

# **LAW ON LOCAL ELECTIONS**

## **I. GENERAL PROVISIONS**

### **Scope of the Law**

#### **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.

### **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, 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 to vote**

#### **Article 4**

The 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.

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

#### **Article 5**

Each voter shall have only one vote.

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

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

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

Councillors' 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 programs and activities of submitters 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 submitters 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 programs, and invite voters to vote, or not to vote for certain electoral lists in the media and at public gatherings.

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

### **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 accordingly apply to local elections in matters not specifically regulated by this Law.

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

The provisions of the Law governing the administrative dispute shall apply accordingly to deciding on appeals against the decision of the electoral commission on the complaint and on the appeal against the decision of the Assembly of a local self-government unit (hereinafter: Assembly).

## II. AUTHORITIES RESPONSIBLE FOR CONDUCTING LOCAL ELECTIONS

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

#### **Authority to conduct 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 appointed 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 prerequisites for the work of local electoral management bodies shall be provided by the municipal / city administration.

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

#### **Members and deputy 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 deputies.

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

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

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

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

##### Article 12

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

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

Should a submitter of the proclaimed electoral list fail to nominate a member or a deputy 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 submitter of the electoral list.

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

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

#### Article 13

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

The nomination of candidates for members / deputy members of local electoral management bodies shall include the name and surname of nominated member / deputy member, his/her unique master citizen number (hereinafter: UMCN), place and address of residence, telephone number and e-mail address, and designation of the councillors' group in the Assembly of the local self-government unit (hereinafter: councillors' group) or of other authorized 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 right to vote and to stand as a candidate and has a permanent residency 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 deputy member of a local electoral management body.

### **Termination of office in a local electoral management body**

#### Article 16

The office of a member or deputy 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 residency on 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 submitter 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 submitter has nominated him/her is annulled;

7) if he/she has been sentenced to to a period of incarceration of at least 6 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 deputy member of a local electoral management body shall be dismissed by the body in charge for his/her appointment:

1) if he/she submits a letter of resignation in writing;

2) if it is subsequently established that he/she does not meet the special conditions for appointment;

3) in other cases stipulated by 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 / deputy 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 authorized 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 timely filed.

### **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 bodies, his / her office in the body in which he / she was later appointed shall be terminated by force of law.

## **2. Electoral Commission**

### **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 deputy members, in the local self-government unit with a maximum of 50,000 registered voters;

2) Chairperson, eight members, Deputy Chairperson and eight deputy members, in the local self-government unit with a maximum of 100,000 registered voters;

3) Chairperson, ten members, Deputy Chairperson and ten deputy members, in the local self-government unit with a maximum of 500,000 registered voters;

4) Chairperson, 12 members, Deputy Chairperson and 12 deputy members in the local self-government unit with more than 500,000 registered voters.

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

Decision on the appointment of members and deputy 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 of 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.

### **Authorized nominator for the appointment of members and deputy members of electoral commissions in the standing composition**

#### Article 20

Members and deputy members of the electoral commission in the standing composition shall be appointed at the proposal 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 deputy 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 deputy members, whose number, altogether including the Deputy Chairperson, shall not be higher than half of the total number of deputy members of the electoral commission, while the remaining members and deputy 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 / deputy members of the electoral commission in the standing composition if::

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

If 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 deputy members, whose number, altogether including Deputy Chairperson, shall not be greater than half of the total number of deputy members of the electoral commission, while the remaining members and deputy 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.

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

### **Appeal against the decision on appointment of members and deputy members of electoral commissions in standing composition**

#### **Article 21**

Against the decision on appointment of members and deputy members of the electoral commission in standing composition, every submitter 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 decide on the appeal within seven days following the receipt of the appeal and the accompanying files.

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

### **Participants in the work of an electoral commission 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 / city administration, the deputy head of the municipal / city administration or a person from the ranks of employees in the municipal / city administration with a BA degree in law may be appointed as a Secretary or Deputy Secretary of the electoral commission.

