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OPINION ON DRAFT AMENDMENTS TO THREE PIECES OF SERBIA'S ELECTION-RELATED LEGISLATION

SERBIA

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Based on English translation of the Draft Law provided by the National
Assembly of the Republic of Serbia.



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EXECUTIVE SUMMARY AND KEY RECOMMENDATIONS

Following ODIHR's Urgent Opinion on Draft Amendments to Several Pieces of Election-Related Legislation (15 April 2024) which aimed to address a limited number of ODIHR recommendations from its Final Report on the observation of the 17 December 2023 parliamentary elections in Serbia, a revised set of draft amendments to three legislative pieces was prepared by the National Assembly Service. On 2 February, ODIHR was requested to provide its expert legal opinion on these drafts.

The 2024 Urgent Opinion had concluded that the initial set of proposed amendments were an overall welcome step towards addressing certain ODIHR recommendations in the legislation, but highlighted that some of the provisions could benefit from further consideration prior to adoption as specified in the recommendations put forward in the Opinion.

In preparation of this opinion, ODIHR sought comments from various national stakeholders. The resulting explanations and suggestions are noted throughout the Opinion. Representatives of the ruling party indicated that the current draft texts are preliminary working documents intended to launch the amendment process and facilitate broad consultations, whereas other interlocutors asserted procedural irregularities, lack of transparency, and absence of an inclusive consultation process. ODIHR expresses hope that these preliminary drafts will result in a comprehensive reform of election legislation and ODIHR's recommendation to initiate such reform, well in advance of the next elections, through an inclusive consultative process that includes relevant stakeholders, such as civil society organizations and opposition political parties, and builds broad political consensus, still stands.

Certain of the revised draft amendments reviewed fully or partially address some of ODIHR's 2023 recommendations, in particular those calling for provision of mandatory training of election officials, repealing of restrictions on signing candidate lists, extending the right to rectification of deficiencies in nomination documents, further defining the legal criteria for national minority status of candidate lists, and setting a short deadline for Constitutional Court decisions and extending the period for holding repeat elections. In this regard, ODIHR reiterates the overall positive step that the draft amendments represent for improving the electoral legislation.

However, ODIHR notes that certain revisions to the draft amendments represent a step back from the earlier version assessed in its 2024 Urgent Opinion, including the removal of some proposals that ODIHR had clearly positively assessed and/or concluded that they had fully addressed a 2023 recommendation, such as the proposed concrete deadline for the Constitutional Court to adjudicate election-related cases. Further, the 2026 revised draft amendments address very few of the recommendations put forward in ODIHR's 2024 Urgent Opinion to bring the draft provisions further in line with its 2023 recommendations and international electoral standards. At the same time, ODIHR acknowledges that some of the revisions to the draft text strengthen the provisions to a certain extent, while also highlighting that several new proposals raise additional concerns.

More specifically, and in addition to what is stated above, ODIHR makes the following recommendations to further enhance or supplement the proposed amendments:

- A. to consider explicitly prohibiting any discrimination in the implementation of the mandatory training program, and to improve the proposed provisions aimed at

strengthening the professionalism of the local electoral commissions and polling boards by reinstating the removed draft provisions on mandatory training *of the extended members*;

- B. to consider shortening the deadline for adoption of training instructions and establish a shorter period after which the provisions on mandatory training of election officials take effect, thereby allowing for timely development of the training program, as well as stipulating accreditation of at least those persons who hold leadership positions in the electoral commissions and polling boards in time for the upcoming elections;
- C. to give further consideration to establishing clear and equitable criteria for eligibility to submit a candidate list with national minority status, including by permitting groups of citizens to present candidate lists representing national minority status;
- D. to establish a concrete and reasonably short deadline for the Constitutional Court to handle electoral petitions;
- E. to look comprehensively at the needed election reforms, ODIHR recalls the recommendations of its reports and the 2022 Joint Opinion with the Venice Commission.

These and additional Recommendations, are included throughout the text of this Opinion, highlighted in bold.

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I. INTRODUCTION

On 2 February 2026, the Serbian authorities submitted a request to the OSCE Office for Democratic Institutions and Human Rights (ODIHR) to provide an opinion on draft amendments to three different pieces of election-related legislation (Draft Amendments). The relevant legislation is as follows: the Law on the Election of Members of Parliament, the Law on Local Elections, and the Law on the Constitutional Court. The proposed amendments to these laws are officially framed as measures to align Serbian electoral legislation with ODIHR's prior recommendations. ODIHR positively responded to this request, confirming the Office's readiness to prepare a legal opinion on the compliance of these draft amendments with international human rights standards and OSCE human dimension commitments. In preparation of this opinion, ODIHR participated in a series of videoconference meetings and sought comments from various national stakeholders. The resulting suggestions and clarifications are noted throughout the Opinion.

The above-noted request referenced [ODIHR's Urgent Opinion on Draft Amendments to Several Pieces of Election-Related Legislation \(15 April 2024\)](#) prepared at the request of the Serbian authorities based on draft amendments prepared by the Governmental Working Group¹ on the implementation of ODIHR electoral recommendations Nos. 2, 11, 12, 15, 17 (first part), 20, and 24 from the [ODIHR EOM Final Report on Early Parliamentary Elections in Serbia, 17 December 2023](#).² The Urgent Opinion assessed draft amendments to the three above-noted laws, as well as proposed changes to the Law on Financing of Political Parties and the Law on Prevention of Corruption. It put forward a set of recommendations to further align the draft amendments with the above-noted recommendations, as well as with applicable international standards and commitments.

Since the submission of ODIHR's Urgent Opinion, the Serbian authorities have not adopted any amendments to the three above-noted laws that are the subject of this Opinion. Based on ODIHR's Urgent Opinion, Serbia's National Assembly Service prepared a revised draft of the amendments with the continuing stated aim to address ODIHR electoral recommendations Nos. 2, 11, 12, 20 and 24.³ The Secretariat General of the National Assembly invited former members of the inter-agency Working Group on Co-ordination and Follow-up of the Implementation of Recommendations for the Improvement of the Electoral Process (Working Group), including civil society organizations, all parliamentary groups, as well as the European Commission to provide comments on the Draft Amendments, but no version was made available to the public. While some groups provided comments, the offer was turned down by others due to, in their view, the non-adherence to legally prescribed drafting procedures and lack of a fully transparent and inclusive consultation process. Representatives of the ruling party indicated that the current draft texts are preliminary working documents intended to launch the amendment process and facilitate broad consultations. Some other

¹ The Governmental Working Group consisted of representatives of the government, Republic Electoral Commission and relevant ministries and state agencies. Meetings were not open to the public but regular press releases were distributed outlining the activities of the working group.

² Several of these recommendations were also put forward in some form or another in the [ODIHR/Venice Commission Joint Opinion on Serbia's Constitutional and Legal Framework Governing the Functioning of Democratic Institutions, Electoral Law and Electoral Administration, 19 December 2022](#).

³ A Working Group, formed on 29 April 2024 by the National Assembly's Committee on Constitutional and Legislative Issues, which had the stated aim of urgently addressing the recommendations from ODIHR's final report on the 17 December 2023 parliamentary elections, effectively stopped functioning soon after its formation due to dissatisfaction of its members from civil society and the political opposition with its working method which led to their withdrawal. The Working Group did not resume functioning.

interlocutors questioned the true aim of the proposed changes citing potential political manipulation of the electoral process as a motivating factor.

The Draft Law on Amendments to the Law on the Election of Members of Parliament aims to address ODIHR recommendations No. 2, 11, 12 and 20; the Draft Law on Amendments to the Law on Local Elections relates to recommendations No. 2, 11, and 20, and the Draft Law on Amendments and Addition to the Law on the Constitutional Court aims to address recommendation No. 24. The current request for review does not include any revised draft amendments to the Law on Financing of Political Parties and the Law on Prevention of Corruption in connection with ODIHR recommendations Nos. 15 and 17 (first part).

