

# Law on Elections of Representatives (2000, updated as of 2004)

## LAW ON THE ELECTIONS OF REPRESENTATIVES OF THE REPUBLIC OF SERBIA

(updated as of 05.04)

### I. BASIC PROVISIONS

#### Article 1

This Law regulates both the election and termination of tenure of representatives in the National Assembly of the Republic of Serbia (henceforth: representatives).

#### Article 2

Citizens shall elect representatives on the basis of free, universal, equal and direct suffrage, by secret ballot.

Nobody has the right, based on anything, to prevent or force a citizen to vote, to take a citizen to account for voting or to demand a citizen to declare for whom he has voted or why he has not voted.

#### Article 3

The National Assembly of Republic of Serbia consists of 250 representatives, elected for a period of four years.

#### Article 4

Representatives are elected in the Republic of Serbia, as a single electoral district, on the basis of lists of political parties, coalitions of parties, other political organizations and lists submitted by groups of citizens (henceforth: electoral lists).

Mandates for representatives shall be apportioned in accordance with the number of votes obtained.

#### Article 5

Citizens have the right to be informed by the mass media about both the electoral programs and activities of submitters of the electoral lists, as well as about candidates on the electoral lists.

The mass media are due to ensure equal accessibility of information about all submitters of electoral lists, as well as about all candidates on these electoral lists.

Electoral promotion through both the mass media and public gatherings, as well as publication of estimated electoral results are forbidden in the period

of 48 hours before the day of holding of elections, as well as during the election day until the closing of polling places.

#### **Article 6**

Authorities which will conduct the elections are the Republic Electoral Commission and polling boards.

#### **Article 7**

Protection of voting rights is guaranteed by the Republic Electoral Commission, the Supreme Court of Serbia and the authorized courts.

#### **Article 8**

The funds needed for conducting the elections are provided by the budget of the Republic of Serbia.

### **II. SUFFRAGE**

#### **Article 9**

Suffrage as used in this Law includes the right of citizens to the following, in the manner and according to procedures determined by this Law: to elect and to be elected; to nominate candidates and to be nominated as candidates; to make decisions concerning both nominated candidates and electoral lists; to publicly ask nominated candidates questions; to be on time, truthfully, completely and impartially informed about both the programs and activities of submitters of electoral lists and of the candidates on those lists, as well as to make use of other rights foreseen by this Law.

#### **Article 10**

The right to elect a representative, as well as to be elected as a representative, shall have a citizen domiciled on the territory of the Republic of Serbia, who is at the same time a citizen of Yugoslavia, who is over 18 years of age and has the business capacity (henceforth: voter).

#### **Article 11**

A representative cannot at the same time hold any judicial or other office to which he has been appointed by the National Assembly of the Republic of Serbia, or to be an office holder or an employee of an agency of the Republic carrying out duties related to the activities related to the activity of such agency, except in cases set down by the Constitution.

On the day of confirmation of the mandate of a representative, a person appointed by the National Assembly of Republic of Serbia shall cease to perform this function, and the employment of an employee of an agency of the Republic shall be suspended.

### **III. ELECTORAL ROLLS**

## **Article 12**

In the Republic of Serbia the general electoral rolls shall be conducted by electronic devices on territories of municipalities, as a part of the uniform, connected system (henceforth: electoral roll). Changes in the electoral rolls on the municipal territory shall be kept by municipal agencies as a delegated task.

The electoral roll is a public document and shall be kept as an official duty.

A citizen has the right to review all electoral rolls, as well the right to demand their correction (enlisting, deleting, making amendments).

The electoral roll is a single and permanent document, and shall be obligatorily brought up to date in the course of every calendar year, not later than on March 31.

The minister in charge of state administration will issue more detailed rules of bringing electoral rolls up to date (correcting, distributing, closing, copying, displaying, etc.).

## **Article 13**

A voter can be enlisted into only one electoral roll.

Persons which are to get the legal age in the course of period of electoral rolls validity shall be enlisted into electoral rolls, according to their place of domicile, with a note concerning the date of getting the legal age, e. i. the right to vote.

Persons temporarily moved out of place of their domicile (internally displaced persons), shall be enlisted into electoral rolls in the place where they are registered in that status.

"Voters temporarily residing abroad shall be entered in the electoral roll according to their last place of residence before leaving the country, or the last place of residence of one of their parents."

Citizens currently serving the national service, or those which are on temporary military duty, shall be enlisted into electoral rolls according to their last place of domicile.

Persons who have been deprived of their business capacity by a finally-binding court sentence shall not be enlisted into electoral rolls. If such persons were previously enlisted into the electoral rolls, they shall be removed from them, and when their business capacity is reinstated by a finally-binding court decision, they shall be enlisted into the electoral rolls again.

"Article 13a

The ministry charged with administrative affairs shall keep and update, separately by country name, a record of voters entered in the electoral roll whose temporary place of residence is abroad (hereinafter: Special Record of Voters Residing Abroad).

The Special Record of Voters Residing Abroad shall contain: ordinal number, name and surname, personal identity number, year of birth, voter's last place of residence before leaving the country or last place of residence of one of their parents, data on voter's place of temporary residence abroad, as well as space for remarks and notes.

The body charged with keeping the electoral roll shall be obliged to promptly notify the ministry charged with administrative affairs of any alterations to the electoral roll relating to voters temporarily residing abroad, in order for the alterations to be entered in the Special Record of Voters Residing Abroad."

#### **Article 14**

Enlisting citizens into electoral rolls and deleting citizens from them is carried out as an official duty, according to data from registers of births and deaths, other official files, public documents and direct checking.

Both enlisting citizens into electoral rolls and deleting citizens from them shall be carried at request of the voter and on the basis of other reliable evidence.

#### **Article 15**

The electoral rolls shall be kept in volumes. Volumes of the electoral rolls shall be kept for every inhabited community.

The electoral roll shall contain: ordinal number, name, personal number, sex, year of birth, place of domicile (street and house number, village, hamlet, settlement, voters place of temporary residence abroad), space for signature and space for comments.

#### **Article 16**

The electoral rolls can also be kept in the form of card files, or in the form of data files on magnetic tape, or on magnetic disk.

In the case electoral rolls are kept in the manner described in paragraph 1 of this Article, a separate file card shall be kept for every voter, or a corresponding entry with the required data on magnetic tape or on magnetic disc.

In the case electoral rolls are kept in the manner described in paragraph 1 of this Article, a list of names can be kept in addition to the electoral roll which shall list electors according to place of their domicile.

## **Article 17**

If the agency which is keeping electoral roll finds out that a person, who deceased or has permanently changed place of domicile and is no longer domiciled on the territory of said electoral district, has been enlisted into the electoral roll, it shall remove such person from the electoral roll.

The ruling of removing of a person as described in paragraph 1 of this Article shall be drawn up.

The ruling described in paragraph 2 of this Article shall be handed over to the person who has changed the place of domicile if his new domicile is known, or published in the regular manner in his last place of domicile.

If the voter has moved to the territory of the municipality is enlisted into its electoral rolls, the competent agency of the municipality in which the voter was previously enlisted in the electoral roll shall be notified.

On the basis of the notification as described in paragraph 4 of this Article, a voter shall be removed from the electoral roll.

## **Article 18**

An appeal against a ruling described in the Article 17 of this Law shall be decided upon by the ministry in charge of state administration.

## **Article 19**

On the day following the day of the calling of the elections, the competent agency shall notify citizens, by a public announcement or through the mass media, that they may inspect electoral rolls and request enlistment into or removal from the electoral roll, as well as removal, modification, amendment or correction of the electoral roll.

"Every citizen may file with the body charged with keeping the electoral roll a request for being entered into or correction or modification of the electoral roll if they or another citizen are not listed in the electoral roll, or are listed but do not have suffrage, or do not have suffrage on the territory of the municipality in which they are listed in the electoral roll, or if any of the data in the electoral roll are entered incorrectly. After an electoral list has been proclaimed, the submitter of the electoral list shall have the same rights to inspect or submit requests for the modification of the electoral roll, observing the same procedure as that followed by citizens. Necessary evidence shall be submitted together with the requests."

