

L A W

ON LOCAL ELECTIONS¹

I. GENERAL PROVISIONS

Subject matter

Article 1

This Law shall regulate the election and termination of term of office of councillors of assemblies of local self-government units (hereinafter: councillors).

Councillors shall be elected for a term of four years.

Core principles of the local elections

Article 2

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

Elections for councillors (hereinafter: local elections) shall be free and direct, and voting shall be carried out by secret ballot in person.

Electoral right

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, with permanent residency in the territory of the local self-government unit in which he/she exercises the right to vote, shall have the right to vote and to stand for election as a councillor.

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

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.

Equal electoral right and proportional electoral system

Article 5

Each voter shall have only one vote.

¹ "Official Gazette of the RS", Nos. 14/22 and 35/24

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

Councillors shall be elected in a local self-government unit as a single constituency.

Councillor seats shall be allocated 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.

Councillor seats won by an electoral list shall be allocated to candidates for councillors in 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 programmes and activities of nominators of electoral lists, as well as about candidates for councillors in accordance with the regulations governing public service media and electronic media.

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

It shall be forbidden, 48 hours before the polling day and on the polling day until the closing of polling stations, to publish estimates of election results, publicly present election candidates and their electoral programmes, 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, the media means dailies and periodicals, news agency services, radio and television programmes 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.

Funds for conducting elections

Article 7

Funds for conducting local elections shall be provided in the budget of the local self-government unit.

The electoral commission of the local self-government unit (hereinafter: the electoral commission) shall determine remunerations for the work in the authorities responsible for conducting elections and other expenditures in the conduct of elections.

Analogous application of another law

Article 8

The provisions of the Law governing the election of Members of Parliament shall apply accordingly to local elections in matters not specifically regulated by this Law.

The provisions of the Law governing general administrative procedure shall apply accordingly to deciding on complaints.

The provisions of the law governing administrative disputes shall apply accordingly to adjudication of appeals against decisions of the electoral commission on complaints and appeals against decisions of the Assembly of the local self-government unit (hereinafter: assembly).

II. AUTHORITIES RESPONSIBLE FOR CONDUCTING LOCAL ELECTIONS

1. Common rules regarding authorities responsible for conducting local elections

Competence for conducting local elections

Article 9

Local elections shall be conducted by the electoral commission and polling boards.

General rules on the status of the authorities responsible for conducting local elections

Article 10

The authorities responsible for conducting local elections (hereinafter: local 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.

Local electoral management bodies shall report about their work to the authority which has established them.

The work of the local electoral management bodies shall be public.

A candidate for councillor may not attend the work of local electoral management bodies.

The conditions for the work of local electoral management bodies shall be provided by the municipal or city administration.

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

Members and substitute members of local electoral management bodies

Article 11

A local electoral management body shall be composed of a Chairperson, other members of the local electoral management body, and their substitutes.

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

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

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

A local electoral management body may authorise its member or substitute member to perform, on its behalf, certain activities related to the organisation, preparation and carrying out of elections, i.e. voting.

Standing and extended composition of local electoral management bodies

Article 12

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

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

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

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

General rules on the nomination of members/substitute members of local electoral management bodies

Article 13

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

The nomination of candidates for members/substitute members of local electoral management bodies shall include the name and surname of nominated member/substitute member, his/her unique master citizen number (hereinafter: UMCN), place and address of residence, telephone number and e-mail address, and designation of the councillors' group in the assembly of the local self-government unit (hereinafter: councillors' group) or of other authorised nominator.

Decision-making by local electoral management bodies

Article 14

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

Eligibility for membership in local electoral management bodies

Article 15

Only a person who has the electoral right and permanent residence in the territory of a local self-government unit, and who is neither a councillor nor a candidate for councillor, may be appointed as a member or substitute member of a local electoral management body.

Termination of office in a local electoral management body

Article 16

The office of a member or substitute member of a local 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*:

- 1) if he/she dies;
- 2) if he/she be disfranchised;
- 3) if his/her residence in the territory of the local self-government unit has ceased;
- 4) when the electoral list on which he/she is a candidate for councillor is proclaimed;
- 5) if the nominator of the electoral list who has nominated him/her, withdraws the electoral list;
- 6) if the decision on the proclamation of the electoral list whose nominator has nominated him/her is annulled;
- 7) if he/she has been sentenced to a term of imprisonment of at least six months by a final court decision;
- 8) if he/she has been deprived of his/her legal capacity;
- 9) in other cases stipulated by law.

A member or substitute member of a local electoral management body shall be dismissed by the body responsible 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 this Law.

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

A decision of a local 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 pursued in a timely manner.

A special case of termination of office

Article 17

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

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

2. Electoral commissions

Electoral commission in the standing composition

Article 18

The electoral commission in the standing composition shall consist of:

- 1) Chairperson, six members, Deputy Chairperson and six substitute members, in the local self-government unit with a maximum of 50,000 registered voters;
- 2) Chairperson, eight members, Deputy Chairperson and eight substitute members, in the local self-government unit with a maximum of 100,000 registered voters;
- 3) Chairperson, ten members, Deputy Chairperson and ten substitute members, in the local self-government unit with a maximum of 500,000 registered voters;
- 4) Chairperson, 12 members, Deputy Chairperson and 12 substitute members in the local self-government unit with more than 500,000 registered voters.

Chairperson, members, Deputy Chairperson and substitute members of the electoral commission shall be appointed by the Assembly.

Decision on the appointment of members and substitute members of the electoral commission shall be published on the website of the Republic Electoral Commission (hereinafter: the website).

The term of office of the standing composition of the electoral commission shall cease when the assembly appoints a new standing composition of the electoral commission.

The assembly in its new term of office shall appoint a new standing composition of the electoral commission within six months following the day of the constitution of the assembly.

Special condition for the appointment of the Chairperson and Deputy Chairperson to the electoral commission

Article 19

Only a person with a BA degree in law may be appointed a Chairperson or Deputy Chairperson of the electoral commission.

Authorised nominator for the appointment of members and substitute members to electoral commissions in the standing composition

Article 20

Members and substitute members of the electoral commission in the standing composition shall be appointed upon nomination of councillors' groups proportionately to their representation in the total number of councillors belonging to councillors' groups.

No councillors' group may nominate more than half of the members and substitute members to the electoral commission in the standing composition.

A councillors' group that has more than half of the total number of councillors shall nominate the Chairperson, Deputy Chairperson, members, whose number, altogether including the Chairperson, shall not be higher than half of the total number of members of the electoral commission, and substitute members, whose number, altogether including the Deputy Chairperson, shall not be higher than half of the total number of substitute members of the electoral commission, while the remaining members and substitute

members of the electoral commission in the standing composition shall be nominated by other councillors' groups proportionately to their representation in the total number of councillors belonging to councillors' groups.