ODIHR was informed by representatives of the ruling party that the recommendations contained in the 2023 Final Report had been organized into several thematic clusters for the purposes of facilitating their consideration and implementation, and that further amendments to related legislation, including on campaign finance and misuse of administrative resources are envisaged. Some legal experts, civil society representatives, and opposition actors, some of whom participated in discussions with ODIHR, raised concerns with the selective nature of the proposed amendments in addressing only five of prior ODIHR recommendations, alleging these might be used, in practice, to facilitate rather than prevent electoral manipulation.

This Opinion was prepared in response to the above request. ODIHR conducted this assessment within its mandate to assist the OSCE participating States in the implementation of their OSCE human dimension commitments.⁴

II. SCOPE OF THE OPINION

The scope of this Opinion covers only the Draft Amendments submitted for review. Thus limited, the Opinion does not constitute a full and comprehensive review of the entire legal framework governing elections in Serbia. In this connection, it must be stressed that the pending ODIHR recommendations remain valid.

The Opinion assesses the extent to which the Draft Amendments address the recommendations put forward in ODIHR's 2024 Urgent Opinion and its 2023 Final Report on its observation of the 2023 parliamentary elections, and identifies key issues and provides indications of areas of concern. In the interest of conciseness, it focuses more on those provisions that require amendments or improvements than on the positive aspects of the Draft Amendments. The ensuing legal analysis is based on international and regional human rights and rule of law standards, norms and recommendations as well as relevant OSCE human dimension commitments.

⁴ See, in particular, Oslo Ministerial Declaration 1998, [MC.DOC/1/98](#), stating "Expression should be given to support for the enhancement of OSCE electoral assistance work and the strengthening of internal procedures to devise remedies against infringements of electoral rules, with the participating States invited to provide the ODIHR in a timely fashion with draft electoral laws and draft amendments to these laws for review so that possible comments can be taken into account in the legislative process". See also [1999 Istanbul Document](#) (Summit of Heads of State or Government), which states: "... appreciate the role of the ODIHR in assisting countries to develop electoral legislation in keeping with OSCE principles and commitments, and we agree to follow up promptly ODIHR's election assessments and recommendations".

Moreover, in accordance with the Convention on the Elimination of All Forms of Discrimination against Women⁵ (hereinafter “CEDAW”) and the 2004 OSCE Action Plan for the Promotion of Gender Equality⁶ and commitments to mainstream gender into OSCE activities, programmes and projects, the Opinion integrates, as appropriate, a gender and diversity perspective.

This Opinion is based on an unofficial English translation of the Draft Amendments provided by the Serbian authorities, which is attached to this document as an Annex. Errors from translation may result. Should the Opinion be translated in another language, the English version shall prevail.

In view of the above, ODIHR would like to stress that this Opinion does not prevent ODIHR from formulating additional written or oral recommendations or comments on electoral reform in Serbia in the future.

III. LEGAL ANALYSIS AND RECOMMENDATIONS

1. GENERAL REMARKS

ODIHR stresses the importance of the stability of electoral legislation while ensuring clear and comprehensive legislation that meets international obligations and standards and addresses prior recommendations. In this regard, it is noted that the Draft Amendments address only a selection of pending ODIHR recommendations and do not constitute a comprehensive review of the electoral legislation, a longstanding ODIHR recommendation. While this type of piecemeal approach to electoral reform runs contrary to the principle of stability of election legislation, the proposed amendments are overall a positive development as they directly address some pending ODIHR recommendations.⁷

At the same time, ODIHR stresses the importance of implementing and enforcing all amendments which ODIHR assesses as addressed or partially addressed **in good faith**.

ODIHR emphasises the international good practice to refrain from revising fundamental elements of electoral laws less than one year prior to an election.⁸ In this respect, it is noted that the Draft Amendments will impact the legal basis for national and local elections, while regular local elections are set to take place in certain municipalities in 2026 and, according to several public statements by high-level officials, early general elections may be held in late 2026. However, it is recognized that

⁵ UN Convention on the Elimination of All Forms of Discrimination against Women (hereinafter “CEDAW”), adopted by General Assembly resolution 34/180 on 18 December 1979. Serbia deposited its instrument of ratification of this Convention on 12 March 2001.

⁶ See [OSCE Action Plan for the Promotion of Gender Equality](#), adopted by Decision No. 14/04, MC.DEC/14/04 (2004), paragraph 32

⁷ See the Council of Europe's Venice Commission's [Code of Good Practice in Electoral Matters](#), at paragraph II.2.b (Guidelines) and paragraphs 63 – 65 (Explanatory Report). See also the Venice Commission Revised Interpretative Declaration on the Stability of Electoral Law (2024) [CDL-AD\(2024\)027](#) and (mutatis mutandis) ECtHR, 8 July 2008, *Georgian Labour Party v. Georgia*, no. 9103/04, § 88.

⁸ Guideline II. 2.b. of the Code of Good Practice in Electoral Matters states that “[t]he fundamental elements of the electoral system proper, membership of electoral commissions and the drawing of constituency boundaries, should not be open to amendment less than one year before an election, or should be written in the constitution or at a level higher than ordinary law”. See also the Venice Commission Revised Interpretative Declaration on the Stability of Electoral Law (2024) [CDL-AD\(2024\)027](#).

the proposed changes do not change fundamental aspects of the electoral legal framework and otherwise directly address some outstanding recommendations.

ODIHR reiterates the need for comprehensive review of the electoral legislation well in advance of the next elections, within an inclusive process, ensuring extensive public consultations with all relevant stakeholders⁹, in order to address pending recommendations and bring the legal framework further in line with international commitments and standards. ODIHR has stated before that “[i]f the process of changing the electoral rules is not sufficiently inclusive and transparent, that is if all relevant stakeholders are not involved in the proper way, new electoral rules risk being seen as intended more at favouring incumbents than at improving the electoral system”.¹⁰ In this regard, it is noted that the development of the Draft Amendments absent of a genuinely inclusive consultation process runs contrary to the principles recalled above and OSCE commitments.¹¹ As such, **ODIHR reiterates its recommendation that to effectively address recommendations outlined in ODIHR election observation reports, necessary legislative amendments should be initiated well in advance of the next elections through an inclusive consultative process built upon a broad political consensus. If reconstituted, the inter-agency Working Group on Co-ordination and Follow-up of the Implementation of Recommendations for the Improvement of the Electoral Process should act in full transparency, with the inclusion of relevant stakeholders, such as civil society organizations.**

2. PROVISION OF MANDATORY TRAINING OF ELECTION OFFICIALS

ODIHR Recommendation No. 2 proposes that “to ensure consistent implementation of procedures on election day and enhance the professional capacity of the election administration, standardized mandatory training could be considered for all Local Electoral Commissions and Polling Board members and prospective members including the extended composition of these bodies.” Articles 1 - 6 of the Draft Law Amending the Law on the Election of Members of Parliament concern this recommendation, which propose changes to Articles 24, 29, 35, 37 and 38 and introduce Article 24a in the Law on the Election of Members of Parliament. Further, Articles 1 - 5 of the Draft Law Amending the Law on Local Elections, propose changes to Article 15, 22, 25, 28, and 30 of the Law on Local Elections. These draft amendments propose mandatory training by the Republic Electoral Commission (REC) for mid- and lower-level election officials, making such training a condition to be appointed as an election official in national and local elections.

ODIHR's Urgent Opinion assessed that the previous version of the draft amendments largely addressed the aim of recommendation No. 2, while noting some areas for improvement and emphasising that the implementation of these changes must be assessed in practice.¹² The Draft Amendments maintain the core of the provisions in the previous version of the draft amendments that aimed to address recommendation No. 2, with one key exception, while also strengthening the provisions in other respects. **Overall, these proposed amendments represent a step forward in the professionalization of the mid- and lowest levels of election administration and in**

⁹ See also ODIHR [Guidelines on Democratic Lawmaking for Better Laws](#) (2024), paragraph 45 providing further guidance on the composition of working groups and the involvement of civil society organizations.