The provisions of this Law governing the termination of office in the authority responsible for conducting elections 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 / deputy member of the electoral commission in the extended composition shall be appointed by the electoral commission at the proposal of the submitter 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 / deputy member of the electoral commission in the extended composition within 24 hours of receiving the nomination.

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

A member / deputy 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 submitter of the proclaimed electoral list on whose proposal 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 / deputy member of the electoral commission in the extended composition**

#### Article 24

Against the decision dismissing or rejecting the nomination of a member / deputy member of the electoral commission in the extended composition, the submitter of the nomination 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 / deputy member of the electoral commission in the extended composition, the submitter 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 the electoral commission**

#### Article 25

The electoral commission shall:

- 1) Ensure lawful conduct of local elections;
- 2) Organize 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 / deputy member of the authority responsible for conducting elections;



- 6) Issue a decision proclaiming, dismissing or rejecting to proclaim electoral list, as well as a conclusion ordering the submitter 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 lists 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 it is recorded in the excerpt from the electoral roll that they have voted in the elections;
- 16) Furnish data to the bodies responsible for the collection and processing of 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 submission of the electoral list shall be prescribed by the electoral commission within three days following the day when the decision on calling the elections comes into force.

The electoral commission shall adopt its Rules of Procedure.

In its work, the electoral commission 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 the electoral commission**

#### Article 26

Decisions of the electoral commission shall be published on its 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 date and time of publication of the decision must be stated on the website.

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

If the decision of the electoral commission is made upon a request, the requester may request that a written copy of that decision be handed out to him/her at the seat of the electoral commission or 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 handed out 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 filed against that decision.

### **3. Polling Boards**

#### **Appointment and term of office of polling board members and deputy members**

##### *Article 27*

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

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

The term of office of a member or a deputy member of the polling board shall start from the day the decision on his/her appointment is published, and shall cease when the election material is handed over upon completion of the voting and the result protocols are checked, 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 deputy members appointed by the electoral commissions at the proposal of councillors' groups.

The procedure for proposing members and deputy 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 the standing composition of a polling board**

##### *Article 29*

The number of Chairpersons, Deputy Chairpersons, members and deputy 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 the decision on calling the local elections came into force.

A councillors' group which, on the day when the decision on 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 deputy members, and in the other half of the polling boards it shall nominate a Deputy Chairperson, one member and another member's deputy, while the remaining positions in the polling boards shall be allocated to other councillors' groups proportionately to their

representation in the Assembly on the day when the decision on 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 commission shall prescribe and timely publish on its website the order of positions according to which councillors' groups shall nominate members and deputy 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 if: :

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

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

#### Article 30

The nomination of a member / deputy member of the polling board in the standing composition shall be submitted by the councillors' group to the electoral commission on the prescribed form.

Should a councillors' group fail to submit the nomination of a member / deputy member of the polling board in the standing composition in due time, the electoral commission shall appoint to the polling board in the standing composition a person nominated by the head of the municipal / city administration.

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

### **Polling board in the extended composition**

#### Article 31

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

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

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

### **Complaint against the decision on the appointment of a member / deputy member of a polling board**

## Article 32

Against the decision dismissing or rejecting nomination of a member / deputy member of the polling board, 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 / deputy member of polling board in the standing composition, the submitter of the proclaimed electoral list, the councillors' group or a voter 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 / deputy member of polling board in the extended composition, the submitter of the proclaimed electoral list or a voter may file a complaint with the electoral commission within 48 hours following the publication of that decision on the website.

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

## Article 33

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

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

The decision on the replacement of a member or deputy member of the polling board shall be made by the electoral commission, i.e. by its duly authorized member.

## III. THE COURSE OF THE ELECTION PROCEDURE

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

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

## Article 34

The local elections shall be called by the Speaker of the National Assembly.

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

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

## Article 35

The decision on calling the local elections shall be made no earlier than 120 days, and no later than 45 days before the expiration of the term of office of the councillors.

At least 45 days, and no more than 60 days shall elapse between the day of calling the local elections and the day of holding the elections.

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

## Article 36

The decision on calling the elections shall state the date of polling day.  
The polling day shall be a non-working day.