A single councillor or councillors' groups which have less than the number of councillors required to form a councillors' group shall also be deemed a councillors' group for the purpose of nominating members/substitute members of the electoral commission in the standing composition:

- 1) if all such councillors 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 councillors' group;
- 3) if none of them has joined any councillors' group;
- 4) if all such councillors have signed a proposal for the appointment of a member/substitute member of the electoral commission in the standing composition.

Where there is only one councillors' group in the assembly, it shall nominate: Chairperson, Deputy Chairperson, members, whose number, altogether including the Chairperson, shall not be greater than half of the total number of members of the electoral commission, and substitute members, whose number, altogether including Deputy Chairperson, shall not be greater than half of the total number of substitute members of the electoral commission, while the remaining members and substitute members of the electoral commission shall be nominated by the head of the municipal or city administration from among the employees in the municipal or city administration who have experience in conducting elections.

Where there are two councillors' groups in the assembly, the larger councillors' group shall nominate the Chairperson, Deputy Chairperson, members, whose number, altogether including the Chairperson, shall not be higher than half of the total number of members of the electoral commission, and substitute members, whose number, altogether including the Deputy Chairperson, shall not be higher than half of the total number of substitute members of the electoral commission, while the head of municipal or city administration shall nominate one member and one substitute member from among the employees in the municipal or city administration who have experience in conducting elections, while the remaining members and substitute members of the electoral commission shall be nominated by the smaller councillors' group.

Appeal against the decision on appointment of members and substitute members to electoral commissions in standing composition

Article 21

Against the decision appointing members and substitute members to the electoral commission in its standing composition, every nominator of the electoral list which has won seats in the current term of office of the assembly may file an appeal with the higher court in whose territorial jurisdiction the assembly is seated, within seven days of its publication on the website.

The appeal shall be filed through the assembly, which shall forward the appeal and all the necessary files to the higher court within 24 hours of receiving the appeal.

The higher court shall render a decision on the appeal within seven days of receiving the appeal and the related files.

The decision rendered in the appeal proceedings shall be final, and no extraordinary legal remedies provided for by the law governing administrative disputes may be pursued against it.

Participants in the work of electoral commissions without the right to make decisions

Article 22

Participants in the work of an electoral commission without the right to make decisions shall be the Secretary of the electoral commission and the Deputy Secretary of the electoral commission.

The Secretary and Deputy Secretary of the electoral commission shall be appointed by the assembly at the proposal of the President of the Assembly.

The assembly's Secretary and Deputy Secretary, the head of the municipal or city administration, the deputy head of the municipal or city administration, or a person from the ranks of employees in the municipal or city administration holding a university degree in law may be appointed as a Secretary or Deputy Secretary of electoral commissions.

The provisions of this Law governing the termination of office in the electoral management body shall also accordingly apply to both the Secretary and the Deputy Secretary of the electoral commission.

Electoral commission in the extended composition

Article 23

A member/substitute member of the electoral commission in the extended composition shall be appointed by the electoral commission upon nomination by the nominator of the proclaimed electoral list, which must be submitted no later than seven days before the polling day.

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

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

A member/substitute member of the 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 nominator of the proclaimed electoral list upon whose nomination he/she was appointed only while the electoral commission works in the extended composition.

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

Complaint against the decision on the nomination of a member/substitute member of the electoral commission in the extended composition

Article 24

Against the decision dismissing or rejecting the nomination of a member/substitute member of the electoral commission in the extended composition, the nominator may file

a complaint with the electoral commission within 48 hours following the publication of that decision on the website.

Against the decision on the appointment of a member/substitute member to the electoral commission in the extended composition, the nominator of the proclaimed electoral list, the registered political party and a voter may file a complaint with the electoral commission within 48 hours following the publication of that decision on the website.

Competences of electoral commissions

Article 25

Electoral commissions shall:

- 1) ensure lawful conduct of local elections;
- 2) organise technical preparation for local elections;
- 3) publish a calendar of electoral activities;
- 4) prescribe forms for conducting electoral activities;
- 5) appoint, dismiss and establish termination of office of a member/substitute member of the authority responsible for conducting elections;
- 6) issue a decision proclaiming, dismissing or refusing to proclaim an electoral list, as well as a conclusion ordering the nominator of the electoral list to rectify deficiencies in the electoral list;
- 7) issue a decision establishing that a proclaimed electoral list has been withdrawn;
- 8) issue a decision establishing that the position of a candidate for councillor on the electoral list remains vacant;
- 9) designate polling stations;
- 10) provide election material for conducting local elections;
- 11) determine the form, layout and colour of ballot papers and control sheets for the validation of the ballot box;
- 12) determine the number of ballot papers to be printed, as well as the number of spare ballot papers;
- 13) approve the printing of ballot papers and oversee their printing;
- 14) regulate the manner of handover of the election material before and after the voting;
- 15) provide information to voters on whether their vote has been recorded in the extract from the voter register;
- 16) submit data to the authorities in charge of gathering and processing statistical data;
- 17) decide on complaints, in accordance with this Law;
- 18) establish at its session the preliminary results of local elections for all polling stations that have been processed within 24 hours following the closing of polling stations;
- 19) establish election results, render and publish general report on the election results;
- 20) submit to the assembly a report on the conducted elections;
- 21) also perform other tasks stipulated by this Law.

The forms required for the registration of electoral lists shall be prescribed by electoral commissions within three days following the day when the decision on calling the elections came into force.

Electoral commissions shall adopt their Rules of Procedure and publish them on the website.

In their work, electoral commissions shall accordingly apply the instructions and other acts of the Republic Electoral Commission relating to the election of Members of Parliament.

Publication of decisions of electoral commissions

Article 26

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

The dates and times of publication of the decisions must be stated on the website.

When making and publishing decisions upon requests, electoral commissions shall inform requesters by phone or e-mail that the decision on their request has been made and published on the website.

Where the decision of an 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 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 was made and published, and/or when a written copy of the decision was delivered to him/her at the seat of the electoral commission, or sent to him/her by mail shall not affect counting of time within which legal remedies may be pursued against that decision.

3. Polling boards

Appointment and term of office of polling board members and substitute members

Article 27

Members and substitute members of a polling board shall be appointed no later than ten days before polling day.

A proposal for the appointment of members and substitute members of polling boards shall be submitted no later than 15 days before polling day.

The term of office of a member or a substitute 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 are verified, as well as in other cases stipulated by law.

Polling boards in the standing composition

Article 28

A polling board in the standing composition shall consist of a Chairperson, two members, a Deputy Chairperson and two substitute members appointed by the electoral commissions upon nomination by councillors' groups.