¹⁰ ODIHR-Venice Commission, Türkiye - Joint Opinion on the amendments to the electoral legislation by Law No. 7393 of 31 March 2022, [CDL-AD\(2022\)016](#), § 21.

¹¹ ODIHR-Venice Commission, Joint Opinion on the amendments to the electoral legislation by Law No. 7393 of 31 March 2022, [CDL-AD\(2022\)016](#), § 22. See also ODIHR, [Guidelines on Democratic Lawmaking for Better Laws](#) (2024), Principle 7.

¹² See ODIHR's Urgent Opinion, paragraphs 15 – 21.

addressing ODIHR's recommendation No. 2, while there remain areas for improvement in the draft legal framework regulating the mandatory training.

With respect to the key exception, the previous version of the draft amendments obliged all nominators of election officials to the local electoral commissions and polling boards, in both the standing and extended composition, to nominate persons who had completed the training. However, the current Draft Amendments omit the proposed provisions that would have obliged the submitters of the proclaimed electoral lists who nominate election officials to these electoral management bodies *in the extended composition* to nominate persons who had completed the training.¹³ Thus, the mandatory training would not apply to all election officials, a significant shortcoming that will impact the overall professionalism of these election bodies. Representatives of the ruling party informed ODIHR that, from an operational perspective, organizing training for all extended members of the election commissions would not be feasible, given their overall number (approximately 200,000 members) and the expected proximity of the upcoming elections. They further indicated that participation rates in previous such trainings for regular commission members have reportedly been low among representatives nominated by opposition parties. **To bring the provisions further in line with recommendation No. 2, ODIHR recommends to reinstate the omitted draft provisions in order to provide for mandatory training of extended members of the election management bodies.**

The revisions in the Draft Amendments that strengthen the provisions on mandatory training provide for the issuance of certificates of completion of the training, which are valid for three years, oblige the REC to keep detailed records of issued certificates, entitle the local self-government units' assemblies and city municipalities' assemblies, as well as local electoral commissions, to use the data from these records in the process of appointing members of local electoral commissions and polling boards, and require the respective nominators to confirm that their nominees possess valid certificates of completed training. Such provisions effectively supplement the proposed mandatory training provisions by establishing safeguards to ensure that they cannot be easily disregarded or circumvented.

A revision to proposed Article 24a of the Law on the Election of Members of Parliament includes a new reference to the applicability of the mandatory training to presidential elections (in addition to the parliamentary and local elections), thereby filling in a gap. **It is noted, though, that no changes to the law regulating presidential elections have been proposed, as have been proposed for the law regulating local elections. In this respect, consideration should be given as to whether any changes to the law on presidential elections is required in order to harmonize the provisions.**

It is noted that ODIHR's 2024 Urgent Opinion recommended that Article 41 of the Law on the Election of Members of Parliament should be amended to explicitly state that the mandatory training applies for replacement members as well, in order to further address the aim of recommendation No. 2 and issues assessed by the ODIHR election observation mission. **This recommendation has not been addressed in the Draft Amendments.**

The Urgent Opinion noted that a proposed amendment to Article 25 of the Law on Local Elections, which introduces an obligation of the local electoral commission to "cooperate with the REC in organizing and conducting training for work in the polling boards", has not also been proposed for Article 32 of the Law on the Elections of Members of Parliament which sets out the competencies

¹³ Articles 30 and 39 of the Law on the Election of Members of Parliament regulate the nomination of extended members of local electoral commission and polling boards by submitters of proclaimed electoral lists.

of local electoral commissions. For consistency, the Urgent Opinion recommended to incorporate such provision in Article 32. **While the Draft Amendments include the same proposed amendment to Article 25 of the parliamentary election law, as noted above, it does not address the recommendation to harmonize Article 32 of the local election law. This recommendation is thus reiterated.**

It is further noted that a proposed provision in the previous version of the draft amendments that would have required the training to be conducted “periodically between two electoral cycles, as well as after the announcement of elections” has been omitted in the Draft Amendments. Providing for regularity and appropriate timing of the mandatory training is essential to ensuring that a sufficient number of persons are eligible to be nominated as election officials when needed. At the same time, the Draft Amendments maintain a proposed provision that the organization and conduct of the training are to be regulated by the instructions of the REC. In this respect, if the legislation does not address the issue, **it is important that such instructions adequately address the regularity and timing of the conduct of the training to ensure its effective implementation.**

Transitional provisions in the Draft Laws amending the parliamentary and local election laws (Articles 14 and 11, respectively), provide that the proposed provisions stipulating mandatory training of polling officials would not come into force until 1 January 2028. This timing would bypass the regular partial local elections and possible early general elections in 2026, as well as the regularly scheduled general and partial local elections in 2027, limiting the professionalism of the election administration for those elections. It is noted that the previous version of the draft amendments proposed that these provisions would take effect within six months of the Law coming into force.

While the formal training of thousands of election officials is a time-consuming process, such an initiative is achievable in a relatively short period of time provided that the necessary preparations are put in place as early as possible (e.g., establishing regulations and procedures, developing training materials, organizing a training of trainers for a cascade training, etc.). **It is thus suggested that a shorter transitional period is more appropriate, to ensure that the mandatory training and certification is implemented for the upcoming elections, at least for persons who will hold leadership positions in the mid- and lower-level election bodies, while training of all other members could be postponed to a later date established by the law.**

Further, it is noted that the Draft Amendments introduce in transitional Article 13 of the Draft Law Amending the Law on the Election of Members of Parliament that the instructions on the mandatory training are to be adopted by the REC within six months of the law coming into force. In effect, this would unnecessarily delay completion of the needed preparations for implementation of the training process, e.g., developing training materials, training of trainers. As such, **it is recommended to consider shortening the deadline for adoption of the instructions by the Republic Electoral Commission to three months.** Once the instructions are adopted, the REC can immediately start the necessary preparations toward implementing the training program and certification of election officials within the timeline prescribed by the Law.

It is key that the mandatory training program be implemented in an apolitical manner, to be made equally available for all interested persons regardless of their political affiliation so that it cannot be used for exclusionary (gatekeeping) purposes. Some ODIHR interlocutors expressed concern that opposition supporters could somehow be intentionally blocked or hindered from participating in the mandatory training program as a way to keep them out of the mid- and lower-level electoral administration bodies. In this respect, **consideration could be given to explicitly prohibiting in**

the law any discrimination in the implementation of the mandatory training program. Further, the instructions of the REC could include specific safeguards aimed at preventing any discriminatory actions in the implementation of the training program.

It is important that certified election officials are held accountable for any criminal offences committed while carrying out their electoral duties, a concern raised by some ODIHR interlocutors. It could be made clear in the law that certified election officials who commit any electoral malfeasance during the course of their work will be prosecuted, and to strengthen applicable criminal sanctions. Further, the law can provide that the certification of such a person will be cancelled following a decision issued by the respective higher electoral commission, applying an administrative standard of proof. The law could also provide for a (range of) period of time during which the individual is banned from being again admitted to the training program. Convictions for certain non-election-related offences could also be established as exclusions to participate in the training program and for maintaining certification.

Lastly, ODIHR reiterates from its Urgent Opinion that implementation of the proposed amendments on the mandatory training will require sufficient resources. In this regard, ODIHR repeats its recommendation No. 9 that the REC be granted sufficient administrative and technical capacity, including its own permanent secretariat. Providing for this in the law may be considered as part of these proposed amendments.