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

### **Submitter of an electoral list**

#### Article 37

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

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

### **Special rule for a group of citizens as a submitter of the electoral list in local elections**

#### Article 38

Voters who form a group of citizens in order to submit an electoral list to stand for local elections do not need to have residency on 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 needs not be, at the same time a candidate for councillor on that electoral list.

The list leader in local elections does not need to have residency on the territory of the local self-government unit where the elections are held.

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

#### Article 40

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

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

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

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

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

#### Article 41

There must be at least 40% of members of the underrepresented gender on the electoral list, so that among every five candidates in the list according to their order (the first five places, the next five places, and so on until the end) there must be three members of one and two members of the other gender.

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

#### Article 42

Along with the electoral list, the following documents must be submitted to the electoral commission:

- 1) Written consent of each candidate accepting the nomination as councillor candidate on the form prescribed by the electoral commission, which shall contain his/her name, surname, UMCN, occupation, place and address of residence;
- 2) Document with the read out ID card, if with a microcontroller (chip), or ID card photocopy, if without a microcontroller, for each candidate for councillor;
- 3) Written statements of voters who support the electoral list, in the number stipulated by law, given on the form prescribed by the electoral commission, certified before the expiry of deadline for submission of the electoral list, which shall contain the name, surname, UMCN, place and address of residence for each voter;
- 4) List of voters who signed the submitted statements of voters supporting the electoral list in an electronic form, on the form prescribed by the electoral commission, which shall contain the surname and name of the voter, UMCN and data on the certifying authority who certified the signature on the statement;
- 5) Written consent of the list leader to use his/her personal name in the name of the electoral list, which shall contain his/her name, surname, UMCN, place and address of residence, if the electoral list contains his/her personal name and if he/she has not signed another document submitted together with the electoral list, and the signature of whom is considered a consent for his/her personal name to be used in the name of the electoral list;
- 6) Written consent of the legal entity to use its name in the name of the electoral list, which shall contain the name and seat of the legal entity that gives that consent;
- 7) Authorization to submit the electoral list 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;
- 8) Coalition agreement if the electoral list is submitted by a coalition;
- 9) Authorization to conclude a coalition agreement on behalf of a political party, if it has not been concluded by its representative 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;
- 10) Agreement on the formation of a group of citizens if the electoral list is submitted by a group of citizens;

11) Written consent to use the personal name of a natural person or the 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 person, or name of that legal entity and if that natural person has not signed another document submitted together 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.

### **The number of signatures required to proclaim an electoral list**

#### Article 43

In order to be proclaimed, the electoral list must be supported by the signatures of:

- 1) 200 voters in the local self-government unit with up to 20,000 registered voters on the day of calling the elections;
- 2) 300 voters in the local self-government unit with up to 30,000 registered voters on the day of calling the elections;
- 3) 500 voters in the local self-government unit with up to 50,000 registered voters on the day of calling the elections;
- 4) 600 voters in the local self-government unit with up to 70,000 registered voters on the day of calling the elections;
- 5) 800 voters in the local self-government unit with up to 100,000 registered voters on the day of calling the elections;
- 6) 1,000 voters in the local self-government unit with up to 500,000 registered voters on the day of calling the elections;
- 7) 3,000 voters in the local self-government unit with more than 500,000 registered voters on the day of calling the elections.

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

If the submitter of the electoral list submits valid written statements of voters who support that electoral list in a number larger than required to proclaim the electoral list, the electoral commission shall take into account only the number of signatures required to proclaim the electoral list, in the alphabetical order of the surnames of voters who have signed statements supporting the electoral list.

Voters whose written statements supporting the electoral list have not been taken into account shall be deemed not to have supported that electoral list, and their written statements in support of another electoral list may be taken into account when deciding on another electoral list.

### **Collective electoral list**

#### Article 44

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

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

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

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

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

#### IV. VOTING AND ESTABLISHMENT OF ELECTION RESULTS

##### **Ballot paper**

###### Article 45

The ballot paper shall contain:

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

##### **Number of copies of the result protocols of the polling board**

###### Article 46

Result protocols of the polling board shall be made on the prescribed form, which shall be completed in six copies.