The procedure for nominating members and substitute members of a polling board in the standing composition shall be prescribed by the electoral commission.

When nominating a candidate for the Chairperson and Deputy Chairperson of the polling board, the councillors' 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 a polling board in the standing composition

Article 29

The number of Chairpersons, Deputy Chairpersons, members and substitute members of all polling boards in the standing composition belonging to a councillors' group must be proportionate to its representation in the assembly on the day when the decision calling the local elections came into force.

A councillors' group which, on the day when the decision calling the local elections came into force, had more than half of the total number of councillors, shall nominate in one half of the polling boards a Chairperson and two substitute members, and in the other half of the polling boards it shall nominate a Deputy Chairperson, one member and another member's substitute, while the remaining positions in the polling boards shall be allocated to other councillors' groups proportionately to their representation in the assembly on the day when the decision calling the local elections came into force.

No councillors' 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 electoral commissions shall prescribe and timely publish on the website the order of positions according to which councillors' groups shall nominate members and substitute members to polling boards in the standing composition.

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

- 1) if all such councillors 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 councillors' group;
- 3) if none of them has joined any councillors' group;
- 4) if all such councillors have signed the nomination of a member or substitute member of the polling board in the standing composition.

Nomination of a member and a substitute member of the polling board in its standing composition

Article 30

A councillors' group shall submit a nomination for a member and a substitute member of the polling board in its standing composition to the electoral commission using the prescribed form.

Should a councillors' group fail to submit a nomination for a member or a substitute member of the polling board in its standing composition within the prescribed time limit,

the electoral commission shall appoint to the polling board in its standing composition a person nominated by the head of the municipal or city administration.

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

Polling board in its extended composition

Article 31

The electoral commission shall appoint a member and a substitute member of the polling board in its extended composition upon the nomination of the nominator of a proclaimed electoral list.

The nominator of a proclaimed electoral list shall submit a nomination for a member and a substitute member of the polling board in its extended composition using the form prescribed by the electoral commission.

The electoral commission shall prescribe in greater detail the procedure for nominating a member and a substitute member of the polling board in its extended composition.

Complaint against a decision appointing a member and a substitute member of the polling board

Article 32

A complaint against a decision rejecting or dismissing a nomination for a member or a substitute member of the polling board may be lodged with the electoral commission by the nominating entity within 48 hours of the publication of that decision on the website.

A complaint against a decision appointing a member or a substitute member of the polling board in its standing composition may be lodged with the electoral commission by the nominator of a proclaimed electoral list, a councillors' group or a voter within 48 hours following the publication of that decision on the website.

A complaint against a decision appointing a member or a substitute member of the polling board in its extended composition may be lodged with the electoral commission by the nominator of a proclaimed electoral list or a voter within 48 hours of the publication of that decision on the website.

Replacement of a polling board member

Article 33

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

By way of exception, the chairperson and deputy chairperson of the polling board may be replaced no later than the opening of the polling station for voting if they die, become ill or lose the right to vote.

A decision on the replacement of a member or a substitute member of the polling board shall be adopted by the electoral commission or by a member of the electoral commission authorised by it for that purpose.

III. COURSE OF THE ELECTORAL PROCESS

1. Calling of local elections

Competence to call local elections

Article 34

Local elections shall be called by the Speaker of the National Assembly.

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

Time limits for calling local elections and holding the vote

Article 35

The decision calling local elections shall be adopted no earlier than 150 days and no later than 45 days before the expiry of the term of office of councillors.

The period between the day on which local elections are called and polling day shall be no shorter than 30 days and no longer than 60 days.

Content of the decision calling elections

Article 36

The decision calling elections shall specify polling day.

Polling day shall be a non-working day.

2. Submission of electoral lists

Nominator of an electoral list

Article 37

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

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

Special rule for a group of citizens as the nominator of an electoral list in local elections

Article 38

Voters forming a group of citizens for the purpose of submitting an electoral list to stand in local elections are not required to have their residence in the territory of the local self-government unit in which the elections are held.

Special rule for the list leader in local elections

Article 39

The list leader in local elections may, but is not required to, be a candidate for councillor on that electoral list.

The list leader in local elections is not required to have their residence in the territory of the local self-government unit in which the elections are held.

Time limit for submitting an electoral list and its content

Article 40

An electoral list shall be submitted directly to the electoral commission, in written and electronic form, using the prescribed form, no later than 20 days before polling day.

An electoral list shall contain the name of the nominator of the electoral list, the name of the electoral list, the ordinal number of each candidate for councillor, and, for each candidate for councillor, their first name, surname, UMCN, occupation, place of residence and residential address, as well as the first name, surname, UMCN, place of residence and residential address, telephone number, email address and signature of the person submitting the electoral list.

If an electoral list is submitted by a coalition, the full or abbreviated name of the political party that nominated each candidate for councillor shall be stated in the electoral list.

After an electoral list has been proclaimed, the nominator of the electoral list may not change the order of candidates on the electoral list.

Gender representation on an electoral list

Article 41

An electoral list shall include at least 40% of members of the underrepresented sex, so that, among every five consecutive candidates on the list (the first five places, the next five places, and so on to the end of the list), there shall be three members of one sex and two members of the other sex.

Documentation to be submitted along with an electoral list

Article 42

When submitting an electoral list to the electoral commission, the following documentation shall also be submitted:

- 1) the written consent of each candidate for councillor to accept their candidacy, using the form prescribed by the electoral commission, containing their first name, surname, UMCN, occupation, place of residence and residential address;
- 2) a document containing the electronically read data from the identity card with a microcontroller (chip), or a photocopy of the identity card without a microcontroller, for each candidate for councillor;
- 3) the legally prescribed number of written statements by voters supporting the electoral list, using the form prescribed by the electoral commission, certified before the expiry of the time limit for submitting the electoral list and containing the first name, surname, UMCN, place of residence and residential address of each voter;
- 4) a list, in electronic form and using the form prescribed by the electoral commission, of the voters who signed the submitted statements supporting the electoral list, containing each voter's surname and first name, UMCN, and details of the certifying officer who certified the signature on the statement;

5) the written consent of the list leader to the use of their personal name in the name of the electoral list, containing their first name, surname, UMCN, place of residence and residential address, if the electoral list includes their personal name in its title and they have not signed another document submitted with the electoral list whose signature is deemed to constitute consent to the use of their personal name in the name of the electoral list;

6) the written consent of a legal person to the use of its name in the name of the electoral list, containing the name and seat of the legal person giving that consent;

7) authorisation to submit an electoral list on behalf of a political party, if the list is not submitted by the party's representative registered in the Register of Political Parties. The authorisation shall be given in writing and shall contain the first name, surname, UMCN, place of residence and residential address of the authorised person;

8) a coalition agreement, if the electoral list is submitted by a coalition;

9) authorisation to conclude a coalition agreement on behalf of a political party, if the agreement has not been concluded by the party's representative registered in the Register of Political Parties. The authorisation shall be given in writing and shall contain the first name, surname, UMCN, place of residence and residential address of the authorised person;

10) an agreement on the formation of a group of citizens, if the electoral list is submitted by a group of citizens;

11) the written consent to the use of the personal name of a natural person or the name of a legal person in the name of a coalition or a group of citizens, containing the first name, surname, UMCN, place of residence and residential address of the natural person, or the name and seat of the legal person giving that consent, if the name of the coalition or group of citizens includes that person's personal name or the name of that legal person, and if the natural person has not signed a document submitted with the electoral list whose signature is deemed to constitute consent to the use of their personal name in the name of the coalition or group of citizens.