The agency which is keeping the electoral roll shall rule on the request described in paragraph 2 of this Article within 48 hours from the day of its receipt. The disposition of the ruling shall be handed to the submitter without delay.

An appeal can be lodged against the ruling described in paragraph 3 of this Article within 48 hours starting from the moment of handing over the ruling with the court competent for administrative cases. The appeal shall be filled through the agency which has made the ruling, which shall be bound to hand over the appeal and all necessary files to the competent court within 24 hours after the receipt of the appeal.

An appeal as described in paragraph 4 of this Article shall be ruled upon by the court within 24 hours after the receipt of the above stated appeal, in accordance with the regulations on administrative court procedures.

The decision of the court is binding and executive.

### **Article 20**

The electoral roll shall be concluded not later than 15 days before the day of the election.

The electoral roll shall be concluded by a ruling of the agency keeping the electoral roll.

The ruling described in paragraph 2 of this Article shall determine the total number of voters enlisted in the electoral roll, number of voters in each volume, the date of conclusion of electoral roll, the signature of the responsible official and the seal of the competent agency.

When the electoral roll is kept in the manner described as in Article 16 of this Law, into the ruling concluding the electoral roll shall be included, in the adequate manner, the data set out as in paragraph 3 of this Article.

The ruling described in paragraph 2 of this Article shall be handed over to the Republic Electoral Commission, not later than 24 hours after the moment of its making.

### **Article 21**

"The Republic Electoral Commission shall publish the total number of voters in the Official Gazette of the Republic of Serbia.

The number of voters listed in special extracts from the electoral roll shall not be part of the total number of voters."

### **Article 22**

"After the conclusion of the electoral roll, citizens and submitters of proclaimed electoral lists may request municipal courts to pass administrative rulings on modifications to the electoral roll (inscription or deletion of a voter from the electoral roll or modification, correction or addition of data in the electoral roll).

The ruling of the municipal court on alterations to the electoral roll shall be implemented by the Republic Electoral Commission, taking into account

only rulings of courts received no later than 48 hours before the date set for the holding of the elections, after which the total number of voters is established and published in the Official Gazette of the Republic of Serbia."

### **Article 23**

The agency competent for keeping the electoral roll shall compile an authorized extract from the electoral roll for every polling place, which is due to be delivered to the Republic Electoral Commission not later than 24 hours after the moment the ruling on conclusion of the electoral roll is made.

The extract from the electoral roll is made according to the Article 15, paragraph 2 of this Law.

The agency as described in paragraph 1 of this Article shall issue certificates of suffrage on the basis of the form determined by the Republic Electoral Commission.

The ministry in charge for state administration shall monitor the execution of ruling of the Law on Election of Representatives concerning electoral rolls, not later than 20 days before the day of elections.

### **Article 24**

If several votes are held simultaneously, as many authorized extracts from the electoral rolls shall be issued as there are votes being held.

## **IV. CALLING FOR ELECTIONS**

### **Article 25**

Elections for representatives shall be called by the President of the National Assembly of Republic of Serbia. The decision on calling for elections shall also determine the day holding of elections, as well as the day from which the time limits for electoral procedures shall run.

The decision on holding of elections shall be published in the "Official Gazette of the Republic of Serbia".

### **Article 26**

Not less than 45 days, and no more than 90 days, shall pass between the day of calling for elections and the day of holding of elections.

### **Article 27**

Elections for representatives shall be held not later than 30 days before the expiration of the tenure of representatives whose mandate is expiring.

The tenure of representatives whose mandate is expiring shall end on the day of verification of the mandates of newly elected representatives.

Verification of the mandates of representatives shall be carried out on the basis of both the certificate on the election of the representative and of the report of the Republic Electoral Commission on the completion of elections, within 30 days starting from the day of holding of the elections.

At the constitutive session of the National Assembly of Republic of Serbia, a three-member commission shall be formed in order to ascertain the accordance of certificates on the election for representatives with the report of the Republic Electoral Commission.

Based on the report of the commission as described in paragraph 4 of this Article, a person which holds the presidency of the constitutive session of the National Assembly of the Republic of Serbia shall note that the Republic Electoral Commission has submitted the report on the elections being held, as well as which certificates on the elections of representatives are in accordance with the above stated report, by what the mandate of newly elected representatives shall be confirmed.

## **V. AUTHORITIES CARRYING OUT THE ELECTIONS**

### **1. Status of the authorities**

#### **Article 28**

The authorities carrying out the elections are autonomous and independent in their work, and operate on the basis of laws and regulations made on the basis of the Law.

The authorities carrying out the elections are responsible for their work to the body which appointed them.

All agencies of the state as well as other agencies and organizations are bound to help the authorities carrying out the elections and to supply them with data necessary for their work.

#### **Article 29**

The authorities for carrying out the elections may operate in permanent and expanded makeup.

The authorities for carrying out the elections shall operate in expanded makeup starting from the day of determination of the above stated makeup until the conclusion of elections.

The authorities for carrying out the elections take decisions by a majority of votes of members, both in the permanent and expanded makeup.

No political party, coalition of parties or the other political organizations may have more than half the number of the members of permanent makeup of any authority for carrying out the elections.

#### **Article 30**



Members of the Republic Electoral Commission and their deputies are appointed for a period of four years; the members of polling boards and their deputies are appointed for each election.

Both the members and deputies of the authorities for carrying out the elections cannot be in direct blood kinship, irrespective of the degree of kinship, nor in collateral line to the third degree of blood kinship or kins-in-law to the second degree of kinship, and they also cannot be marriage partners, persons related by adoption, or custodians and wards.

If the electoral commission or polling board are made up contrary to the provision of paragraph 2 of this Article that authority shall be dissolved and election, i. e. voting shall be repeated.

The deputy members of the Republic Electoral Commission and polling boards shall have the same rights and responsibilities as the members whose deputies they are.

The suffrage in the Republic Electoral Commission or polling boards shall have the member of that authority only, and, if he is absent, his deputy.

### **Article 31**

Members of the authorities for carrying out the elections of representatives and their deputies must have suffrage.

Members of the authorities for carrying out the elections and their deputies shall cease to perform their duties in above said authorities if they accept a candidacy for representative.

### **Article 32**

The work of authorities for carrying out elections is public.

Persons following the work of authorities for carrying out the elections are bound to behave in line with the rules set down by the Republic Electoral Commission.

When persons described in paragraph 2 of this Article infringe the rules on behavior at the polling place or in any other way disrupt the work of the authorities for carrying out the elections, the authority for carrying out the elections may remove them from the spot, entering a record of the event into the minutes.

A candidate from an electoral list which has been confirmed and proclaimed cannot be present at the work of the authorities for carrying out the elections.

## **2. Republic Electoral Commission**

### **Article 33**

The permanent makeup of the Republic Electoral Commission consists of the President and sixteen members named by the National Assembly of the Republic of Serbia, while the expanded makeup includes one representative of each submitter of the electoral list.

The Republic Electoral Commission shall have a Secretary, appointed by the National Assembly of Republic of Serbia from the order of professional workers of its services, which shall participate in the work of the Commission without the right to participate in decision making.

The Republic Electoral Commission shall have one member, a representative of the republic organization competent for statistics, which shall participate in the work of the Commission without the right to participate in decision making.

The President, members of the Republic Electoral Commission and its Secretary shall have deputies.

The President, members of the Republic Electoral Commission and their deputies must be graduate jurists.

The Republic Electoral Commission shall make a ruling on which the submitter of electoral list fulfills the conditions for delegating his representatives to the expanded makeup of this body, within 48 hours from the proclaiming of the electoral list.

The ruling on fulfillment or lack of fulfillment of conditions for delegation of representatives on the side of the submitter of electoral list shall be handed by the Republic Electoral Commission to the submitter of the electoral list within 24 hours after the ruling is made.