The first copy of the result protocols shall be submitted to the electoral commission, the second shall be displayed at the polling station for public inspection, while the remaining four copies of the result protocols shall be delivered to representatives of the electoral lists that have won the largest number of votes at the polling station.

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

###### Article 47

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

The election material shall be handed over by the Chairperson of the polling board or his/her deputy.



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

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

After the end of the local elections, the municipal / city administration shall ensure keeping of the election material.

### **Checking result protocols**

#### Article 48

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

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

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

The electoral commission shall post all result protocols on the website, and if errors in completing the result protocols have been corrected, also the decision on correcting the result protocols shall be published.

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

#### Article 49

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

The following shall be deemed minor errors:

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

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

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

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

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

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

#### Article 50

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

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

Serious errors shall be, in particular, the following:

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

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

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

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

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

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

### **Check of the result protocols performed by members and deputy members of the electoral commission**

#### Article 51

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

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

#### Article 52

At the request submitted within 48 hours following the closing of polling stations, the electoral commission shall order the control of result protocols from 5% of polling stations at most.

A request for sample control of result protocols may be submitted by a proclaimed opposition electoral list (an electoral list whose submitter does not have councillors in the Assembly, i.e. an electoral list whose submitter is not part of the

parliamentary majority) which according to the preliminary election results has won more than 2% of votes, and proclaimed opposition minority electoral list which according to the preliminary election results has won more than 1% of votes.

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

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

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

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

#### Article 53

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

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

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

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

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

#### Article 54

If during the check of result protocols performed by members and deputy members of the electoral commissions, or if during the sample control of result protocols, it is established that the content of the election material and the result protocols do not match, the electoral commission shall issue a decision on correcting the result protocols.

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

If there is a reasonable suspicion that the huge discrepancy between the content of the election material and the result protocols is a consequence of conscious and intentional activity aimed at establishing false results of the local elections, the

electoral commission shall press criminal charges against members of the polling board with the competent public prosecutor's office.

### **Impossibility to establish voting results at the 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 if:

- 1) Voting at that polling station was not held, or if after it suspending it was not resumed;
- 2) It has not received the result protocols;
- 3) The submitted result protocols were not signed by at least three members of the polling board;
- 4) There are gross logical-computational errors in filling in the result protocols that could not be rectified even after inspecting the entire election material from the polling station.

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

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

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

#### Article 56

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

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

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

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

### **Complaint about voting at the polling station**

#### Article 57

The submitter of the proclaimed electoral list shall have the right to file a complaint about voting at the polling station within 72 hours following the closing of the polling station because of the irregularities during the voting.

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

The electoral commission shall decide on the complaint about voting at the polling station, and it shall issue a decision on such complaint within 72 hours following its receipt and publish it on the website.

### **Repeat voting**

#### Article 58

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

The decision on conducting a repeat voting at a polling station shall be made by the electoral commission within three days following the day when the decision establishing that the voting results cannot be determined at that polling station, or a decision annulling voting at that polling station was published on the website.

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

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

### **General report on the results of local elections**

#### Article 59

Within 96 hours following the closing of polling stations, the electoral commission shall compile and publish for all polling stations a general report on the results of local elections containing: the number of voters entered in the electoral roll, the number of voters who turned out, the number of ballot papers found in the ballot boxes, the number of invalid ballot papers, the number of valid ballot papers and the number of votes won by each electoral list.

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

If a legal remedy has been filed due to irregularities during the conduct of voting at the polling station, or if a legal remedy has been filed against the decision establishing that the voting results cannot be determined at the polling station, or the decision annulling voting at the polling station, the deadline for compiling and publishing the general report on the results of local elections shall start running from the day 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 publishing the general report on the results of local elections shall start from the closing of the polling station where the voting was repeated last, or from the

day when decisions on all filed legal remedies in connection with the repeat voting have been submitted to the electoral commission.

If a request for sample control of result protocols has been submitted, the deadline for compiling and publishing the general report on the results of local elections shall start running from the conclusion of the control of the result protocols.