Number of signatures required to proclaim an electoral list

Article 43

For an electoral list to be proclaimed, it shall be supported by the signatures of:

1) 200 voters in a local self-government unit which, on the day the elections are called, has no more than 20,000 registered voters;

2) 300 voters in a local self-government unit which, on the day the elections are called, has no more than 30,000 registered voters;

3) 500 voters in a local self-government unit which, on the day the elections are called, has no more than 50,000 registered voters;

4) 600 voters in a local self-government unit which, on the day the elections are called, has no more than 70,000 registered voters;

5) 800 voters in a local self-government unit which, on the day the elections are called, has no more than 100,000 registered voters;

6) 1,000 voters in a local self-government unit which, on the day the elections are called, has no more than 500,000 registered voters;

7) 3,000 voters in a local self-government unit which, on the day the elections are called, has more than 500,000 registered voters.

A voter may support only one electoral list by their signature.

If the nominator of an electoral list submits a greater number of valid written statements by voters supporting that electoral list than the number required for its proclamation, the electoral commission shall take into account only the number of signatures required for the proclamation of the electoral list, in alphabetical order of the surnames of the voters who signed the statements supporting that electoral list.

Voters whose written statements supporting an electoral list are not taken into account shall be deemed not to have supported that electoral list, and their written statements supporting another electoral list may be taken into account when deciding on that other electoral list.

Consolidated electoral list

Article 44

The electoral commission shall issue a decision establishing the consolidated electoral list and publish it on the website no later than 15 days before polling day.

The consolidated electoral list shall contain all electoral lists, together with the personal names of all candidates for councillor and details of their years of birth and occupations.

The electoral lists shall be arranged in the consolidated electoral list in the order in which they were proclaimed.

In a local self-government unit where, on the day the elections are called, the language of a national minority is in official use, a consolidated electoral list shall also be produced in that national minority language and script, in the same font style and size as the consolidated electoral list printed in the Serbian language using the Cyrillic script.

The consolidated electoral list shall be prominently displayed at the polling station throughout voting.

IV. VOTING AND ESTABLISHING ELECTION RESULTS

Ballot paper

Article 45

The ballot paper shall contain:

- 1) the name of the election and the polling date;
- 2) ordinal number placed before the name of the electoral list;
- 3) the names of the electoral lists in the order established in the consolidated electoral list, together with the first name and surname of the first candidate on each electoral list;
- 4) a notice stating that voters may vote for only one electoral list, by circling the ordinal number placed before the name of that list;
- 5) a notice stating that voting is secret, that voting takes place behind a voting screen and that, after completing the ballot paper, the voter is required to fold it so that the way in which it has been completed cannot be seen, and to place it, folded in that manner, in the ballot box;
- 6) the imprint of the electoral commission's seal.

Number of copies of the result protocol

Article 46

Result protocols of polling boards shall be drawn up using the prescribed form, which shall be completed in six copies.

The first copy of the result protocol shall be submitted to the electoral commission, the second shall be displayed at the polling station for public inspection, and the remaining four copies shall be handed over to representatives of the electoral lists that received the highest number of votes at the polling station.

Handover of election materials after the closing of the polling station

Article 47

After establishing the voting results, the polling board shall, without delay and no later than 12 hours after the closing of the polling station, submit to the electoral commission the first copy of the result protocol, the extract from the voter register, the sealed envelopes containing the control sheet, unused ballot papers, invalid ballot papers and valid ballot papers, as well as other election materials.

The election materials shall be handed over by the chairperson of the polling board or their deputy.

The election materials shall be received by at least two members of the local electoral commission who have been appointed upon the nomination of different nominators.

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

The municipal or city administration shall be responsible for the safekeeping of the election materials after the completion of the local elections.

Verification of the result protocol

Article 48

During the handover of election materials after the completion of voting, representatives of the polling board and the electoral commission shall verify the result protocol, identify any errors in completing the protocol and draw up a report thereon.

If the election materials have been examined during the verification of the result protocol, the report on the verification of the result protocol shall record the facts established through the examination of the election materials.

The report on the verification of the result protocol shall state whether any objections have been raised by members of the polling board and observers of the work of the polling board.

The electoral commission shall publish all result protocols on the website and, where an error in completing a result protocol has been corrected, it shall also publish the decision correcting the result protocol.

Dealing with minor errors

Article 49

If the result protocol contains obvious clerical errors (minor errors), the electoral commission shall, on the basis of the report on the verification of the result protocol, adopt a decision correcting the result protocol.

The following shall be deemed minor errors:

- 1) where the number of voters registered in the extract from the voter register is not recorded or is recorded incorrectly in the result protocol;
- 2) where the number of voters who turned out to vote is not recorded in the result protocol, while the other results are logically and arithmetically correct;
- 3) where the number of voters who turned out to vote recorded in the result protocol exceeds the number of voters registered in the extract from the voter register, while the other results are logically and arithmetically correct;
- 4) where the total number of ballot papers in the ballot box is not recorded in the result protocol, while the other results are logically and arithmetically correct;
- 5) where the number of valid ballot papers is not recorded in the result protocol, and the sum of the number of invalid ballot papers and the number of votes received by each electoral list individually equals the number of ballot papers in the ballot box.

Dealing with serious errors

Article 50

If the result protocol contains serious logical and arithmetic errors (serious errors), representatives of the polling board and the electoral commission shall, during the verification of the result protocol, also examine the election materials.

On the basis of the report on the verification of the result protocol, the electoral commission shall adopt a decision correcting the result protocol, a decision establishing that the voting results cannot be established at a particular polling station, or a decision annulling the voting at a polling station *ex officio*.