The representative of submitter of the electoral list as described in paragraph 1 of this Law becomes the member of the expanded makeup of the Republic Electoral Commission not later than 24 hours after the ruling is made.

The makeup of the Republic Electoral Commission shall be published in the Official Gazette of the Republic of Serbia.

### **Article 34**

The Republic Electoral Commission shall:

- 1) oversee the legality of the elections;
- 2) organize technical preparation for the elections;
- 3) follow the application and give explanations in regard to the application of this Law, especially on the conduct of voting abroad;
- 4) set down unified standards for election materials;

- 5) set down the forms and regulations for carrying out election procedures foreseen by this Law;
- 6) set down the kind of a spray as described in Article 68, paragraph 4, of this Law;
- 7) determine and publish in the Official Gazette of the Republic of Serbia both number and addresses of polling places, not later than 20 days before the day set for holding of elections;
- 8) form polling boards and appoint the presidents and members of the polling boards;
- 9) determine the number of ballots for each polling place, stamp them and together with an authorized extract from the electoral roll, hand them over in notarized procedure to the polling boards;
- 10) determine which election documents shall be sent to it;
- 11) determine whether the electoral list has been compiled and filed in accordance with this Law and proclaims it;
- 12) make ruling on the proclamation of electoral list;
- 13) determine the manner of both keeping and handling of election materials;
- 14) determine and publish the total results of the elections;
- 15) determine the number of mandates belonging to each electoral list;
- 16) submit a report to the National Assembly of the Republic of Serbia on the elections carried out;
- 17) submit data to the authorities responsible for gathering and processing of statistical data;
- 18) perform other duties foreseen by this Law.

The Republic Electoral Commission shall adopt a book-rule on its work.

Forms as described in paragraphs 4 and 5 of this Article the Republic Electoral Commission is due to make available to participants in these elections within five days of the day of calling for elections.

### **Article 35**

Conditions for work of the Republic Electoral Commission shall be ensured by the National Assembly of the Republic of Serbia.

### **3. Polling board**

#### **Article 36**

The permanent makeup of a polling board consists of: the president and at least two members, while the expanded makeup includes one representative of each submitter of an electoral list.

Both the president and members of polling boards shall have deputies.

The polling board shall be named at the latest 10 days before the day designated for holding of the election.

The Republic Electoral Commission shall, within 48 hours of the moment of making a ruling on the proclamation of the electoral list, make a ruling determining which submitter of electoral list have fulfilled the conditions for delegating his representatives to the expanded makeup of the polling boards.

The ruling on fulfillment or lack of fulfillment of conditions for delegation of representatives on the side of submitters of electoral list shall be handed by the Republic Electoral Commission to the submitter of the electoral list within 24 hours of the making of the ruling.

The representative on the side of the submitter of electoral list as described in paragraph 1 of this Article shall become a member of expanded makeup of a polling board not later than 24 hours of the making of the ruling.

The submitters of the electoral lists may delegate a joint representative to the polling board.

#### **Article 37**

The polling board carries out the election directly at the polling place, ensures the regularity and secrecy of voting, determines the outcome of the voting at the polling place and carries out the other duties foreseen by this Law.

The polling board shall be responsible for maintaining order at the polling place in the course of the voting.

Further rules on the work of the polling boards shall be set down by the Republic Electoral Commission.

#### **Article 38**

In the case of simultaneous holding of elections for representatives in the National Assembly of the Republic of Serbia and for the President of the Republic, the polling boards formed for carrying out the elections for representatives shall perform the duties of polling boards for the election of the President of the Republic.

### **4. Representatives of the submitters of electoral lists in the authorities for carrying out the elections**

#### **Article 39**

A submitter of an electoral list, as described in Articles 33 and 36 of this Law, shall determine his representatives in the authorities for carrying out

the elections, and notify of that the authorities who have named the authorities for carrying out the elections.

After receiving notification of the persons who are delegated to the expanded makeup, the authorities for the carrying out the elections in their permanent makeup shall, at the latest 24 hours after the moment of receipt of said notification, make a ruling determining the names of persons who are becoming their members.

If the submitter of an electoral list does not delegate a representative to the authority for the carrying out of the elections at the latest five days before the day designated for holding of the elections, the above said authority shall continue its work and make binding decisions without the above said representative of the submitter of an electoral list.

## **VI. ELECTORAL LIST**

### **1. Candidacy**

#### **Article 40**

Candidates can be put forward, under the conditions set down by this Law, by registered political parties, coalitions of parties and other political organizations (henceforth: political parties), individually or jointly, as well as by groups of citizens.

On behalf of political party or a group of citizens, the candidacy as described in paragraph 1 of this Article can be put forward only by the person authorized by the political party or the group of citizens.

On behalf of a coalition of parties, the candidacy as described in paragraph 1 of this Article can be put forward by at most two authorized persons.

"Article 40a

For every four candidates on the electoral list (first group of four places, second group of four places and so on until the end of the list) there shall be one candidate of the gender less represented on the list, and the number of candidates of the gender less represented on the list shall be at least 30% of the total number.

If an electoral list should not meet the conditions set forth in Paragraph 1 of this Article, it shall be deemed incomplete for proclamation, and the submitter of the list shall be called to remedy the deficiencies of the list, in accordance with the present Act.

If the submitter of the list should not remedy the deficiencies described in Paragraph 2 of this Article, the Republic Electoral Commission shall refuse to proclaim the electoral list, in accordance with the present Act."

#### **Article 41**

A submitter of an electoral list may withdraw his electoral list at the latest by the day of determination of the general electoral list.

Upon withdrawal of the list, the functions of the representatives of the submitter of the electoral list in all the authorities for the carrying out of elections shall cease, along with the cessation of all rights pertaining him in this regard according to the provisions of this Law.

## **2. Name, confirmation and proclamation of electoral lists**

### **Article 42**

The name of the electoral list shall be determined according to the name of the political party which submits the list, and the name may include the name and surname of the person whom the political party designates as the carrier of the electoral list.

If two or more parties submit a joint electoral list, the name of electoral list and at most two carriers of the electoral list shall be determined by mutual consent.

With the name of electoral list submitted by a group of citizens the submitter determines the precise appellation of the list, and this may include the name and surname of the person designated by the group of citizens as the carrier of the list.

The person designated as carrier of the electoral list may be a candidate for a representative.

The person designated as a carrier of the electoral list may be a candidate for an office in another agency of the state for which elections are being held at the same time.

### **Article 43**

An electoral list is confirmed when it is supported by the signatures of not less than 10,000 voters.

The Republic Electoral Commission shall determine the content and shape of the form for the signature as described in paragraph 1 of this Article and make it available to participants in the elections within five days of calling for elections.

A voter can at the same time support by his signature only the electoral list of one proposer only. Any signature as described in paragraph 1 of this Article must be verified by a municipal court.

A fee due to be paid for verification of signature shall determine the Ministry of Justice of the Republic of Serbia by a separate enactment.

### **Article 44**

An electoral list shall be handed over to the Republic Electoral Commission at the latest 15 days before the day designated as the day of holding the election.

With the electoral list to the Republic Electoral Commission shall be handed over required documentation, comprising:

- 1) certificate of suffrage for every candidate on the electoral list, stating the candidate's name, surname, date of birth, profession and personal number;
- 2) written statement of agreement by the candidate by which he accepts the candidacy;
- 3) certificate of the residence of the candidates;
- 4) written statement on agreement by the carrier of the list;
- 5) authorization for persons submitting the electoral list;
- 6) certificate of citizenship;
- 7) verified by court, at the separate form, signatures of voters which are supporting a particular electoral list.

#### **Article 45**

The Republic Electoral Commission shall proclaim an electoral list of a political party (party electoral list), a list of two or more political parties (coalition electoral list), or a list of group of citizens (electoral list of a group of citizens) upon receipt of the electoral list and required documentation, at the latest within 24 hours of the receipt of the electoral list.

The ruling on proclamation of electoral list as described in paragraph 1 of this Article shall be handed by the Republic Electoral Commission to the submitter without delay.