Against the general report on the results of local elections, the submitter of the proclaimed electoral list and the voter may file a complaint with the electoral commission within 72 hours following the publication of the general report on the website.

### **Publication of the general report on the results of local elections**

#### Article 60

The electoral commission shall publish on its website the general report on the results of local elections and the results of voting for each polling station.

The general report on the results of local elections shall be published in the same manner as the regulations of the local self-government unit are published.

Immediately after the conclusion of the elections, the electoral commission shall submit a general report on the results of local elections to the Ministry in charge of local self-government.

## V. DISTRIBUTION AND ASSIGNMENT OF SEATS, AND TERMINATION OF TERM OF OFFICE

### **Electoral census**

#### Article 61

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

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

### **Highest quotient system**

#### Article 62

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

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

The number of the largest quotients shall be equal to the number of councillors the Assembly has.

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

If the number of seats due to a certain electoral list is higher than the number of councillor candidates it has, the seat that is not allocated to that electoral list shall

be allocated to the electoral list having the next highest quotient for which the seat has not been allocated.

An electoral list that has passed the electoral threshold, to which pursuant to the system of the highest quotient no seat is due, shall be allocated one seat at the expense of the electoral list having the last quotient based on which a seat should be allocated, but which is not a national minority electoral list and which got more than one seat.

### **Allocation of seats**

#### Article 63

Within seven days following the date of publication of the general report on the results of local elections, the electoral commission shall allocate seats to councillor candidates in the order in which they are listed on the electoral list, starting from the first candidate on the electoral list, by its decision, and issue certificates of their election as councillors.

### **Confirmation of term of office**

#### Article 64

Term of office of a councillor shall start running on the day of confirmation of his/her term of office.

The Assembly shall decide on the confirmation of the term of office of the councillors at its constitutive session.

### **Convening a 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 following the day of publishing the decision on the allocation of seats on the website, so that the session is held no later than 30 days following the day of publishing the decision on the allocation of seats on the website.

### **Decision-making at the constitutive session**

#### Article 66

The constitutive session of the Assembly shall be chaired by the oldest candidate for councillor who has been allocated a seat.

If the oldest candidate for councillor who has been allocated a seat cannot or will not chair, the constitutive session of the Assembly shall be chaired by the oldest attending candidate for councillor who has been allocated a seat.

The Assembly shall decide on the confirmation of the mandates of the councillors, based on the report of the verification board, by public voting.

Candidates for councillors who have been allocated a seat and who have electoral commission' certificate of being elected may participate in the voting.

Against the decision of the Assembly made in connection with the confirmation of the mandate of the councillors at the constitutive session, the submitter of the proclaimed electoral list who has been allocated a seat may file an

appeal with the higher court in whose territorial jurisdiction the Assembly is seated, within seven days following the day of decision's adoption.

The appeal shall be submitted through the Assembly, which shall forward the appeal and all the files of that case to the higher court within two days following the day of receiving the appeal.

The higher court shall decide on the appeal within 30 days following the day of receipt of the appeal and the related files.

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

### **Termination of term office**

#### **Article 67**

Before the expiration of the term for which he/she has been elected, the term of office of a councillor shall cease:

1) When the Assembly at the constitutive session confirms the term of office of the councillors from the next term of office;

2) If he/she dies;

3) If he/she has been wholly divested of legal capacity by a final court decision, or if he/she has been declared incapable of exercising the right to vote under a final court decision on partial deprivation of legal capacity;

4) If he/she has lost the citizenship of the Republic of Serbia;

5) If his / her residency on the territory of the local self-government unit has ceased;

6) If he/she has been sentenced to a term of imprisonment of at least six months by a final court decision;

7) If a decision on dissolution of the Assembly has been made;

8) If he/she has assumed an office which, according to the Constitution and the law, is incompatible with the office of the councillor;

9) If he/she resigns.

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

### **Resignation of the councillor**

#### **Article 68**

A councillor's resignation shall be submitted in writing, and hold a certified signature, and the signature of the submitter must be certified in accordance with the law governing the certification of signatures.