Serious errors shall include, in particular, the following:

- 1) where the number of ballot papers in the ballot box recorded in the result protocol exceeds the number of voters who turned out to vote;
- 2) where the sum of the votes received by each electoral list individually, as recorded in the result protocol, does not equal the number of valid ballot papers, while the sum of the number of invalid ballot papers and the number of valid ballot papers equals the number of ballot papers in the ballot box;
- 3) where the sum of the number of invalid ballot papers and the numbers of votes received by each electoral list individually, as recorded in the result protocol, exceeds the number of voters entered in the extract from the voter register;
- 4) where the number of valid ballot papers recorded in the result protocol does not equal the sum of the votes received by each electoral list individually, while the sum of the number of invalid ballot papers and the numbers of votes received by each electoral list individually equals the number of ballot papers in the ballot box;
- 5) where the number of invalid ballot papers is not recorded in the result protocol, while the sum of the votes received by each electoral list individually is equal to or less than the number of ballot papers in the ballot box;

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

Verification of the result protocol by members and substitute members of the electoral commission

Article 51

A member or substitute member of the electoral commission shall have the right, within 48 hours of the completion of voting, to inspect the election materials from any polling station and to verify whether a voter who provides them with their residential address, UMCN and written consent to such verification has voted.

Request for a sample-based verification of result protocols

Article 52

Upon a request submitted within 48 hours following the closing of the polling stations, the electoral commission shall order a verification of the result protocols of no more than 5% of polling stations by examining the election materials.

A request for a sample-based verification of result protocols may be submitted by a proclaimed opposition electoral list (an electoral list whose nominator has no councillors in the assembly or whose nominator is not part of the assembly majority) which, according to the preliminary election results, has received more than 2% of the votes, and by a proclaimed opposition electoral list of a national minority which, according to the preliminary election results, has received more than 1% of the votes.

If a sample-based verification of result protocols is requested for more than 5% of polling stations, the verification shall be carried out at those polling stations with the highest number of registered voters.

The applicant may lodge a complaint with the electoral commission against a decision rejecting or dismissing a request for a sample-based verification of result protocols within 48 hours of the publication of that decision on the website.

The nominator of a proclaimed electoral list may lodge a complaint with the electoral commission against a decision granting a request for a sample-based verification of result protocols within 48 hours of the publication of that decision on the website.

Sample-based verification of result protocols

Article 53

The electoral commission shall draw up a report on the verification of result protocols carried out and publish it on the website.

Where the verification of result protocols, with regard to the number of votes received by a particular electoral list, establishes that the total discrepancy between the contents of the election materials and the result protocols exceeds 10% across all polling stations verified, the result protocols from a further 5% of polling stations shall be verified.

Where, following the additional verification of result protocols, with regard to the number of votes received by a particular electoral list, it is established that the total

discrepancy between the contents of the election materials and the result protocols exceeds 10% across all polling stations verified, all result protocols shall be verified.

The sample-based verification of result protocols shall be completed when the electoral commission adopts a report confirming that, in the sample verified, the discrepancy between the contents of the election materials and the result protocols does not exceed 10%, or a report on the results of the verification of all polling stations.

Legal consequences of the verification of result protocols

Article 54

Where, during the verification of result protocols carried out by members and substitute members of the electoral commission, or during the sample-based verification of result protocols, it is established that the contents of the election materials do not correspond to the result protocol, the electoral commission shall adopt a decision correcting the result protocol.

Where, during the verification of result protocols carried out by members and substitute members of the electoral commission, or during the sample-based verification of result protocols, it is established that an irregularity has occurred which constitutes grounds for annulling the voting at a polling station *ex officio*, the electoral commission shall adopt a decision annulling the voting at that polling station.

Where there are reasonable grounds to suspect that a significant discrepancy between the contents of the election materials and the result protocol is the consequence of a deliberate and intentional act aimed at establishing false results of the local elections, the electoral commission shall be required to press criminal charges against the members of the polling board with the competent public prosecutor's office.

Inability to establish voting results at a polling station

Article 55

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

- 1) where voting at that polling station has not taken place or has been interrupted and has not resumed;
- 2) where the electoral commission has not received the polling board's result protocol;
- 3) where the result protocol submitted has not been signed by at least three members of the polling board;
- 4) where there are serious logical and arithmetic errors in completing the result protocol which could not be rectified even after inspection of all the election materials from the polling station.

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

The nominator of a proclaimed electoral list and any voter entered in the extract from the voter register for that polling station may lodge a complaint with the electoral commission against a decision establishing, *ex officio*, that the voting results cannot be established at

a polling station within 72 hours of the publication of that decision on the website.

Annulment of voting at a polling station *ex officio*

Article 56

The electoral commission shall, *ex officio*, adopt a decision annulling the voting at a polling station where it establishes:

- 1) that the number of ballot papers in the ballot box exceeds the number of voters who turned out to vote;
- 2) that the polling board allowed a person who was not entered in the extract from the voter register to vote;
- 3) that the ballot box contains no control sheet, or that the control sheet has not been completed or has not been signed by the first voter and at least one member of the polling board;
- 4) that the sum of the number of unused ballot papers and the number of ballot papers in the ballot box exceeds the number of ballot papers received by the polling board.

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

The nominator of a proclaimed electoral list and any voter entered in the extract from the voter register for that polling station may lodge a complaint with the electoral commission against a decision annulling the voting at a polling station *ex officio* within 72 hours of the publication of that decision on the website.

Complaint against voting at a polling station

Article 57

The nominator of a proclaimed electoral list shall have the right to lodge a complaint against voting at a polling station on grounds of irregularities during the conduct of voting within 72 hours following the closing of the polling station.

A voter may lodge a complaint against voting at the polling station at which they are entered in the extract from the voter register within 72 hours following the closing of the polling station if the polling board unjustifiably prevented them from voting or if their right to vote freely and in secret was violated at the polling station.

The electoral commission shall decide on a complaint against voting at a polling station and shall adopt a decision on the complaint and publish it on the website within 72 hours of receiving the complaint.

Repeat voting

Article 58

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

The electoral commission shall adopt a decision on the conduct of repeat voting at a polling station within three days of the publication on the website of the decision

establishing that the voting results cannot be established at that polling station or the decision annulling the voting at that polling station.

Where a legal remedy has been lodged against the decision establishing that the voting results cannot be established at a polling station or the decision annulling the voting at a polling station, the time limit for adopting the decision on conducting repeat voting at that polling station shall run from the date on which the electoral commission receives the decision on the legal remedy.

Repeat voting shall be held within ten days of the adoption of the decision on conducting repeat voting.

General Report on the Local Election Results

Article 59

Within 96 hours following the closure of the polling stations, the electoral commission shall adopt and publish a General Report on the Local Election Results for all polling stations, containing: the number of voters entered 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, the number of votes received by each electoral list and the number of seats won by each electoral list.

The number of voters who voted shall be established on the basis of the number of ballot papers found in the ballot boxes.