3. REPEAL OF RESTRICTION ON SIGNING CANDIDATE LISTS

ODIHR recommendation No. 11 proposes that *“to further promote pluralism in the electoral process and freedom of association, consideration could be given to removing the restriction against signing in support of more than one list.”* ODIHR’s Urgent Opinion concluded that, by removing the restriction in the law, the draft amendments at the time fully addressed this recommendation. It is noted that the Draft Law Amending the Law on the Election of Members of Parliament, in Article 7, also proposes to remove this restriction in Article 72 of the Law on the Election of Members of Parliament and the Draft Law Amending the Law on Local Elections, in Article 6, proposes to remove this restriction in Article 43 of the Law on Local Elections. **Thus, the Draft Amendments fully address ODIHR recommendation No. 11.**

At the same time, some ODIHR interlocutors have expressed concerns that allowing voters to sign in support of more than one electoral list will serve to exacerbate the problem of forged signatures for small or ‘phantom’ parties and groups, which was apparently widespread in earlier elections in Serbia as a way to gain control over election commissions. They note that if the amendments are adopted, such signatures will no longer have to be forged but can be legitimately given. Their particular concern is that voters who sign to support the list of the ruling party will also be able to support some or many other lists (small and otherwise non-existent political entities who nominate lists not for the purpose of political participation), with the direct consequence that those lists will be able to have their representatives in electoral bodies and can ‘repay’ or act on behalf of the ruling party by significantly contributing to the majority vote decisions of those bodies, including influencing the results of the elections.

While concerns about the integrity of the support signature collection process may be legitimate, ODIHR stresses that undue influence on voters or any attempts of manipulation of the process should be addressed through appropriate law enforcement channels, not by limiting electoral rights. In this regard, it is important in the political context that efforts to investigate and prosecute those

responsible for such undue influence or manipulation be strengthened. Some ODIHR interlocutors noted that persons responsible for forged signatures on candidate lists in past elections acted with impunity, whether due to deficient criminal laws and procedures or lack of political will. **It is thus recommended to strengthen criminal laws and procedures and to enhance investigation and prosecution efforts to ensure that those responsible for forging signatures in support of electoral lists are brought to justice. Further, instituting administrative safeguards could alleviate such use of forged signatures.**

In addition, ODIHR notes there are alternative measures to address the concerns that parties may register for the sole purpose of having representatives on the election commissions. Such measures used in other OSCE participating States include the limiting of eligibility to nominate members to election commissions polling boards only to the parties represented in the parliament or local assemblies, or to those drawn from a permanent roster of trained people maintained by the REC.

4. EXTENDING RIGHT TO RECTIFICATION OF DEFICIENCIES IN NOMINATION DOCUMENTS

ODIHR recommendation No. 12 proposes that *“the law could be reconsidered to permit contestants to rectify any identified deficiencies in their nomination documents following the publication of the respective decision of the REC.”* ODIHR’s Urgent Opinion concluded that the draft amendments at the time addressed this recommendation by allowing rectification within 48 hours of any types of deficiencies in nomination documents. The same proposed amendments are included in the current Draft Amendments. Specifically, the Draft Law Amending the Law on the Election of Members of Parliament, in Articles 8 - 9, proposes an amendment to Article 78 and repeal of Article 77. These proposed changes effectively allow for rectification within 48 hours of any types of deficiencies in nomination documents by repealing the one exception to allowing correction of deficiencies, that is, deficiencies that constitute grounds for “rejection” as defined under Article 77, distinct from the grounds for “dismissal” of a list established under Article 76.

Although some ODIHR interlocutors raised concerns about the purpose and impact of repealing Article 77, its repeal is necessary in order to comply with ODIHR’s recommendation No. 12 and specifically in connection with the proposed amendment to Article 78 which removes the concept of “rejected” lists. In other words, Article 77 which deals only with the concept/grounds for “rejected” lists becomes moot after the amendment to Article 78 which removes the exception to allowing rectification of deficient lists. Importantly, the remaining Article 76, which provides the grounds for “dismissal” of a list is an overarching provision that stipulates that all “deficient” lists are to be dismissed, meaning those lists which do not meet the legal conditions after the 48-hour rectification period, which includes fulfilling the gender quota. **As such, the Draft Amendments fully address recommendation No. 12 and do not raise any additional concerns with respect to this issue.**

5. FURTHER DEFINING LEGAL CRITERIA FOR NATIONAL MINORITY STATUS OF LISTS

ODIHR recommendation No. 20 proposes that *“to prevent the misuse of special provisions for national minority lists, consideration should be given to further refining the legal criteria for determining national minority status and the procedures for registering these lists”*. With respect to the previous version of the draft amendments that proposed changes to Articles 137 - 138 of the

Law on the Election of Members of Parliament in relation to recommendation No. 20, ODIHR's Urgent Opinion concluded that the recommendation is considered substantially unaddressed due to a continuing lack of objective, clear criteria for granting national minority status to a list and due to the limited scope for nomination of a national minority list, which currently excludes such right to groups of citizens.¹⁴ The Urgent Opinion recommended to give further consideration to define clear, objective, and fair criteria for eligibility to submit a national minority list and for granting of national minority status to lists.

The Draft Amendments include revised provisions in connection with recommendation No. 20, specifically in Articles 10 – 11 of the Draft Law Amending the Law on the Election of Members of Parliament (Articles 137 – 138 of the Law on the Elections of Members of Parliament) and Articles 8 – 9 of the Draft Law Amending the Law on Local Elections (Articles 75 – 76 of the Law on Local Elections), which essentially mirror each other. Firstly, the Draft Amendments maintain the existing provision that limits the scope of nomination for a national minority list to a political party of a national minority or a coalition exclusively composed of political parties of national minorities. As noted in ODIHR's Urgent Opinion, this is contrary to the national law, the OSCE commitments and international obligations, as it denies such right to groups of citizens who seek to represent national minorities.¹⁵ As such, **ODIHR reiterates its recommendation to establish clear and equitable eligibility criteria for submitting a national minority list, including by permitting groups of citizens to present candidate lists representing national minority status.**

A proposed change in the same proposed provision clarifies that it is the political parties “registered in the Register of Political Parties as a party of a national minority” that are eligible to nominate a national minority list, which adequately addresses ODIHR's previous concern that the discretion provided to the electoral commission to decide if a political party is “of a national minority” undermines legal clarity and makes the provision difficult to implement, since the attribution is impossible to define. However, the concern remains as raised in ODIHR's Urgent Opinion, that the initial determination whether the political party is “of a national minority” (for inclusion as such on the Register of Political Parties) may not afford the necessary protection against arbitrary determination of eligibility to stand in an election.¹⁶ This Opinion does not, however, examine the legal framework for determining whether a political party is “of a national minority” for the purpose of inclusion on the Register of Political Parties.¹⁷

¹⁴ See ODIHR's Urgent Opinion, paragraphs 24 – 30.

¹⁵ Paragraph 7.5 of the 1990 OSCE Copenhagen Document states that “the participating States will respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination.” Paragraph 30 states that “Persons belonging to national minorities have the right to exercise fully and effectively their human rights and fundamental freedoms without any discrimination and in full equality before the law.” See also Article 25 of the UN International Covenant on Civil and Political Rights. See also OSCE/HCNM [Lund Recommendations on the Effective Participation of National Minorities in Public Life](#) (1999), Recommendation 8.

¹⁶ The Ministry of Public Administration and Self-Government, which maintains the Register of Political Parties, determines whether a political party is to be granted the status “of a national minority”.

¹⁷ It should be noted that some interlocutors brought to ODIHR's attention that the past judicial practice of the Administrative Courts and higher courts has been to rule that all parties registered as a national minority party in the Register of Political Parties are to be automatically granted the status of a national minority party in the electoral process, regardless of whether they meet the conditions prescribed by the Law on the Election of Members of Parliament.