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

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

A councillor may also resign orally at the session of the Assembly.

The resignation may not be revoked.

The term of office of the councillor shall cease on the day he resigns.

### **Establishing termination of councillor's term of office**



#### Article 69

The Assembly shall issue a decision establishing termination of the term of office of the councillor immediately after receiving the notification on the reasons for the termination of the term of office, at the session that is in progress, or at the first following session.

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

#### **Appeal against the decision on termination of councillor's term of office**

#### Article 70

The councillor in respect of whom termination of term of office has been established may file an appeal against Assembly's decision establishing termination of councillor's term of office with the higher court in whose territorial jurisdiction the Assembly is seated within seven days following the day of its rendering.

The appeal shall be filed through the Assembly, which shall forward the appeal and all required files to the higher court within two days of receiving the appeal.

The higher court shall decide on the appeal within 30 days following the date of receipt of the appeal and the related files.

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

#### **Legal remedy when the Assembly fails to render decision on termination of councillor's term of office**

#### Article 71

If the Assembly fails to make a decision establishing termination of the term of office of a councillor within the period stipulated by this Law, the submitter of the electoral list from which that councillor was elected and the related councillor may request the Assembly to render a decision establishing termination of that councillor's term of office within three days following the day it receives their request.

If the Assembly fails again, even on request, to render a decision establishing termination of a councillor's term of office, the requestor may file an appeal with the higher court in whose territorial jurisdiction the Assembly is seated, within seven days following the day when the deadline for deciding on the request has expired.

The appeal shall be filed through the Assembly, which shall forward the appeal and all required files to the higher court within two days of receiving the appeal.

The higher court shall decide on the appeal within 30 days following the date of receipt of the appeal and the related files.

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

#### **Filling in a vacant councillor seat**

#### Article 72

The seat of the councillor whose term of office has been terminated before the expiration of the term for which he has been elected, shall be allocated, by the decision of the electoral commission, to the first next candidate from the same electoral list to whom a councillor's seat was not allocated, within two days following the day when the term of office was terminated.

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

The term of office of a new councillor shall start running from the day when the Assembly confirms his/her term of office.

The term of office of a new councillor may last no longer than by the expiration of the term for which the councillor whose term of office was terminated has been elected.

Against the decision of the Assembly made in connection with the confirmation of term of office of a new councillor, the submitter of the proclaimed electoral list that has won seats, a councillor and a councillor candidate from the electoral list from which the new councillor was elected may file an appeal with the higher court in whose territorial jurisdiction the Assembly is seated within seven days following the adoption of the decision.

The appeal shall be filed through the Assembly, which shall forward the appeal and all case files to the higher court within 2 days of receiving the appeal.

The higher court shall decide on the appeal within 30 days following the receipt of the appeal and the related files.

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

### **Filling in a vacant councillor seat from the coalition electoral list**

#### Article 73

The seat of a councillor from the coalition electoral list whose term of office was terminated before the expiration of the term for which he has been elected shall be allocated to the first next candidate from the same political party on that electoral list to whom a seat was not allocated.

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

### **Re-allocation of a seat to a councillor**

#### Article 74

A councillor whose term of office is terminated after he/ she has been elected a mayor, deputy mayor or a member of the City Council, or President of the municipality, Deputy President of the municipality or member of the Municipality Council may, upon termination of that office, submit a request to be reallocated a seat

in the same term of office of the Assembly, if there is a vacant councillor seat belonging to his/her electoral list.

## VI. SPECIAL RULES APPLICABLE TO NATIONAL MINORITY ELECTORAL LISTS

### **National minority electoral list**

#### Article 75

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

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

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

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

The electoral list may have the status of a national minority electoral list in terms of the provisions of the Law governing the number of signed statements of voters supporting the electoral list and the manner of distribution of seats, only if according to the last census members of the national minority which that list represents live in the territory of the local self-government unit and if the percentage of members of that national minority in the total population on the territory of the local self-government unit is less than 50%.