Where a legal remedy has been lodged on grounds of irregularities during the conduct of voting at a polling station, and a legal remedy has been lodged against a decision establishing that the voting results cannot be established at a polling station or against a decision annulling the voting at a polling station, the time limit for adopting and publishing the General Report on the Local Election Results shall run from the date on which the electoral commission receives the decisions on all legal remedies lodged.

Where repeat voting is held at individual polling stations, the time limit for adopting and publishing the General Report on the Local Election Results shall run from the closing of the polling station at which repeat voting was held last or from the date on which the local electoral commission receives the decisions on any legal remedies that may have been lodged in connection with the repeat voting.

Where a request has been submitted for a sample-based verification of result protocols, the time limit for adopting and publishing the General Report on the Local Election Results shall run from the completion of the verification of result protocols.

The nominator of a proclaimed electoral list and any voter may lodge a complaint with the electoral commission against the General Report on the Local Election Results within 72 hours of its publication on the website.

Publication of the General Report on the Local Election Results

Article 60

The electoral commission shall publish the General Report on the Local Election Results and the voting results for each polling station on the website.

The General Report on the Election Results shall be published in the same manner as the regulations of the local self-government unit are published.

Immediately upon completion of the elections, the electoral commission shall submit the General Report on the Local Election Results to the ministry responsible for local self-government.

V. ALLOCATION AND AWARD OF SEATS, AND TERMINATION OF TERM OF OFFICE

Electoral threshold

Article 61

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

Where no electoral list has received 3% of the votes cast, all electoral lists that have received votes may participate in the allocation of seats.

Highest quotient system

Article 62

Seats shall be allocated by dividing the total number of votes received by each electoral list participating in the allocation of seats by each number from one to the number of councillors comprising the assembly.

The resulting quotients shall be ranked in descending order, and each electoral list shall be awarded as many seats as it has quotients among the highest quotients of all electoral lists participating in the allocation of seats.

The number of highest quotients shall equal the number of councillors comprising the assembly.

Where two or more electoral lists obtain quotients of equal value on the basis of which a seat is allocated, preference shall be given to the electoral list that has received the greater number of votes.

Where an electoral list is entitled to more seats than it has candidates for councillor, any seat that cannot be awarded to that electoral list shall be awarded to the electoral list to which the next-highest quotient for which no seat has been awarded belongs.

An electoral list that has passed the electoral threshold but is not entitled to a seat under the highest quotient system shall be awarded one seat at the expense of the electoral list to which the last quotient on the basis of which a seat is awarded belongs, provided that the latter is not an electoral list of a national minority and has received more than one seat.

Award of seats

Article 63

Within seven days of the publication of the General Report on the Local Election Results, the electoral commission shall, by decision, award seats to candidates for councillor in the order in which they appear on the electoral list, starting with the first candidate on the list, and issue certificates of election as councillor.

Confirmation of seats

Article 64

A councillor's term of office shall commence on the day on which their seat is confirmed.

The assembly shall decide on the confirmation of councillors' seats at its constitutive session.

Convening the constitutive session of the assembly

Article 65

The constitutive session of the assembly shall be convened by the president of the assembly from the previous term of office within ten days of the publication of the decision awarding seats on the website, and shall be held no later than 30 days from the date of publication of that decision on the website.

Decision-making at the constitutive session

Article 66

The constitutive session of the assembly shall be presided over by the oldest candidate for councillor who has been awarded a seat.

Where the oldest candidate for councillor who has been awarded a seat is unable or unwilling to preside, the constitutive session of the assembly shall be presided over by the oldest candidate for councillor who has been awarded a seat and is present.

The assembly shall decide on the confirmation of councillors' seats by public vote, on the basis of the report of the Verification Board.

Candidates for councillor who have been awarded seats and hold a certificate from the electoral commission confirming their election may participate in the vote.

The nominator of a proclaimed electoral list that has won seats may appeal to the higher court in whose territorial jurisdiction the assembly has its seat against a decision adopted by the assembly concerning the confirmation of councillors' seats at the constitutive session, within seven days of the date on which the decision was adopted.

The appeal shall be lodged through the assembly, which shall forward the appeal and all the case files to the higher court within two days of receiving the appeal.

The higher court shall decide on the appeal within 30 days of receiving the appeal and the case files.

The decision rendered in the appeal proceedings shall be final, and no extraordinary legal remedies provided for by the law governing administrative disputes may be pursued against it.

Termination of term office

Article 67

A councillor's term of office shall terminate before the expiry of the period for which they were elected:

- 1) when the assembly confirms the seats of councillors of the next assembly term at its constitutive session;

- 2) upon their death;
- 3) if, by a final court decision, they have been fully deprived of legal capacity, or if a final court decision partially depriving them of legal capacity establishes that they are incapable of exercising their electoral right;
- 4) if they lose the citizenship of the Republic of Serbia;
- 5) if they cease to have residence in the territory of the local self-government unit;
- 6) if they are sentenced, by a final court decision, to a term of imprisonment of at least six months;
- 7) upon the adoption of a decision dissolving the assembly;
- 8) if they assume an office which, under the Constitution and the law, is incompatible with the office of councillor;
- 9) if they resign.

A councillor's term of office shall terminate when the event constituting grounds for termination of the term of office occurs.

Resignation of a councillor

Article 68

A councillor's resignation shall be submitted in writing, and the signature of the person submitting the resignation shall be certified in accordance with the law governing the certification of signatures.

The resignation shall be submitted to the assembly in person within three days of the date on which the signature of the person submitting the resignation was certified.

The resignation shall be valid only if the councillor's signature was certified after their seat had been confirmed.

A councillor may also resign orally at a session of the assembly.

A resignation may not be withdrawn.

A councillor's term of office shall terminate on the day on which they submit their resignation.

Establishing the termination of a councillor's term of office

Article 69

The assembly shall adopt a decision establishing that a councillor's term of office has terminated immediately after receiving notification of the grounds for termination of their term of office, at the session in progress or at the next session.

The decision establishing the termination of the term of office of the councillor shall be published on the website.

Appeal against a decision establishing the termination of a councillor's term of office

Article 70

A councillor whose term of office has been established as having terminated may appeal against the assembly's decision establishing the termination of their term of office

to the higher court in whose territorial jurisdiction the assembly has its seat, within seven days of the date on which that decision was adopted.

The appeal shall be lodged through the assembly, which shall forward the appeal and all the case files to the higher court within two days of receiving the appeal.

The higher court shall decide on the appeal within 30 days of receiving the appeal and the case files.

The decision rendered in the appeal proceedings shall be final, and no extraordinary legal remedies provided for by the law governing administrative disputes may be pursued against it.