At the same time, ODIHR notes that there are alternative ways to establish special electoral rights for national minorities that do not carry the same risks of arbitrary application by public authorities or election administrators or abuse by political actors.¹⁸

Further, the Draft Amendments revise the legal grounds under which the REC or local electoral commission must reject a proposal to determine that a certain list has the status of a national minority list. First, an existing ground for rejection, that if the list leader or any of the list's candidates are generally known to belong to a political party that does not represent a national minority, has been proposed to change to, if the list leader or first candidate on the list is generally known to primarily belong to a political party that does not represent a national minority. ODIHR has not made any recommendations in its observation reports or legal opinions on this point. It is first noted that use of the word "primarily" introduces a subjective element which may give rise to arbitrary decision-making. Further, the revised provision does not address ODIHR's suggestion in its Urgent Opinion to make clear whether the restriction applies only to candidates who are currently members of a non-minority party or if it also applies to those who have ever been a member of such a party. **ODIHR advises to revise the proposed criterion accordingly, to ensure that it is clear and objective.**

Although it does not contravene international standards and good practice, some ODIHR's interlocutors have raised a concern that the proposed limit on the scope of the exclusion to only the leader and first candidate of the list, compared to the existing version which applies to all candidates on the list, would essentially undermine the purpose of the exclusion, which is to prevent the abuse of minority lists, that is the privileged way of running for office (a smaller number of supporting signatures required, a lower threshold, etc.). The concern is that the proposed change would make it easier to abuse the use of national minority lists since it would allow a candidate list with a significant presence of individuals who are members of the ruling party or other parties, even prominent party officials, to be granted minority status with the benefits thereof. **In light of this concern and to preserve the provision's aim to prevent misuse of national minority status lists, ODIHR recommends not to limit the scope of the existing provision.**

The Draft Amendments also propose to repeal the second existing ground for rejecting the national minority status of a list, that is, "if there are other clear indications of an attempt [by the political party seeking national minority status of its list] to circumvent the law". This is in line with ODIHR's Urgent Opinion which states that this condition grants the electoral commission broad discretionary power to decide which circumstances indicate the intention to circumvent the law, which does not prevent arbitrary, inconsistent and selective implementation, potentially leading to the arbitrary denial of political parties and candidates who genuinely represent minority interests to nominate and run minority lists or vice versa. **The proposed repeal of the above-noted provision addresses ODIHR's concern, contributing to the objective nature of the criteria for determining national minority status of lists.**

The Draft Amendments include a proposed exclusionary criterion for determining the status of national minority of lists that was also proposed in the previous version of the draft amendments assessed by ODIHR's Urgent Opinion, that is, if the name of the electoral list does not include the

¹⁸ For instance, a fixed number of parliamentary seats reserved exclusively for specific minority groups; seats allocated proportionally to vote share, making it easier for smaller or geographically dispersed minorities to win seats; candidate quotas within party lists, whereby parties must include minority candidates in winnable positions on electoral lists. See also ODIHR-Venice Commission [Guidelines on Political Party Regulation](#) (2nd ed., 2020), paragraph 187.

name of the political party of a national minority that submits the list or does not contain the name of the national minority. ODIHR's Urgent Opinion found that **this condition is an objective, clear and reasonable criteria that may minimize the risk of abuse.**

Another proposed exclusionary criterion is substantively the same as a criterion proposed in the previous version of the draft amendments. The previous proposed version was "*if any of the list's candidates are generally known to be socially or politically active or have been active on issues unrelated to national minorities and the protection and improvement of their rights*", while the current proposed version is "*if the list leader or the first candidate on the list is a person who is generally known as a social activist on issues unrelated to national minorities and the protection or improvement of their rights*". ODIHR's Urgent Opinion noted that this ground appears to be overly broad and unnecessarily restrictive taking into account that a person who genuinely and actively represents (or seeks to represent) national minority interests may also be active (or have been active) on issues unrelated to the rights of national minorities. It further notes that this restriction risks arbitrary decision-making due to its highly subjective nature and, moreover, it may run counter to the freedoms of association and expression. Some ODIHR interlocutors note a high risk of constitutional challenge to such a provision. **ODIHR reiterates its concern with this proposed provision and recommends removing it.**

The Draft Amendments introduce a newly-proposed criterion for determining national minority status of candidate lists that was not included in the previous version of the draft amendments. It provides that an electoral list may be determined to have the status of a national minority list if at least six months before the decision to call an election takes effect, the majority of candidates on the list were registered in a special voter register of the national minority maintained in accordance with the law governing the national councils of national minorities.¹⁹

Although the above-noted proposed criterion is clear and objective, some ODIHR interlocutors oppose using the special register for the determination of the national minority status of a candidate list, since inclusion on the special register is voluntary and the special register is designated solely for use in National Minority Council Elections. They note that using it for other electoral purposes raises constitutional and data protection concerns. Further concerns were raised that such a provision is discriminatory and in direct conflict with the Law on the Protection of the Rights and Freedoms of National Minorities.²⁰ In light of these concerns about the legality and constitutionality of using the special register in other types of elections, **it is recommended to reconsider the use of this proposed criterion.**

The Draft Amendments propose repealing an existing paragraph that appears in both the parliamentary and local election laws that provides that, in determining if a certain electoral list is to be given national minority status, the respective electoral commission may seek the opinion of the competent national minority council. Some ODIHR interlocutors raised concern with this proposed repeal, and suggested a step further to require election commissions to seek an obligatory opinion from national minority councils would provide additional safeguards to prevent the abuse of national minority status lists. ODIHR reiterates that any determination of national minority status of an electoral list must be based on clear, consistently applied and objective criteria.

¹⁹ The special voter register of the national minority includes persons of the specific minority who voluntarily register to vote in the National Minority Council Elections, held specifically for members of national minorities to elect their own self-governing bodies.

²⁰ Article 5 of the Law on the Protection of the Rights and Freedoms of National Minorities stipulates that no one may suffer harm for expressing their national affiliation or for refraining from doing so.

On a technical note, the Draft Law Amending the Law on Local Elections, in Article 8, uses the term “candidates for MPs” in reference to the candidate lists for local elections in proposed Article 75 (point 2) of the Law on Local Elections, instead of “candidates for councillors”. It is recommended to align the language across the legislation.

6. SETTING SHORT DEADLINE FOR CONSTITUTIONAL COURT DECISIONS; EXTENSION OF PERIOD FOR REPEAT ELECTIONS

ODIHR recommendation No. 24 proposes that “*the law should provide a reasonably short deadline for the Constitutional Court to handle electoral petitions and allow for a longer period to hold a repeat election.*” The previous version of the draft amendments proposed a fixed 8-day deadline for the competent electoral authority to submit to the Constitutional Court a response to an electoral dispute and the necessary electoral acts or documentation and proposed to oblige the Court to decide on post-election disputes within 30 days from the day of delivery of the request to the Court, both under Article 76 of the Law on the Constitutional Court. ODIHR’s Urgent Opinion welcomed the proposed introduction of a deadline for adjudication of post-election disputes by the Court but, with reference to international good practice, advised further consideration to be given to if 30 days is necessary for the effective resolution of disputes.²¹

The Draft Law Amending the Law on the Constitutional Court maintains in Article 1 the previous proposal for a fixed 8-day deadline for the competent electoral authority to submit to the Court a response to an electoral dispute. However, rather than propose a concrete deadline for the Court to adjudicate post-election disputes as advised in recommendation No. 24 and as was provided for in the previous version of the draft amendments, it proposes to oblige the Court to adjudicate electoral disputes “as a matter of urgency”. This type of deadline is too vague and ambiguous to be properly enforceable. Further, some ODIHR interlocutors note that a number of laws that regulate various court procedures refer to “urgent” resolution but, despite this, many of these court procedures last for an extended period. As such, **ODIHR reiterates its recommendation to establish, in line with international good practice outlined in its Urgent Opinion, a reasonably short deadline for the Constitutional Court to handle electoral petitions.**