#### **Article 46**

If the Republic Electoral Commission finds that an electoral list has not been submitted on time, it shall make a ruling on its rejection.

If the Republic Electoral Commission finds that an electoral list contains deficiencies which are an obstacle to the proclamation of the list in accordance with this Law it shall, within 24 hours of the receipt of such a list, take a decision instructing the submitter of the electoral list to remove those deficiencies at the latest within 48 hours of the moment of this decision being handed over to him. The decision shall also point out which activities the submitter should undertake in order to remove said deficiencies.

If the Republic Electoral Commission finds that the electoral list contains deficiencies foreseen by this Law, or that the deficiencies of the electoral list have not been removed, or have not been removed within the

prescribed time limit, it shall, within the next 48 hours, make a ruling refusing the proclamation of the electoral list.

### **3. General electoral list**

#### **Article 47**

The general electoral list shall be confirmed by the Republic Electoral Commission, and it shall contain all the electoral lists, with personal names of all candidates and data on their years of birth, professions and places of domicile.

The order of the electoral lists with the names of all candidates in the general electoral list shall be determined according to the order of their proclamation.

The general electoral list shall be published by the Republic Electoral Commission in the Official Gazette of the Republic of Serbia, at the latest ten days before the day designated as the day of the holding of elections. As the day of proclamation of general electoral list shall be considered the day of its publication in the Official Gazette of the Republic of Serbia.

Every submitter of an electoral list has the right to examine, through a person appointed by him, all submitted electoral lists and accompanying documentation within 48 hours from the day of publication of the general electoral list.

## **VII. INTRODUCING THE SUBMITTERS OF THE ELECTORAL LISTS AND THE CANDIDATES ON THE ELECTORAL LISTS**

#### **Article 48**

The submitters of the electoral lists have the right to inform the citizens of their programs and activities, as well as the nominated candidates, by the mass media, in accordance with the provisions of this Law.

#### **Article 49**

Radio and television broadcasting organizations whose founder is the Republic of Serbia are bound, from the day of calling for elections, in their political-informative programs which can be seen or heard throughout the territory of the Republic, to ensure the presentation of the submitters of the electoral lists and of the candidates from the electoral lists, as well as the exposition and explanation of the electoral programs of the submitters of said lists, in accordance with this Law.

Organizations described in paragraph 1 of this Article are not allowed, under any circumstances whatsoever, to enable the presentation of candidates and the exposition and explanation of programs of submitters of electoral lists in the commercial, entertainment or any other program.



## **Article 50**

Editors and anchormen of political-informative and specialized broadcasts of organizations described in Article 49 of this Law are bound during the election campaign to independently and impartially present all candidates, and the anchormen of broadcasts must have an impartial attitude to all the presented political, social and ethical-cultural programs of political parties whose candidates are being introduced.

In accordance with paragraph 1 of this Article, and pursuant to the Article 5 paragraph 2 of this Law, broadcasts shall be organized which shall ensure the public confrontation of the electoral programs of submitters of electoral lists and candidates from these lists.

## **Article 51**

Two representatives of each public broadcasting organization broadcasting radio and television program whose founder is the Republic of Serbia, Government of Republic of Serbia as well as political parties which have their representatives in the National Assembly of the Republic of Serbia, shall by accord determine both the number and duration of the broadcasts for presentation of political parties, political organizations, or groups of citizens which intend to take part in the elections.

The accord as described in paragraph 1 of this Article shall be reached not later than five days after the day of making the decision of calling for elections and shall be made public without delay.

The mass media as described in paragraph 1 of this Article, together with the representatives of both the founders and submitters of the electoral lists, shall determine further regulations for the presentation of the submitters of the electoral lists, electoral programs and candidates from the electoral lists.

# **VIII. CARRYING OUT OF THE ELECTIONS**

## **1. Polling places**

### **Article 52**

Voting for representatives shall be carried out at the polling place. A polling place shall be set up for not more than 2,500 and not less than 100 voters. Further regulation regarding polling place shall be made by the Republic Electoral Commission.

### **Article 53**

The voter shall vote at the polling place where he was enlisted in the extract from the electoral roll.

"Exceptionally, voters may vote outside of the polling station at which they are entered in the extract from the electoral roll, observing the conditions and procedure set forth by the present Act.

The mode of voting outside of the polling station and the number of voters who voted in such a manner shall be entered in the minutes of the polling board."

#### **Article 54**

Each voter shall be handed, at the latest five days before the day of holding of elections, notification of the day and the time of holding of elections, including the number and address of the polling place where he is to vote, and the number under which he is enlisted in the extract from the electoral roll.

The notification as described in paragraph 1 of this Article shall be handed to voters by the authority responsible for keeping the electoral roll.

#### **Article 55**

Every voter must vote personally.

A voter may vote only once in the course of the election. Voting is secret.

Voting shall be performed on stamped ballots.

At the polling place, as well as within 50 meters from the polling place it is prohibited to display symbols of political parties and the other advertising material.

If the rules from paragraphs 1 through 4 of this Article are infringed in the course of voting, the polling board shall be dissolved, and voting at this polling place shall be repeated.

The use of pagers, mobile phones and other means of communication is prohibited at the polling place.

Further regulations concerning measures to ensure the secrecy of the vote shall be made by the Republic Electoral Commission.

#### **Article 56**

Polling places shall be opened at 7 a.m. and closed at 8 p. m. During this interval polling places must be open without interruption.

Voters who are present at the polling place at the moment of its closing shall be given the opportunity to vote.

"Voting abroad shall last for two days and shall end on the day and hour, local time, corresponding to the end of voting in the Republic of Serbia."

#### **Article 57**

If there is a disturbance of order at the polling place, the polling board may interrupt voting until order is restored. The reasons and duration of interruption of voting shall be entered in the minutes of the polling board.

If voting is interrupted for more than one hour, it shall be prolonged for the time of duration of the interruption.

### **Article 58**

While the polling place is open and while voting lasts, all the members of polling board or their deputies must be at the polling place.

Every polling place shall have a separate room where it is possible to ensure the secrecy of the vote.

In the room where the voting is carried out only as many voters can be present as there are places ensuring the secrecy of the vote.

It is forbidden for any and all persons, who have no rights and duties regarding the carrying out of elections as foreseen by this Law, to linger or remain at the polling place.

Police officers on duty may enter the polling place only on the invitation of the president of the polling board, and only if peace and order at the polling place have been disturbed.

If the rules from paragraph 1 through 5 of this Article have been infringed, a complaint can be filed with the Republic Electoral Commission, which shall decide whether voting at that polling place shall be repeated.

## **2. Election material**

### **Article 59**

The ballot shall contain:

- 1) ordinal number placed in front of the name of the electoral list;
- 2) the names of the electoral lists, according to the order determined in the general electoral list, with the name of the first candidate from the list;
- 3) a remark stating that it is possible to vote for one list only, by circling the ordinal number in front of the name of the list.

### **Article 60**

Ballots shall be both prepared and stamped by the Republic Electoral Commission.

The Republic Electoral Commission shall confirm the number of ballots, which must be equal to the number of voters enlisted in the electoral roll.

The Republic Electoral Commission shall control both the preparation and stamping of the ballots and determine the number of spare ballots.

All ballots shall be printed at the same location, on the paper protected by watermark.

The submitter of the electoral list shall inform the Republic Electoral Commission of the name of the person who shall be present at printing, counting and packing of the ballots, as well as of their delivery to the authorities responsible for carrying out elections.

In those municipalities where the languages of the national minorities are in official use, the ballots shall be printed in those languages as well.

The Republic Electoral Commission shall make the further regulations concerning the shape and appearance of the ballots, the manner and control of printing of ballots, as well as delivery and handling of the ballots.

### **Article 61**

The minister in charge of state administration shall issue the further instructions on the forms and dimensions of ballot boxes. Ballot boxes must be made of the transparent material (plexiglas, plastic materials, and the like).