Legal remedy where the assembly fails to adopt a decision establishing the termination of a councillor's term of office

Article 71

Where the assembly fails to adopt a decision establishing the termination of a councillor's term of office within the time limit prescribed by this Law, the nominator of the electoral list from which that councillor was elected or the councillor concerned may request that the assembly adopt such a decision within three days of receiving the request.

Where the assembly fails to adopt a decision establishing the termination of a councillor's term of office even after such a request has been submitted, the person who submitted the request for the adoption of that decision may appeal to the higher court in whose territorial jurisdiction the assembly has its seat within seven days of the expiry of the time limit for adopting that decision following the request.

The appeal shall be lodged through the assembly, which shall forward the appeal and all the case files to the higher court within two days of receiving the appeal.

The higher court shall decide on the appeal within 30 days of receiving the appeal and the case files.

The decision rendered in the appeal proceedings shall be final, and no extraordinary legal remedies provided for by the law governing administrative disputes may be pursued against it.

Filling a vacant councillor's seat

Article 72

Where a councillor's term of office terminates before the expiry of the period for which they were elected, the electoral commission shall, by decision, award the seat to the next candidate on the same electoral list who has not been awarded a seat, within two days of the date on which the termination of the councillor's term of office was established.

Where there are no candidates on that electoral list who have not been awarded seats, the vacant councillor's seat shall be filled by awarding the seat to the first candidate on the other electoral list to which the next-highest quotient for which no seat has been awarded belongs.

The new councillor's term of office shall commence on the day on which the assembly confirms their seat.

The new councillor's term of office may last no longer than the remaining term of office of the councillor whose term of office has terminated.

The nominator of a proclaimed electoral list that has won seats, a councillor and a candidate for councillor on the electoral list from which the new councillor was elected may appeal against a decision adopted by the assembly concerning the confirmation of the new councillor's seat to the higher court in whose territorial jurisdiction the assembly has its seat, within seven days of the date on which the decision was adopted.

The appeal shall be lodged through the assembly, which shall forward the appeal and all the case files to the higher court within two days of receiving the appeal.

The higher court shall decide on the appeal within 30 days of receiving the appeal and the case files.

The decision rendered in the appeal proceedings shall be final, and no extraordinary legal remedies provided for by the law governing administrative disputes may be pursued against it.

Filling a vacant councillor's seat from a coalition electoral list

Article 73

A seat that becomes vacant before the expiry of the term for which a councillor nominated on a coalition electoral list was elected shall be awarded to the next candidate of the same political party on that electoral list who has not been awarded a seat as councillor.

Where there are no candidates of the same political party on that electoral list who have not been awarded a seat, the vacant councillor's seat shall be filled by awarding it to the next candidate on the electoral list who has not been awarded a seat, unless the coalition agreement provides that, in such a case, the seat shall be awarded to the next candidate of a specified political party who has not been awarded a seat as councillor.

Reallocation of a seat to a councillor

Article 74

A councillor whose term of office terminated as a result of their election to the office of mayor, deputy mayor or member of the city council, or president of a municipality, deputy president of a municipality or member of the municipal council, may, upon termination of that office, submit a request for their seat to be reallocated to them in the same term of the assembly, provided that there is a vacant councillor's seat belonging to their electoral list.

VI. SPECIAL RULES FOR NATIONAL MINORITY ELECTORAL LISTS

National Minority Electoral List

Article 75

For the purposes of this Law, a national minority electoral list shall be deemed to be an electoral list in respect of which the electoral commission has established that its primary purpose is to represent the interests of a national minority and to protect and improve the rights of members of that national minority, in accordance with international legal standards.

The electoral commission shall, by a separate decision, determine that an electoral list qualifies as a national minority electoral list for the purposes of this Law at the same

time as it proclaims the list, upon a request submitted by the nominator of the electoral list together with the list.

The electoral commission may seek the opinion of the competent national council of the national minority on whether a particular electoral list qualifies as a national minority electoral list.

Only a political party of a national minority or a coalition consisting exclusively of political parties of national minorities may nominate a national minority electoral list.

An electoral list may have the status of a national minority electoral list for the purposes of the provisions of this Law governing the number of voter statements of support required and the allocation of seats only if, according to the latest population census, members of the national minority represented by that list reside in the territory of the local self-government unit and account for less than 50% of its total population.

Prohibition to circumvent the law

Article 76

The electoral commission shall, by decision, reject a request to grant certain electoral list a status of a national minority electoral list where the list leader or a candidate for councillor on the electoral list is a person widely known to be a member of another political party that is not a political party of a national minority, or where other circumstances are established that unequivocally indicate an intention to circumvent the law.

Recognition of national minority electoral list status at the nomination stage

Article 77

The electoral commission may proclaim a national minority electoral list where the nominator of the electoral list submits half the number of signed and certified voter statements of support required under the general rules of this Law.

Recognition of national minority electoral list status for the allocation of seats

Article 78

A national minority electoral list shall participate in the allocation of seats even if it receives less than 3% of the votes cast.

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

VII. PROTECTION OF THE ELECTORAL RIGHT

Legal remedies in the conduct of local elections

Article 79

Legal remedies in the conduct of local elections shall be the complaint and the appeal.

General rules on the right to complaint

Article 80

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

The nominator of an electoral list, a political party, a councillors' group, a candidate for a councillor, a voter and a person whose name is in the name of the electoral list or of the nominator of the electoral list may file a complaint when so stipulated by this Law.

Content of the complaint

Article 81

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

- 1) note that the complaint is filed with the 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 authorised to represent the complainant if the complainant is a legal person;
- 4) name of the proclaimed electoral list, name of the nominator of the proclaimed electoral list and name, surname, UMCN, place and address of residence, telephone number and e-mail address of the person authorised to represent the nominator of the proclaimed electoral list, if the complaint is filed by the nominator 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.

Where the complaint is incomprehensible or incomplete, the electoral commission shall issue a decision dismissing it.

Deadline for filing a complaint

Article 82

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 about the lack of decision or action 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 time limit 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 complaints

Article 83

The electoral commission shall decide on complaints.

The electoral commission shall issue and publish a decision on the complaint within 72 hours of receiving the complaint.

The electoral commission shall publish the complaint and the decision on the complaint on the website.

Decisions of electoral commissions on complaints

Article 84

If an electoral commission upholds a complaint, it shall annul the decision made in the conduct of the election or the action taken in the conduct of the election.

Where it finds that the decision against which a complaint was filed should be annulled, the electoral commission may render another decision in place of the annulled decision.

Appeal against a decision of an electoral commission deciding on a complaint

Article 85

The complainant may file an appeal against the decision of the electoral commission by which a complaint was dismissed or rejected with the higher court in whose territorial jurisdiction the assembly is seated within 72 hours following the publication of that decision on the website.