The previous version of the draft amendments proposed to repeal the 10-day period within which repeat elections are to be held starting from the date the Constitutional Court annuls the whole or part of the electoral process and replaces it with a maximum 30-day period under Article 77(2) of the Law on the Constitutional Court. ODIHR’s Urgent Opinion stated that if all related deadlines are aligned to this period it appears to afford sufficient time to organize repeat elections, and concluded that a maximum 30-day deadline addresses the second part of recommendation No. 24. It noted, however, that from the practical point of view, a shorter period such as two or three weeks may be manageable especially if repeat elections are to be held in a relative limited area and that this seems to be provided for with the 30-day deadline being set as a maximum deadline. The Draft

²¹ See ODIHR’s Urgent Opinion, paragraph 35. The Council of Europe’s Venice Commission’s [Code of Good Practice in Electoral Matters](#) advises that “decisions on the results of elections must also not take too long, especially where the political climate is tense [which] means...that...the appeal body must make its ruling as quickly as possible”. Further, the Code states that, “Time-limits for lodging and deciding appeals must be short (three to five days for each at first instance)”. At the same time, the level of the respective court can be taken into consideration in deciding on an appropriate adjudication deadline, with a slightly longer deadline for a Supreme Court or Constitutional Court being justified (See paragraph II.3.3.d of the Guidelines) and paragraph 95 of the Explanatory Report).

Law Amending the Law on the Constitutional Court under Article 2 maintains the same proposed 30-day deadline and **therefore addresses the second part of recommendation No. 24.**

7. OTHER DRAFT PROVISIONS

The Draft Amendments include a few provisions that relate to the electoral dispute resolution process, none of which were included in the previous version of the draft amendments assessed by ODIHR's Urgent Opinion. These provisions do not relate to any of the five ODIHR recommendations specified to be the focus of the Draft Amendments.

First, the Draft Law Amending the Law on the Election of Members of Parliament proposes in Article 12 to add a provision to Article 156 of the Law on the Election of Members of Parliament that an appeal shall be (exclusively) lodged by physically filing a submission with the REC. The Draft Law Amending the Law on Local Elections proposes in Article 10 to add the same provision to Article 85 of the Law on Local Elections. The respective articles concern the filing of appeals against the decisions of the REC or local electoral commission, as the case may be, to the relevant court and the proposed additions would require the appellant to physically lodge the appeal with the respective commission itself, rather than directly to the concerned court. Some ODIHR interlocutors noted that the provision enhances legal certainty where the law previously had not clearly defined the channel for submitting appeals, and noted previous cases where the courts would refer the cases back to the REC due to lack of clarity on the appropriate procedure and hence delay the process. Others ODIHR interlocutors suggested political motivation, as a means for politically-controlled electoral commissions to thwart the timely filing of appeals.

Against the prevailing polarized political background and lack of public trust, the proposed prohibition against physically lodging an appeal directly with the respective court may be considered contrary to the right to seek effective legal remedy as provided for under OSCE commitments and international standards.²² Moreover, these proposed changes generally run contrary to previous ODIHR recommendations related to strengthening access to justice in the electoral context. As such, **it is recommended to remove the proposed provision or at least to provide the option to physically file an appeal directly to the respective court, and clarify that the court has to accept the case without referring it back to the REC. As a safeguard against misuse of such an option, the instructions of the electoral commissions could include provisions that would ensure any appeals would be timely accepted and recorded by the electoral commission and immediately forwarded to the respective court.**

With respect to a proposal submitted to an electoral commission to determine the status of an electoral list as a national minority list, Article 10 of the Draft Law on Amending the Law on the Election of Members of Parliament and Article 8 of the Draft Law on Amending the Law on Local Elections propose to add the following provision: *“No complaint may be filed against the decision on the proposal of the electoral list nominator to determine the status of national minority list, but such a decision may be challenged by a complaint against the decision on the electoral list.”* This proposed provision raises a question: What happens if the electoral list is registered but denied

²² Paragraph 5.10 of the [1990 OSCE Copenhagen Document](#) provides that “everyone shall have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity”. Article 2(3) of the International Covenant on Civil and Political Rights requires States to provide an effective remedy for human rights violations through competent authorities and to ensure enforcement when granted.

national minority status? Under the proposed provision, the nominator cannot separately challenge the decision to deny national minority status and the successful registration of the list as such does not invoke a need to appeal. In this regard, **the proposed provision should be clarified to ensure that in all cases where a nominator is denied national minority status of its list there is an opportunity to seek effective legal remedy.**

Article 7 of the Draft Law Amending the Law on Local Elections introduces a new Article 43a in the Law on Local Elections. The proposed provision establishes the process for lodging of complaints against decisions on the electoral list, that is, decisions refusing to proclaim the electoral list and decisions rejecting the electoral list. The current Law on Local Elections does not include a provision regulating the process to file complaints against decisions on the electoral list, while the proposed new text identically mirrors the existing Article 79 of the Law on the Election of Members of Parliament which does establish such a process, save that the reference to the Republic Electoral Commission in the parliamentary election law's provision is a reference to the [local] electoral commission for the local election law. **The proposed provision therefore fills in an existing gap in the Law on the Local Elections**, providing an adequate opportunity to seek effective legal remedy for decisions refusing the registration of electoral lists.

8. UNADDRESSED RECOMMENDATIONS ON LEGISLATIVE AMENDMENTS

The previous version of the draft amendments assessed by ODIHR's Urgent Opinion included proposed amendments that related to two other ODIHR recommendations that are not addressed in the Draft Amendments. Specifically, the Draft Amendments do not include any provisions that address ODIHR recommendations No. 15 (waiving of deposit for receipt of public campaign funds) and No. 17 (first part, on prompt publication of decisions on campaign finance violations). As noted in the Urgent Opinion, the previous draft provisions had fully addressed recommendation No. 15 in its proposed changes to the Law on Financing of Political Parties and had partially addressed recommendation No. 15 in its proposed amendments to the Law on Prevention of Corruption.²³ ODIHR was informed by representatives of the ruling party that further amendments to related legislation, including on campaign finance and misuse of administrative resources, are envisaged.

ODIHR acknowledges that some earlier ODIHR recommendations have been addressed by legislative amendments over the years, but would like to take this opportunity to highlight that some recommendations put forward in its Final Reports and/or Joint Opinions with the Venice Commission related to shortcomings in the Serbian election legislation remain unaddressed and are not covered by the Draft Amendments. These call for legislative amendments on a broad range of issues. As a reminder, the overarching recommendation No. 1 from ODIHR's Final Report on the 2023 parliamentary elections states (in part) as follows: *"To effectively address recommendations outlined in this and prior ODIHR election observation reports, necessary legislative amendments should be initiated well in advance of the next elections through an inclusive consultation process building upon broad political consensus."*

ODIHR's Urgent Opinion highlights the unaddressed or partially unaddressed recommendations that call for changes to the election-related legislation put forward in ODIHR's Final Report on the 2023 parliamentary elections, as well as previous ODIHR Final Reports and ODIHR/Venice Commission Joint Opinions.²⁴ These broadly relate to the composition of the electoral

²³ See ODIHR's Urgent Opinion, paragraphs 32 – 33.

²⁴ See ODIHR's Urgent Opinion, paragraphs 38 – 39.

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administration, voter and candidate eligibility, including voting rights of persons with disabilities, voter registration, guarantees for equitable campaign conditions, including on the misuse of office and state resources, the framework on campaign finance, including third-party financing, media monitoring regulation, effective election dispute resolution, provisions on determining election results, annulment of voting results by election commissions, and holding of repeat voting.

In light of the above, ODIHR reiterates its call on the Serbia authorities to further consider and strengthen the electoral legal framework and its implementation in line with outstanding ODIHR and Venice Commission recommendations.