### **Article 62**

The Republic Electoral Commission is bound to prepare electoral materials for every polling board on time, specially an adequate number of ballots, the general electoral list, the extract from the electoral roll, the certificates of suffrage, as well as the form for the minutes of the polling board.

The electoral materials shall be handed over not later than 48 hours before the day of holding of elections.

Municipal authorities shall be responsible for the ordering of polling places, and shall prepare for the each polling board the necessary number of ballot boxes with the means for their sealing, as well as the writing material.

On the election day, before the beginning of voting, the polling board shall confirm whether the prepared electoral material for that polling place is complete and correct, whether the polling place has been ordered in a manner enabling the secrecy of the vote, as well as whether voting may start, and shall enter all that in its minutes.

### **Article 63**

The general electoral list, with both names of the electoral lists and names of all candidates, must be displayed in a prominent place in the polling place in the course of voting.

The content, form and the manner of display of the general electoral list as described in the paragraph 1 of this Article shall be regulated by the Republic Electoral Commission.

## **Article 64**

Representatives of the submitters of electoral lists and candidates for representatives shall have the right to inspect the electoral materials, and especially the extracts from the electoral rolls, the minutes of polling boards, the minutes of the Republic Electoral Commission and the ballots. This can be done in the official premises of the Republic Electoral Commission, as well as with the authorities keeping the electoral materials. Inspection of electoral materials can be carried out within five days of the day of holding of elections.

## **Article 65**

The electoral material shall be kept for a period of not less than four years. The Republic Electoral Commission shall regulate the manner of use of the electoral materials.

## **Article 66**

The Republic Electoral Commission shall set out the content and the shape of both the form and the shape of the electoral material needed for carrying out the elections within 15 days of its nomination.

## **3. Voting**

### **Article 67**

The polling board shall control the ballot box in the presence of the voter who is the first to come to the polling place. The result of the control is entered into the control sheet, which shall be signed by the members of the polling board and by the voter who was the first to come to the polling place.

The control sheet is placed in the ballot box, and then sealed in the presence of the first voter to arrive, and this is entered in the minutes of the polling board.

Upon opening of the ballot box, it shall first be checked whether it contains the control sheet. If the ballot box does not contain a control sheet, the polling board shall be dissolved and a new one named, and voting at that polling place shall be repeated.

Both the form of the control sheet and the manner of sealing of the ballot box shall be regulated by the Republic Electoral Commission.

### **Article 68**

The voter firstly states to the polling board his name and hands over the notification of elections, and proves his identity with his identification card or the other document.

A voter may not vote without presenting a proof of his identity. The president or the member of the polling board, after having confirmed the identity of the voter, circles the ordinal number under which the voter has been enlisted into the extract from the electoral roll and explains the voting procedure.

A voter shall sign the electoral roll and take the ballot.

The index finger of every voter who has come to vote and has accepted the electoral material shall, by a special spray, be marked out in order to get the mark showing that he had already voted. This index finger mark shall last not less than 24 hours.

### **Article 69**

The members of the polling boards may not in any way influence the choice of the voters.

The members of the polling boards are bound to explain the voting procedure repeatedly at a voter's request.

Members of the polling boards are bound to pay special attention that the voter is not disturbed while marking out his ballot, and to ensure the total secrecy of the voting.

If the rules set down as in paragraphs 1 through 3 of this Article are infringed during the voting, the Republic Electoral Commission shall dissolve the polling board, name a new one, and order the repetition of voting at that polling place.

### **Article 70**

A voter may vote for only one of electoral lists on the ballot. Voting is performed by circling of the ordinal number in front of the name of the chosen electoral list.

A voter shall fold the ballot himself in such a way that his choice cannot be seen, drop it into the appropriate ballot box, and then leave the polling place.

### **Article 71**

No alterations to the extracts from the electoral roll may be performed on the day of elections.

If polling board acts contrary to paragraph 1 of this Article, it shall be dissolved, and voting at this polling place shall be repeated.

### **Article 72**

A voter which is not able to vote at the polling place (blind, disabled or illiterate person) has the right to bring a person who shall instead of him, and in the manner determined by him, fill the ballot, i. e. vote.

The manner of voting of the electors as described in paragraph 1 of this Article shall be entered into the minutes.

#### "Article 72a

Voters unable to vote at the polling station (persons unable to come or prevented from coming to the polling station) may inform the polling board, until no later than 11 o'clock on the day of voting, of whether they would like to vote.

Three members of the expanded polling board, representing submitters of three different electoral lists, designated by the polling board, shall visit such a voter, determine their identity and give them an official envelope, an officially stamped ballot, the final electoral list, the certificate of suffrage and a special envelope for the completed ballot. They shall inform the voter of the manner of voting, and shall then leave the room where the voter votes.

After voting, the voter shall sign the certificate of suffrage, fold the ballot and place it in the special envelope, which shall then be stamped by members of the polling board with a seal on sealing-wax, after which they shall place the signed certificate of suffrage and the special envelope containing the ballot in the official envelope.

Upon returning to the polling station, members of the polling board shall immediately hand over the official envelope to the remaining members of the polling board; the envelope shall then be opened by the polling board, the voter's ordinal number in the extract from the electoral roll shall be circled, on the basis of the signed certificate of suffrage, and, finally, the sealed envelope shall be opened, and the folded ballot removed and inserted into the ballot box in such a manner as the voter's preference not to be visible.

If the official envelope should not contain a signed certificate of suffrage, the voter is deemed not to have voted.

#### Article 72b

Voters in custody or serving a prison sentence on the day of voting shall vote at a polling station inside the correctional facility they are in.

The Republic Electoral Commission shall establish special polling stations inside correctional facilities and nominate permanent members of polling boards and members of expanded polling boards. Officials of the ministry charged with judicial affairs and persons voting inside the correctional facilities may not be members of polling boards.

The ministry charged with judicial affairs shall forward to the Republic Electoral Commission data on voters in custody or serving a prison sentence no later than 15 days before the day of the holding of the election.

The Republic Electoral Commission shall, on the basis of data received from the ministry charged with judicial affairs, complete and officially stamp special extracts from the electoral roll for every correctional facility and shall forward said extracts to the correctional facility polling board."

#### Article 72c

The ministry charged with internal affairs shall be obliged to forward to the ministry charged with administrative affairs the list of voters temporarily residing abroad within 30 days from the day of the coming into force of the present Act.

The ministry charged with administrative affairs shall be obliged to establish the Special Record of Voters Residing Abroad within 30 days from the receipt of the list of voters temporarily residing abroad.

#### Article 72d

If elections for the National Assembly should be held before the establishment of the Special Record of Voters Residing Abroad, the ministry charged with foreign affairs shall, as soon as the elections are called, inform voters temporarily residing abroad by public announcement of the calling of the elections and call on them to forward data necessary to update the electoral roll to diplomatic missions or consular posts of the State Union of Serbia and Montenegro.

The data received shall be forwarded by the ministry charged with foreign affairs to the Republic Electoral Commission no later than 15 days before the day of the holding of the elections. The Republic Electoral Commission shall, on the basis of the data forwarded to it, compile and officially stamp special extracts from the electoral roll for every polling station abroad and shall forward said extracts to the ministry charged with foreign affairs, which shall then forward them, along with other electoral materials, to all polling stations abroad where voting is to be held.

#### **Article 73**

Electors who are doing their national service or are on temporary military duty, or electors who are performing duties in units or institutions of the Army of Yugoslavia, shall vote in the proclaimed polling place nearest to barracks where they are on service or on temporary military duty.

The Republic Electoral Commission shall publish, in the Official Gazette of the Republic of Serbia, not later than 20 days before the day of holding of elections, at which place, previously determined, shall vote soldiers which are doing at specified military posts their service or temporary military duty.



On the basis of data supplied by the authorities keeping the electoral rolls on the voters as described in paragraph 1 of this Article, the Republic Electoral Commission is bound to make and authorize separate extracts from the electoral roll for these voters and, together with the necessary number of stamped ballots and general electoral lists, deliver them to the polling places as described in paragraph 1 of this Article.