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

Against the decision of the electoral commission upholding a complaint, a nominator of the proclaimed electoral list, a nominator of the electoral list, a political party, a councillors' group, a candidate for councillor, a voter and a person whose name is in the name of the electoral list or of the nominator of the electoral list may file an appeal with the higher court within 72 hours following the publication of that decision on the website, if their legal interests are directly violated by the fact that the complaint was upheld.

Handling appeals

Article 86

The electoral commission shall forward the appeal and all case files to the higher court within 24 hours following the receipt of the appeal.

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

The decision rendered in the appeal proceedings shall be served by the higher court on the appellant through the electoral commission.

Decisions of the higher court on appeals

Article 87

If the higher court allows the appeal, it shall annul the decision made in the conduct of the election or the action taken in the conduct of the election.

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

The decision of the higher court, by which it decided on the merits of the complaint, shall replace the annulled decision on the whole.

The decision adopted in the appeal proceedings shall be final, and no extraordinary legal remedies provided for by the law governing administrative disputes may be lodged against it.

If the higher court allows 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 from the day the electoral commission receives the relevant decision of the higher court.

Publication of legal remedies and decisions on legal remedies

Article 88

The electoral commission shall publish on the website all pursued legal remedies and decisions made upon them.

VIII. CONCURRENT HOLDING OF LOCAL ELECTIONS AND NATIONAL ELECTIONS

Coordinated conduct of elections

Article 89

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

Election material

Article 90

Ballot papers, as well as control sheets for local elections and national elections may not be of the same colour.

Separate extracts from the voter register and separate ballot boxes for local elections and for national elections shall be provided for each polling station.

Separate storage bags for election material for local elections and for national elections, which must be of different colour, shall be provided for each polling station.

Polling boards in the standing composition

Article 91

Voting in local elections that are held on the same day as the national elections shall be conducted by polling boards in the standing composition formed in accordance with the law governing the election for Members of Parliament.

In nationally mixed unit of local self-government, in terms of the law governing local self-government, voting in local elections and in national elections held on the same day shall be conducted by polling boards in standing composition consisting of a chairperson, three members and their substitutes.

Chairperson of the polling board, two members and three substitute members shall be appointed upon nomination by parliamentary groups in the National Assembly so that the number of chairpersons, members and substitute members in all polling boards in the standing composition in the local self-government unit who belong to the parliamentary group must be proportional to its representation in the National Assembly on the day when the decision on calling the elections comes into force.

Deputy chairperson of the polling board and one member of the polling board shall be appointed upon nomination by councillors' groups in the assembly, so that the number of deputy chairpersons and members in all polling boards in the standing composition in the local self-government unit who belong to the councillors' group must be proportional to its representation in the assembly on the day when the decision on calling the elections comes into force.

Electoral management bodies in the extended composition

Article 92

The nominator of a proclaimed electoral list in local elections and the nominator of candidates in national elections have the right to nominate a member and a substitute member to the electoral management bodies in the extended composition.

If the same political party, coalition, or the same group of citizens is the nominator of candidates in the national elections and the nominator of the proclaimed electoral list for the election of councillors, it may nominate only one member and one substitute member to the electoral management bodies in the extended composition.

Assessment of the identity of coalitions or groups of citizens

Article 93

For the purposes of nominating a member and a substitute member to electoral management bodies in the extended composition, the identity of a coalition or group of citizens shall not be determined by the name of the coalition or group of citizens, but by the signatories to the coalition agreement or the agreement on the formation of the group of citizens.

The coalition that is the nominator of the candidate for the national elections and the coalition that is the nominator of the proclaimed electoral list for the election of councillors shall be deemed to be the same coalition if both were formed by more than half of the same political parties.

The group of citizens that is the nominator of candidates for the national elections and the group of citizens that is the nominator of the proclaimed electoral list for the local

elections shall be deemed the same group of citizens if both were formed by more than half of the same voters.

Procedure where a political party participates independently in one election and in a coalition in another

Article 94

If two or more political parties participate independently in the national elections but within a coalition in the local elections, each of them shall have the right to nominate one member and one substitute member to the electoral management bodies in the extended composition.

If two or more political parties participate within a coalition in the national elections, but participate in the local elections independently, all of them together shall have the right to nominate one member and one substitute member to the electoral management bodies in the extended composition.

Status of members of electoral management bodies in the extended composition

Article 95

A member of an electoral management body in the 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 electoral management body that are common to both electoral procedures (e.g. designation of polling stations, establishing the polling board in the standing composition) and that concern only the electoral procedure in which their nominator participates.

Coordinated conduct of elections for councillors of city assemblies and councillors of city municipality assemblies

Article 96

If the elections for councillors of a city assembly are held on the same day as the elections for councillors of a city municipality assembly, voting shall take place at the same polling stations, and voting shall be conducted by the same polling boards.

The provisions of this Law governing the coordinated conduct of national and local elections shall apply accordingly to the coordinated conduct of elections for councillors of city assemblies and elections for councillors of city municipality assemblies.

City electoral commissions shall regulate in greater detail, by means of an act of their own, matters relevant to the coordinated conduct of elections for councillors of a city assembly and elections for councillors of a city municipality assembly.

IX. TRANSITIONAL AND FINAL PROVISIONS

Time limit for the formation of electoral commissions

Article 97

The assembly shall form an electoral commission in accordance with this Law within seven days of its entry into force.

Temporary retention of jurisdiction by the Administrative Court

Article 98

The Administrative Court shall be competent to decide on appeals against decisions of electoral commissions deciding on complaints filed against the decisions rendered, actions taken or failure to render a decision, or take action in the conduct of the local elections called within one year following the day when this Law comes into force.

The Administrative Court shall be competent to decide on appeals against decisions on the appointment of members and substitute members of electoral commissions in the standing composition, on appeals against decisions made in connection with confirmation of councillors' terms of office, appeals against decisions establishing termination of councillors' terms of office, as well as on the appeals for failure to establish termination of councillors' terms of office, if such appeals are filed within one year following the day when this Law comes into force.

Temporary increase in the number of members and substitute members of electoral management bodies in the standing composition

Article 99

The first local elections to be called after the entry into force of this Law shall be conducted by electoral commissions whose standing composition, in addition to members and substitute members appointed in compliance with the general rules stipulated by this Law, shall include one more member and one more substitute 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 general report on the results of local elections becomes final.

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

Law repealed

Article 100

On the day this Law enters into force, the Law on Local Elections ("Official Gazette of the RS", Nos. 129/07, 34/10 – CC, 54/11, 12/20, 16/20 – Authentic interpretation and 68/20) shall cease to have effect.

Entry into force

Article 101

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