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

#### Article 76

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

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

#### Article 77

The electoral commission may proclaim a national minority electoral list if the number of signed and certified statements of voters supporting the electoral list submitted by the submitter of the electoral list is two times lower than the number required by the general rules of this Law.

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

### *Article 78*

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

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

## **VII. PROTECTION OF ELECTORAL RIGHTS**

### **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 submitter 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 submitter 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 submitter 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 authorized to represent the complainant if the complainant is a legal entity;
- 4) Name of the proclaimed electoral list, name of the submitter of the proclaimed electoral list and name, surname, UMCN, place and address of residence, telephone number and e-mail address of the person authorized to represent the submitter of the proclaimed electoral list, if the complaint is filed by the submitter of the proclaimed electoral list;
- 5) Signature of the complainant;
- 6) The subject of the complaint, and in particular the exact designation of the decision with the indication of the issuer, date of issuance and the number under

which the decision was filed if the complaint challenges a decision, or the exact description of the action indicating who took the action and when;

7) The facts on which the complaint is based;

8) Evidence.

If the complaint is incomprehensible or incomplete, the 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 period in which the decision should have been rendered, or within which the action should have been taken, unless otherwise stipulated by this Law.

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

#### Article 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 the electoral commission on the complaint**

#### Article 84

If a complaint is granted, the electoral commission shall annul the decision made in the conduct of the election, or the action taken in the conduct of the election.

When it finds that the decision against which a complaint was filed should be annulled, the electoral commission may render another decision repealing the annulled one.

### **Appeal against the decision of the electoral commission deciding on the 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 deadline may be filed within 72 hours following the expiration of the deadline in which the decision on the complaint should have been made.

Against the decision of the electoral commission granting a complaint, a submitter of the proclaimed electoral list, a submitter 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 submitter of the electoral list may file an appeal with the higher court in whose territorial jurisdiction the Assembly is seated 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 granted.

### **Actions upon appeal**

#### 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 higher court shall deliver the decision made in the appeal procedure to the appellant through the electoral commission.

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

#### Article 87

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

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

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

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

If the Higher Court grants 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 related decision of the Higher Court.

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

#### Article 88

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

## **V. SIMULTANEOUS 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 lists for local elections and national elections may not be of the same colour.

Separate excerpts from the electoral rolls 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 board 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 deputies.

Chairperson of the polling board, two members and three deputy members shall be appointed at the proposal of parliamentary groups in the National Assembly so that the number of chairpersons, members and deputy 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 at the proposal of 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

Submitter of the proclaimed electoral list for local elections and every nominator of candidates in the national elections shall have the right to nominate a member and a deputy 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 submitter of the proclaimed electoral list for the election of councillors, it may nominate only one member and one deputy member to the electoral management bodies in the extended composition.

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

### Article 93

Whether coalitions or groups of citizens are identical in terms of nominating a member and deputy member to the electoral management bodies in the extended composition shall not be assessed according to the name of the coalition, or group of citizens, but according to the signatories of the coalition agreement, or agreement on forming a group of citizens.

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

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

### Article 94

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

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

## **Position of members of the election bodies in the extended composition**

### Article 95

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

## **VI. TRANSITIONAL AND FINAL PROVISIONS**

### **Deadline for the formation of the electoral commission**

#### Article 96

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



## **Temporary retention of jurisdiction of the Administrative Court**

### Article 97

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

The Administrative Court shall be competent to decide on appeals against the decision on the appointment of members and deputy members of electoral commission 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 deputy members of local electoral management bodies in the standing composition**

### Article 98

The first local elections to be called after the entry into force of this Law shall be conducted by the electoral commissions whose standing composition, in addition to members and deputy members appointed in compliance with the general rules stipulated by this Law, shall include one more member and one more deputy member who shall be appointed by the Republic Electoral Commission at the proposal of the Speaker of the National Assembly, and their term of office shall last until the 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 deputy members appointed in compliance with the general rules stipulated by this Law, one more member and one more deputy member, who shall be appointed by the Republic Electoral Commission at the proposal of the Speaker of the National Assembly.

## **Regulation that is repealed**

### Article 99

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

## **Entry into force**

### Article 100

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