#### "Article 73a

Voters temporarily residing abroad shall vote at diplomatic missions and consular posts of the State Union of Serbia and Montenegro and at special polling stations established by the Republic Electoral Commission, the Commission having consulted beforehand with the ministry charged with foreign affairs.

Permanent members of polling boards abroad shall be nominated by the Republic Electoral Commission, at the proposal of the ministry charged with foreign affairs.

Expanded polling boards abroad shall be made up of one representative of each submitter of a proclaimed electoral list. Members of expanded polling boards shall be nominated by the Republic Electoral Commission at the proposal of submitters of proclaimed electoral lists.

The chairman of the polling board shall be, as a rule, a graduate jurist from the ranks of the employees of the diplomatic mission or consular post.

#### Article 73b

On the basis of the Special Record of Voters Residing Abroad, the ministry charged with administrative affairs shall, immediately upon the calling of elections, prepare a special record for each foreign country, and shall forward it to the ministry charged with foreign affairs, which shall, through the diplomatic missions and consular posts of the State Union of Serbia and Montenegro, inform voters of the calling of the elections, the date of the elections and the means of exercising their suffrage.

Voter records shall be displayed at the diplomatic missions and consular posts of the State Union of Serbia and Montenegro, while copies thereof shall be displayed at the ministry charged with administrative affairs. With regard to the rights of citizens and submitters of electoral lists relating to the inspection of voter records and their copies, as well as the right to demand modifications to the Special Record of Voters Residing Abroad, provisions of this Act, relating to the rights of citizens and submitters of electoral lists to inspect electoral rolls and to demand modifications to electoral rolls shall apply.

The ministry charged with administrative affairs shall pass decisions on requests for inscription into, deletion from, modifications and corrections to,

and additions to data in the Special Record of Voters Residing Abroad, even if those requests should be submitted to diplomatic missions or consular posts of the State Union of Serbia and Montenegro, or to the body charged with keeping the electoral roll.

#### Article 73c

Voters entered in the Special Record of Voters Residing Abroad may, no later than 20 days before the day of the holding of the elections, inform the diplomatic mission or consular post of the State Union of Serbia and Montenegro or the ministry charged with administrative affairs of their intention to vote at a polling station in the Republic of Serbia, which shall be entered in the Special Record of Voters Residing Abroad.

Voters not entered in the Special Record of Voters Residing Abroad and entered in the electoral roll may, no later than 20 days before the day of the holding of the elections, inform the diplomatic mission or consular post of the State Union of Serbia and Montenegro or the ministry charged with administrative affairs of their intention to vote abroad. Having submitted all necessary documents, the voter shall be entered in the Special Record of Voters Residing Abroad and deleted from it after the elections have been held.

#### Article 73d

The ministry charged with administrative affairs shall, no later than 15 days before the day of the holding of the elections, conclude the Special Record of Voters Residing Abroad, create and officially stamp special extracts from the electoral roll for every polling station abroad, create lists of voters entered in the Special Record of Voters Residing Abroad for every municipality, and shall forward the officially stamped special extracts from the electoral roll and all lists of voters entered in the Special Record of Voters Residing Abroad immediately to the Republic Electoral Commission.

The Republic Electoral Commission shall forward the officially stamped extracts from the electoral roll to the ministry charged with foreign affairs, which shall then forward said extracts, along with other electoral materials, to all polling stations abroad where voting is to be organised.

The list of voters entered in the Special Register of Voters Residing Abroad shall be sorted according to polling stations in the Republic of Serbia by the Republic Electoral Commission, and shall forward said lists to polling boards along with other electoral materials."

## **IX. DETERMINING AND PUBLISHING OF THE ELECTION RESULTS**

### **1. Determining of election results**

#### **Article 74**

After the end of voting the polling board shall proceed to determine the results of voting at its polling place.

The polling board at first determines the number of unused ballots and places them into a special envelope which shall seal.

Based on the extract from the electoral roll, the polling board determines the total number of voters who have voted.

When the ballot box is opened, and after checking of the control sheet, the valid ballots are separated from those which are null and void.

The polling board establishes the number of null and void ballots and enters it into the minutes, and then establishes the number of valid ballots as well as the number of votes for each electoral list, and enters these in the minutes as well.

The following shall be considered null and void ballot: an unmarked ballot, a ballot marked in such a way that it is impossible to determine for which electoral list the ballot has been cast, and a ballot on which more than one list has been circled.

If the name and surname of the first candidate on the electoral list has been circled on the ballot, or the name or part of the name of the electoral list, or if both the ordinal number and the name of the electoral list and the name and surname of the first candidate have been circled, such a ballot shall be considered valid.

If it is established that the number of ballots in the ballot box is larger than the number of voters who have voted, the polling board shall be dissolved, a new one named, and voting at that polling place shall be repeated.

#### **Article 75**

After the results of voting have been established, the polling board shall enter in its minutes the following: number of ballots received; number of unused ballots; number of null and void ballots; number of valid ballots; number of votes for each electoral list; number of voters according to the extract from the electoral roll and number of voters who have voted.

The polling board minutes shall also include the remarks and opinions of members of the polling board, of the submitters of the electoral lists and the joint representatives of the submitters of the electoral lists, as well as all the other facts relevant to the voting.

The polling board minutes shall be signed by all members of the polling board.

#### **Article 76**

The minutes on the work of the polling board shall be written on the official form, which is printed in six copies.

In the municipalities where the languages of national minorities are in official use, the official form for the minutes shall be printed in those languages as well.

The first copy of the minutes, together with the determined electoral material, shall be handed over to the Republic Electoral Commission.

The second copy of the minutes shall be publicly displayed at the polling place.

The remaining four copies of the minutes shall be handed over to the representatives of submitters of electoral lists which received the highest number of votes at that polling place, without delay if the submitter of the electoral list has the representative in the polling board. If not, the representative of the submitter of the electoral list can take over the copy of the minutes from the electoral commission within the period of 12 hours.

The other submitters of electoral lists have the right to get from the Republic Electoral Commission, within 12 hours after the delivery of the electoral material from the polling place to the Republic Electoral Commission, a photocopy of the minutes from the polling place, certified by this Commission.

### **Article 77**

Upon establishing the results of voting, the polling board shall without delay, and not later than 18 hours after the moment of closing of the polling place, deliver to the Republic Electoral Commission the following: minutes of its work, extract from the electoral roll; unused and, separately, used ballots; null and void and, separately, valid ballots; as well as all the other electoral material.

### **Article 78**

Within 96 hours of closing of the polling places, the Republic Electoral Commission shall establish in its minutes the following: total number of voters enlisted in the electoral roll; number of voters who have voted at polling places; total number of ballots received at polling places; total number of unused ballots; total number of null and void ballots; total number of valid ballots; number of votes cast for each electoral list individually.

The Republic Electoral Commission shall determine the results of elections and makes a separate minutes on that.

The Republic Electoral Commission shall determine both the contents and the shape of the form for the minutes of its work.

## **Article 79**

The submitters of electoral lists can submit to the Republic Electoral Commission the name of a person who will be present at the statistical processing of the data in the Republic Electoral Commission.

## **Article 80**

Each electoral list shall be apportioned a number of mandates proportional to the number of votes it has gathered.

## **Article 81**

Only electoral list which have gathered not less than 5% votes of voters who have voted in the electoral district shall take part in the apportioning of the mandates.

"Political parties of ethnic minorities and coalitions of political parties of ethnic minorities shall participate in the distribution of mandates even when receiving less than 5% of the total number of votes.

All parties whose basic aim is to represent and stand for the interests of an ethnic minority and the protection and improvement of the rights of members of ethnic minorities, in accordance with standards set forth by international law, shall be considered political parties of ethnic minorities.

The Republic Electoral Commission shall decide, at the proclamation of an electoral list, whether the submitter of the electoral list should be considered a political party of an ethnic minority or a coalition of political parties of ethnic minorities, at the request of the submitter of the electoral list which should be made when the electoral list is submitted.