[END OF TEXT]

**DRAFT LAW
AMENDING
THE LAW ON THE CONSTITUTIONAL COURT**

Article 1

In the Law on the Constitutional Court (“Official Gazette of the Republic of Serbia”, Nos. 109/07, 99/11, 18/13 – CC, 40/15 – other law, 103/15, 10/23 and 92/23), in Article 76, the words “within a specified time limit” shall be substituted by the words: “to the Constitutional Court, within eight days following the date of service of the request,”.

After paragraph 1, a new paragraph 2 shall be added, worded as follows:

“The procedure for deciding on an electoral dispute shall be conducted as a matter of urgency.”

Article 2

In Article 77, paragraph 2, the word “ten” shall be substituted by the number: “30”.

Article 3

This Law shall enter into force on the eighth day following the date of its publication in the “Official Gazette of the Republic of Serbia”.

**OVERVIEW OF THE PROVISIONS OF THE LAW ON THE CONSTITUTIONAL COURT
WHICH ARE AMENDED AND SUPPLEMENTED**

Article 76

The Constitutional Court shall forward one copy of the submitted request for deciding on an electoral dispute to the authority responsible for conducting elections whose activities are the subject of the electoral dispute, with an instruction to submit within a specified time limit **TO THE CONSTITUTIONAL COURT, WITHIN EIGHT DAYS FOLLOWING THE DATE OF SERVICE OF THE REQUEST**, a response and the necessary electoral acts or documentation.

**THE PROCEDURE FOR DECIDING ON AN ELECTORAL DISPUTE SHALL BE
CONDUCTED AS A MATTER OF URGENCY.**

Article 77

If an irregularity in the electoral procedure is established and it had a decisive influence on the election result, the Constitutional Court shall, by its decision, annul the entire electoral procedure or parts thereof, which must be precisely specified.

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In the case referred to in paragraph 1 of this Article, the entire electoral procedure or the parts thereof shall be repeated within TEN 30 days following the date of service of the Constitutional Court decision to the competent authority.

DRAFT LAW
AMENDING THE LAW ON THE ELECTION OF MEMBERS OF PARLIAMENT

Article 1

In the Law on the Election of Members of Parliament (Official Gazette of the RS, No. 14/22), in Article 24, paragraph 1, point 14) shall be amended to read as follows:

"14) prescribe training programmes and organise and carry out trainings for work in local electoral commissions and polling boards;"

In paragraph 1, point 22), the word: "this" shall be deleted;

Article 2

After Article 24, an article heading and Article 24a shall be added, worded as follows:

"Trainings for work in local electoral commissions and polling boards

Article 24a

The Republic Electoral Commission shall organise and carry out trainings for work in local electoral commissions and polling boards related to conducting parliamentary elections, presidential elections and local elections for councillors of local self-government units' assemblies.

The Republic Election Commission issues a certificate of completion of the training, which is valid for three years.

The Republic Electoral Commission shall keep records of issued certificates referred to in paragraph 2 of this Article, which shall include: the serial number of the certificate, the name and surname, UMCN, place and address of residence, telephone number and e-mail address of the person to whom the certificate was issued.

Local self-government units' assemblies and city municipalities' assemblies, as well as local electoral commissions, shall be entitled to use the data from the records referred to in paragraph 3 of this Article in the process of appointing members of local electoral commissions and polling boards.

The prescription of training programmes and the manner of organising and carrying out trainings for work in local electoral commissions and polling boards shall be governed by the instructions of the Republic Electoral Commission."

Article 3

In Article 29, paragraph 4 shall be amended to read as follows:

"When nominating a member and deputy member of the standing composition of a local electoral commission, as well as the secretary and deputy secretary of a local electoral commission, the authorised nominator shall nominate a person who has valid certificate of completed training for work in the local electoral commission."

Article 4

In Article 35, paragraph 3 shall be amended to read as follows:

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"When nominating a member and deputy member of a polling board, the parliamentary group shall nominate a person who has valid certificate of completed training for work in the polling board."

Article 5

In Article 37, paragraph 3 shall be amended to read as follows:

"When nominating a member or a deputy member of a polling board in the standing composition, the head of the municipal or city administration shall nominate a person who has valid certificate of completed training for work in the polling board."

Article 6

In Article 38, after paragraph 2, a paragraph 3 shall be added, worded as follows:

"When nominating a member and deputy member of a polling board, the ministry in charge of foreign affairs or the ministry in charge of justice shall nominate a person who has valid certificate of completed training for work in the polling board."

Article 7

In Article 72, paragraph 1 shall be amended to read as follows:

"A voter may, by his/her signature, support more than one electoral list."

Article 8

Article 77 shall be deleted.

Article 9

In Article 78, paragraph 1, the words "or rejection" shall be deleted.

Article 10

Article 137 shall be amended to read as follows:

"Article 137

For the purposes of this Law, the national minority electoral list shall mean the electoral list whose main goal 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 Constitution, laws and the international legal standards.

The electoral list nominator shall submit, together with the electoral list, the proposal to determine the status of the electoral list as a national minority list.

The Republic Electoral Commission shall, by special decision, decide on the proposal to determine the status of the electoral list as a national minority list for the purposes of this Law, when assessing whether the conditions for its proclamation have been met.

The nominator of the national minority electoral list may only be a political party registered in the Register of Political Parties as a political party of a national minority or a coalition composed exclusively of political parties registered in the Register of Political Parties as national minority political parties.

An electoral list may be determined to have the status of a national minority electoral list:

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1) if the name of the electoral list contains the full name of the political party of the national minority nominating the electoral list or the name of the national minority whose interests are represented by the political party nominating the electoral list, and

2) if, at least six months before the decision to call an election takes effect, the majority of candidates for MPs on that electoral list were registered in a special voter register of the national minority maintained in accordance with the law governing the national councils of national minorities.

If the electoral list is nominated by a coalition, the electoral list may be determined to have the status of a national minority electoral list if the name of the electoral list contains the names of all the political parties that formed the coalition, or the names of all the national minorities whose interests are represented by the political parties that formed the coalition.

No complaint may be filed against the decision on the proposal of the electoral list nominator to determine the status of national minority list, but such a decision may be challenged by a complaint against the decision on the electoral list."

Article 11

Article 138 shall be amended to read as follows:

"Article 138

The Republic Electoral Commission shall, by decision, reject a proposal to determine that a particular electoral list has the status of a national minority electoral list if it does not meet the conditions prescribed by this Law, as well as if the list leader or the first candidate for MP on that electoral list is a person who is publicly recognisable primarily as a member of a political party that is not a national minority political party, or as a social activist on issues that are not related to national minorities or to the protection and enhancement of their rights."

Article 12

In Article 156, after paragraph 3, a paragraph 4 shall be added, worded as follows:

"An appeal shall be lodged by filing a submission with the Republic Electoral Commission."

Article 13

The Republic Electoral Commission shall adopt the instructions referred to in Article 2 of this Law within six months following the date of entry into force of this Law.

Article 14

This Law shall enter into force on the eighth day following the date of its publication in the "Official Gazette of the Republic of Serbia", except for Articles 3 to 6, that shall apply from 1 January 2028.

