include, in addition to members and deputy members appointed on the basis of the Law governing local elections, also a member and a deputy member appointed by the Republic Electoral Commission on the proposal of the Speaker of the National Assembly, and their term of office shall last until the consolidated report on voting becomes final.

The standing composition of polling boards that will participate in carrying out the first election for the President of the Republic to be called after this Law enters into force, shall include, in addition to members and deputy members appointed on the basis of the Law governing elections for Members of Parliament, also one more member and a deputy member appointed by the Republic Electoral Commission on the proposal of the Speaker of the National Assembly.

If the first election for the President of the Republic to be called after this Law enters into force is held on the same day as elections for Members of Parliament, members of the electoral management bodies in standing composition appointed on the proposal of the Speaker of the National Assembly to conduct elections for Members of Parliament shall also participate in the work of electoral management bodies conducting the election for the President of the Republic.

## VII. FINAL PROVISIONS

### **Regulation that is 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 RS”, nos. 111/07 and 104/09 - other law) shall cease to apply.

### **Entry into Force of the Law**

#### 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".