## **Article 82**

The Republic Electoral Commission shall apportion mandates by applying the system of largest quotient.

The mandates shall be apportioned by dividing the total number of votes received by each separate electoral list by numbers from one to 250 inclusive.

The quotients thus arrived at are sorted by size, and the 250 largest quotients are taken into account. Each electoral list is apportioned a number of mandates correspondent to the number of quotients of this kind it has.

If two or more electoral lists get the same quotient on the basis of which a mandate is to be apportioned, and there are no more mandates to be apportioned, the mandate shall be apportioned to that list which has received the overall largest number of votes.

If none of the electoral lists has gathered at least 5% of the votes, apportioning shall be performed in the manner as described in paragraphs 1 through 3 of this Article.

### **Article 83**

Mandates belonging to a certain electoral list shall be awarded to candidates from that list, in accordance with the terms of this Law.

When an electoral list has been apportioned more mandates than there are candidates for representatives on it, these mandates shall be awarded to the electoral list with the next largest quotient.

### **Article 84**

The submitter of the electoral list shall, not later than within ten days from the date of the publication of the total results of the election, hand over to the Republic Electoral Commission the data on which candidates from the electoral list will be awarded representative mandates won on that list, in accordance with the terms of this Law.

If the submitter of the electoral list fails to hand over these data, the Republic Electoral Commission shall remind him in writing that he is bound to do it within the supplemental period of five days, warning him of the consequences of his failure to act.

If the submitter of the electoral list fails to deliver the requested data in the supplemental period, the Republic Electoral Commission shall, by a separate ruling, award all mandates gathered by that list to the candidates from the list according to their order on the list. This ruling shall not be subject to objection or appeal.

## **2. Publishing of the results of the election**

### **Article 85**

The Republic Electoral Commission shall publish, in the Official Gazette of the Republic of Serbia, the data on the total outcome of the elections for representatives, which shall include:

- 1) number of voters entered into the electoral roll;
- 2) total number of voters who have voted;
- 3) number of ballots received;
- 4) number of unused ballots;
- 5) number of used ballots;
- 6) number of null and void ballots;
- 7) number of valid ballots;

8) number of votes gathered by individual electoral lists;

9) number of mandates won by individual electoral lists.

#### **Article 86**

The Republic Electoral Commission shall publish the outcome of the elections within 96 hours of the moment the voting has been completed.

From the end of voting until the publication of the outcome of the elections, the Republic Electoral Commission shall publish through mass media temporary data on the results of elections.

The outcome of the election shall be published in the Official Gazette of the Republic of Serbia.

#### **Article 87**

The Republic Electoral Commission shall issue to the representative a certificate that he has been elected representative.

### **X. TERMINATION OF MANDATE, REPEATED ELECTIONS AND FILLING OF VACATED PLACES OF REPRESENTATIVES**

#### **1. Termination of mandate**

#### **Article 88**

**Cases under 1 and 9 are deleted according to the decision of the Constitutional Court of Serbia in 2003**

A representative's mandate shall be terminated before the expiration of the term for which he has been elected in the following cases:

**1) if his membership in the political party or coalition of parties on whose electoral list he was elected is terminated (deleted);**

2) if he resigns;

3) if he has been convicted, by finally-binding court decision, to an unconditional prison sentence of not less than six months;

4) if he has been stripped, by finally-binding court decision, of his business capacity;

5) if he takes over a function or a position which are, according to this Law, incompatible with the function of representative;

6) if he loses his citizenship;

7) if he is no longer domiciled on the territory of the Republic of Serbia;

8) if the representative dies;

**9) if the political party, or the other political organization on whose electoral list he was elected, removes his name from the register kept by its competent body (deleted).**

The representative's mandate shall be terminated on the day of advent of events described in paragraph 1 of this Article.

The day of termination of the mandate is established by the National Assembly of the Republic of Serbia at the first session following the receipt of a report on the reasons for the termination of a representative's mandate.

**Article 89**

Repeated elections shall be conducted if the Republic Electoral Commission annuls the voting because of irregularities in the carrying out of the elections in the cases foreseen by this Law.

**Article 90**

If the Republic Electoral Commission annuls the voting at one polling place, the voting shall be repeated at this polling place only.

When the voting is repeated in cases foreseen by this Law, the Republic Electoral Commission shall make a ruling about the repeating of voting.

In cases described in Articles 89 and 90 of this Law, the outcome of the elections is determined after the end of the repeated voting.

**Article 91**

Repeated voting is conducted both in the manner and according to the procedure set down by this Law for carrying out of elections.

Repeated elections are called by the Republic Electoral Commission.

Repeated elections shall be held not later than 15 days after the day of annulment of voting in the Republic of Serbia, or not later than seven days after the day of annulment of voting in a polling place.

Repeated elections shall be held on the electoral list determined for the elections which have been annulled, except in the case the elections have been annulled because of the irregularities in the establishing of the electoral list.

**Article 92**

If a representative's mandate ceases before the end of the term for which he has been elected on the basis of the cases described in the Article 88, paragraph 1 of this Law, the mandate shall be awarded to a new representative, in the manner set down by this Article.



When a representative's mandate ceases before the end of the term for which he has been elected on the basis of the cases described in the paragraph 1 of this Article, the mandate shall belong to the political party on whose electoral list the representative whose mandate has ceased was elected, and this mandate shall be awarded to a candidate from the electoral list for whom the party did not win a mandate.

When a representative's mandate ceases before the end of the term for which he has been elected on the basis of the cases described in the paragraph 1 of this Article, and on the electoral list on which the representative was elected there are no candidates for whom the submitter of electoral list did not win a mandate, the mandate shall be awarded to the submitter of the electoral list with the next largest quotient on the basis of which quotient he did not win a mandate.

The mandate of the new representative shall run until the expiration of the term of the mandate of the representative whose mandate has ceased.

In cases as described in paragraphs 2 and 3 of this Article, the written agreement of acceptance of the mandate shall be obtained from the candidate.

## **XI. PROTECTION OF SUFFRAGE**

### **Article 93**

The authorities in charge with carrying out of the elections are bound to notify voters in the course of the election procedure of their electoral rights and of the manner of protecting these rights.

### **Article 94**

Every voter, candidate for representative and submitter of the electoral list have the right to protection of his electoral rights, under the procedure foreseen by this Law.

### **Article 95**

Every voter, candidate and submitter of electoral list has the right to file an appeal with the Republic Electoral Commission because of infringements of electoral rights during the elections, or because of irregularities in the procedure of candidacy or voting.

An appeal against a decision, act or mistake by a polling board shall be filed with the Republic Electoral Commission.

An appeal as described in paragraphs 1 and 2 of this Article shall be filed within 24 hours of the making of the decision or of the execution of the act which the filer of the appeal deems irregular, or from the moment when the mistake has been made.

## **Article 96**

The Republic Electoral Commission shall make a ruling within 48 hours of the moment of receipt of the appeal, and shall deliver it to the plaintiff, as well as to all submitters of electoral lists.

If the Republic Electoral Commission endorses the appeal, it shall annul the relevant decision or act.

If the Republic Electoral Commission does not make a ruling on the appeal within the period specified by this Law, the appeal shall be considered endorsed.

## **Article 97**

"An appeal to the Supreme Court of Serbia may be lodged against all rulings of the Republic Electoral Commission passed as a result of objections raised."

This appeal shall be lodged through the Republic Electoral Commission within 48 hours of receipt of the ruling.

The Republic Electoral Commission is bound to hand over the appeal and all required documents to the Supreme Court of Serbia within 24 hours from the moment of receipt of the appeal.

The Supreme Court of Serbia shall rule on the appeal according to provisions of the law regulating the procedure in administrative cases.

A ruling on the appeal shall be made not later than 48 hours after the receipt of the appeal and accompanying documentation.

The ruling on the appeal goes immediately into effect and neither requirements for extraordinary revision of the court ruling, nor requests for repeated proceedings, foreseen by the Law on administrative procedure, can be filed against it.

If the Court endorses this appeal and annul electoral action or elections, the relevant electoral act, or elections, shall be repeated at the latest within 10 days.

## **XII. EXPENSES OF CARRYING OUT OF ELECTIONS**

### **Article 98**

Resources for the work of the authorities, for electoral materials and for the other expenses for carrying out the elections shall be secured from the budget of the Republic.

A request for the apportionment of resources, together with a specification of total expenses, shall be submitted by the Republic Electoral Commission.

Money paid as compensation for the work of persons in the authorities for the carrying out of elections shall be tax and contributions free.

### **Article 99**

In the procedure of carrying out of elections, general supervision over the acts of political parties, candidates and the mass media in the course of electoral activities shall be exercised by the supervisory board.

The supervisory board shall have ten members; half of that number of members shall be appointed by the National Assembly of the Republic of Serbia, and the other half shall be appointed on recommendation of parliamentary clubs in the National Assembly of the Republic of Serbia from ranks of outstanding public personalities, on the condition that they are not members of the political party bodies taking part in the elections.

The president of the supervisory board shall be chosen by the members of the board from among themselves, by the secret ballot.

### **Article 100**

The supervisory board shall:

- 1) follow pre-election activities and point out possible irregularities in the acts of political parties, candidates and the other participants in the electoral procedure;
- 2) control the mass media activities on carrying out the terms of this Law regarding the ensuring of equal conditions for the presentation of submitters of electoral lists and candidates from the electoral lists;
- 3) suggest measures for respecting the equality of candidates in the presentation of their programs;
- 4) address the public in order to safeguard the moral integrity of a candidate's character;
- 5) warn of acts of political parties, administrative bodies, candidates and the mass media which hinder the electoral campaign and jeopardize the equal rights of all candidates.

If any participant in the electoral campaign incites by his behavior to violence, or spread national, religious or racial hatred, or calls for the inequality of the sexes, the supervisory board for the electoral campaign shall, without delay, give the incentive for commencing proceedings with the appropriate state agency.

If the agreement described in Article 51 of this Law is not concluded in the period foreseen, the supervisory board shall determine the number and duration of broadcasts for the equal presentation of the submitters of electoral lists.

### **Article 101**

The National Assembly of the Republic of Serbia shall appoint the members of the Republic Electoral Commission within 20 days of the promulgation of this Law.

The Republic Electoral Commission shall adopt the acts foreseen by this Law not later than five days from the day of appointment of its members.

The Republic Electoral Commission shall determine polling places at which voting for representatives shall be carried out so as to enable voters to carry out voting for these representatives as well as for the other representatives, i.e. councilmen, for whom elections are being held on the same day, in the same premises or, if failing that, in the nearest premises where the other elections are being simultaneously conducted.

#### **Article 102**

The Republic agency responsible for statistics shall publish, in the official Gazette of the Republic of Serbia, the data on the number of voters within ten days of the promulgation of this Law.

#### **Article 103**

This article not applicable due to the new law on financing of political parties

For financing the electoral campaign shall be secured an amount equal to 1000 average net incomes paid in the economy of the Republic of Serbia in the month preceding the month in which the elections have been called, and for which the official data have been published.

The amount as described in paragraph 1 of this Article shall be shared by the submitters of electoral lists in proportion to the number of mandates they won.

### **XIII. PUNITIVE PROVISIONS**

#### **Article 104**

With a prison sentence of up to three years for a criminal offense shall be punished a member of the Republic Electoral Commission, or a member of the polling board, or any person who, in the course of doing his duties concerning the election of representatives changes the number of votes by adding or taking away ballots, or votes during the counting of ballots, or who publishes results of voting inconsistent with the outcome of the voting carried out.

#### **Article 105**

The following criminal offenses shall be punished by a prison sentence of up to one year:

1) illegally omitting a person from the electoral roll or removing a person from the electoral roll with the intention of preventing him from voting in the election for representatives;

2) using force, serious threat, bribe or other manner of compulsion in order to force another person not to vote in the election for representatives, or to vote for a particular electoral list, or to vote for a particular electoral list.

If the act as described in paragraph 1 of this Article is committed by a member of the Republic Electoral Commission, the member of the polling board or the other person performing duties in connection with the elections for representatives, that person shall be punished with a prison sentence from three months to three years.

### **Article 106**

The following criminal offenses shall be punished by a fine or by a prison sentence of up to one year:

1) taking a voter into account after the elections because of voting, or asking a voter to state how he has voted or why he has not voted;

2) voting instead of a voter and using his name in the elections for representatives, or voting in the same elections two or more times;

3) destroying, damaging, sequestering or hiding, during the elections a marked ballot used for voting, any of the electoral documents, or any object intended for the elections or for voting.

If the act as described in paragraph 1 of this Article is committed by a member of the Republic Electoral Commission, a member of a polling board or by another person performing duties connected with said elections - that person shall be punished by a prison sentence from three months to three years.

### **Article 107**

By a fine or by a prison sentence of up to six months shall be punished for the criminal offense a person who infringes on the secrecy of voting during the elections for representatives.

If the act as described in paragraph 1 of this Article is committed by a member of the Republic Electoral Commission or by a member of a polling board, or by another person performing duties in connection with the elections for representatives - that person shall be punished by a prison sentence of up to three years.

### **Article 108**

An organization which publishes estimates of the outcome of the elections, or previous results of the elections, contrary to the Article 5, paragraph 3 of this Law, shall be punished with a fine from 5,000 to 20,000 new dinars.

With a fine from 1,000 to 4,000 new dinars shall also be punished for the violation as described in paragraph 1 of this Article the responsible person in the organization.

A person who publishes the estimates of results of the elections, or previous results of the elections, shall be punished for the violation as described in paragraph 1 of this Article, with a fine of 500 to 2,000 new dinars.

#### **Article 109**

A member of the polling board or of the Republic Electoral Commission who prevents the following of the work of the authorities for carrying out of elections (Article 32, paragraph 2 of this Law) shall be fined for this violation from 1,500 to 6,000 new dinars.

#### **Article 110**

If organizations as described in Article 51 of this Law fail to carry out their obligations set down by the provisions of this Law, or enable the presentation of candidates contrary to the Article 49, paragraph 2 of this Law, they shall be fined for this violation from 12,000 to 60,000 new dinars.

The responsible person in the organizations as described in the Article 51 of this Law shall also be fined for the violation as described in paragraph 1 of this Article from 1,500 to 6,000 new dinars.

#### **Article 111**

A manager of the authority for carrying out of the electoral rolls shall be fined for failing to exercise the obligations specified by Articles 12, 19 and 54 of this Law from 5,000 to 10,000 new dinars.

#### **Article 112**

By a fine from 5,000 to 10,000 new dinars shall be punished for a violation any political party, coalition of parties or the other political organization or the other legal entity which, contrary to the provisions of this Law, displays symbols of a political party or of the other political organization, as well as the other propaganda material (Article 55 of this Law).

The responsible person in the political organization or the other legal entity shall also be fined for the violation as described in paragraph 1 of this Article from 500 to 3,000 new dinars.

#### **Article 113**

A person who uses a pager, a mobile phone or any other means of communication at the polling place shall be fined from 1,500 to 6,000 new dinars (Article 55 of this Law).

#### **Article 114**

A person who creates a disturbance at the polling place, which leads to the interruption of voting shall be fined from 500 to 2,500 new dinars (Article 57 of this Law).

#### **XIV. TRANSITIONAL AND FINAL PROVISIONS**

##### **Article 115**

This Law comes into force on the eighth day following the day of its publication in the Official Gazette of the Republic of Serbia.

##### **Article 116**

On the day that this Law comes into force, the Law on Election of Representatives (Official Gazette of the Republic of Serbia, nos. 79/92, 83/92, 53/93, 67/93, 90/93, 107/93, 48/94 and 32/97) shall cease to apply.

##### **Article 117**

On the day that this Law comes into force, the Law on the Electoral Districts for the Election of Representatives (Official Gazette of the Republic of Serbia No. 32/97) shall cease to apply.