REVIEW OF THE PROVISIONS OF THE LAW THAT ARE BEING AMENDED

Competences of the Republic Electoral Commission

Article 24

The Republic Electoral Commission shall:

- 1) ensure lawful conduct of the elections;
- 2) prescribe instructions for carrying out electoral activities;
- 3) publish a calendar of electoral activities;
- 4) prescribe forms for conducting electoral activities;
- 5) monitor the application of, and issue opinions regarding the application of this Law;
- 6) appoint, dismiss and establish termination of office of a member / deputy member of the electoral management body, in accordance with this Law;
- 7) prescribe uniform standards for election material;
- 8) provide election material for conducting elections;
- 9) prescribe the manner of handover of the election material before and after voting;
- 10) designate polling stations, in accordance with this Law;
- 11) decide on the submitted electoral list;
- 12) compile and publish a manual for the practical application of the rules governing how polling boards conduct voting and determine the results of voting at the polling station;
- 13) prescribe the manner of monitoring the turnout of voters;
- ~~14) PRESCRIBE TRAINING PROGRAMS AND IMPLEMENT TRAININGS FOR MEMBERS / DEPUTY MEMBERS OF LOCAL ELECTORAL COMMISSIONS AND POLLING BOARDS;~~
- 14) PRESCRIBE TRAINING PROGRAMMES AND ORGANISE AND CARRY OUT TRAININGS FOR WORK IN LOCAL ELECTORAL COMMISSIONS AND POLLING BOARDS;
- 15) inform and educate voters on the manner of exercising the right to vote, as well as other participants in the election procedure;
- 16) decide on complaints, in accordance with this Law;
- 17) prescribe in more detail the manner of filing complaints and actions upon complaints in the Republic Electoral Commission;
- 18) determine election results, render and publish general report on the election results;
- 19) coordinate and supervise the work of electoral management bodies;
- 20) prescribe the code of conduct of members and deputy members of the electoral management bodies;
- 21) submit to the National Assembly a report on the conducted elections;
- 22) perform other tasks stipulated by ~~THIS~~ Law.

In supervising the work of local electoral commissions, the Republic Electoral Commission is authorized to annul ex officio decisions of the local electoral commission made contrary to the provisions of this Law.

The forms required for the submission of the electoral list shall be prescribed by the Republic Electoral Commission within three days following the day when the decision on calling the elections came into force.

The Republic Electoral Commission shall adopt its Rules of Procedure. The Instructions for conducting electoral activities and the Rules of Procedure of the Republic Electoral Commission shall be published in the "Official Gazette of the Republic of Serbia".

Nomination of a member / deputy member of the local electoral commission in the standing composition

Article 29

A single MP or parliamentary groups which have less than the number of MPs required to form a parliamentary group shall also be deemed a parliamentary group in terms of nominating members / deputy members of the local electoral commission in the standing composition formed by the Republic Electoral Commission if:

- 1) All such MPs 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 parliamentary group;
- 3) None of them has joined any parliamentary group;
- 4) All such MPs have signed the nomination of a member / deputy member of the local electoral commission in the standing composition.

For the purpose of forming a local electoral commission in the standing composition, the Republic Electoral Commission shall timely prescribe and publish on its website the order of positions according to which parliamentary groups shall nominate members and deputy members of that local electoral commission.

Should a parliamentary group fail to submit a proposal for the appointment of a member or deputy member of the local electoral commission in the standing composition in due time, the Republic Electoral Commission shall appoint to the local electoral commission in the standing composition a person nominated by the head of the administrative district.

~~WHEN NOMINATING A CANDIDATE FOR A MEMBER, DEPUTY MEMBER, SECRETARY AND DEPUTY SECRETARY OF A LOCAL ELECTORAL COMMISSION, THE AUTHORIZED NOMINATOR SHALL, IF POSSIBLE, GIVE PRIORITY TO A PERSON WHO HAS COMPLETED TRAINING FOR WORK IN THE LOCAL ELECTORAL COMMISSION AND HAS EXPERIENCE IN CONDUCTING ELECTIONS.~~

WHEN NOMINATING A MEMBER AND DEPUTY MEMBER OF THE STANDING COMPOSITION OF A LOCAL ELECTORAL COMMISSION, AS WELL AS THE SECRETARY AND DEPUTY SECRETARY OF A LOCAL ELECTORAL COMMISSION, THE AUTHORISED NOMINATOR SHALL NOMINATE A PERSON WHO HAS VALID CERTIFICATE OF COMPLETED TRAINING FOR WORK IN THE LOCAL ELECTORAL COMMISSION.

Polling board in the standing composition

Article 35

The polling board in the standing composition shall consists of a chairperson, two members, a deputy chairperson and two deputy members appointed by the local electoral commissions at the proposal of parliamentary groups.

The procedure for nominating members and deputy members of the polling board in the standing composition shall be prescribed in more detail by the Republic Electoral Commission.

~~WHEN NOMINATING A CANDIDATE FOR THE CHAIRPERSON AND DEPUTY CHAIRPERSON OF A POLLING BOARD, THE PARLIAMENTARY 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.~~

WHEN NOMINATING A MEMBER AND DEPUTY MEMBER OF A POLLING BOARD, THE PARLIAMENTARY GROUP SHALL NOMINATE A PERSON WHO HAS VALID CERTIFICATE OF COMPLETED TRAINING FOR WORK IN THE POLLING BOARD.

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

Article 37

The nomination of a member / deputy member of the polling board in the standing composition shall be submitted by the parliamentary group to the local electoral commission on the form prescribed by the Republic Electoral Commission.

Should a parliamentary group fail to submit a nomination of a member or deputy member of the polling board in the standing composition in due time, the local electoral commissions shall appoint to the polling board in the standing composition a person nominated by the head of the municipal or 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.~~

WHEN NOMINATING A MEMBER OR A DEPUTY MEMBER OF A POLLING BOARD IN THE STANDING COMPOSITION, THE HEAD OF THE MUNICIPAL OR CITY ADMINISTRATION SHALL NOMINATE A PERSON WHO HAS VALID CERTIFICATE OF COMPLETED TRAINING FOR WORK IN THE POLLING BOARD.

Polling board in the standing composition abroad and within penal institutions

Article 38

A member / deputy member of the standing polling boards abroad shall be appointed by the Republic Electoral Commission at the proposal of the Ministry in charge of foreign affairs, preferably from among voters residing abroad, and the chairperson of the polling board shall be appointed from among employees of the diplomatic and consular missions of the Republic of Serbia abroad (hereinafter: diplomatic and consular mission).

A member / deputy member of the polling board in the standing composition within the penal institution shall be appointed by the Republic Electoral Commission at the proposal of the Ministry in charge of justice, and none of them may be a person working in that Ministry or voting within the institution.

WHEN NOMINATING A MEMBER AND DEPUTY MEMBER OF A POLLING BOARD, THE MINISTRY IN CHARGE OF FOREIGN AFFAIRS OR THE MINISTRY IN CHARGE OF JUSTICE SHALL NOMINATE A PERSON WHO HAS VALID CERTIFICATE OF COMPLETED TRAINING FOR WORK IN THE POLLING BOARD.

Collecting signatures of voters who support the electoral list

Article 72

~~A VOTER MAY SUPPORT BY HIS/HER SIGNATURE ONLY ONE ELECTORAL LIST.~~

A VOTER MAY, BY HIS/HER SIGNATURE, SUPPORT MORE THAN ONE ELECTORAL LIST.

Statements of voters supporting the electoral list shall be certified by a notary public or municipal / city administration, and in municipalities or cities where notaries public have not been appointed, statements of voters supporting the electoral list may be certified by the basic court, court unit or intake office of the basic court.

The amount of fee for the certification of signatures of voters supporting the electoral list shall be determined by the Ministry in charge of justice.

A certified statement of voter supporting the electoral list shall also be valid when such errors have been made at completing statement forms that allow determining with certainty which electoral list is supported, provided that the statement has been certified by the competent authority.

It is forbidden to collect signatures of support from voters at their workplace or to expose voters, in any way, to pressure to support the electoral list.

Seven days prior to the Election Day, at the latest, the Republic Electoral Commission shall publish on its website, for each proclaimed electoral list the number of verified voters' statements who supported the electoral list with their signature per each local self-government unit, accompanied by the data on the number of statements in each local self-government unit verified by each of the authorised certifiers individually (notary public, municipal or city administration or basic court, court unit or basic court's registry office).

~~REJECTING TO PROCLAIM THE ELECTORAL LIST~~

~~ARTICLE 77~~

~~THE REPUBLIC ELECTORAL COMMISSION SHALL REJECT, BY ITS DECISION, TO PROCLAIM THE ELECTORAL LIST IF A PERSON NOMINATED AS AN MP CANDIDATE DOES NOT HAVE THE RIGHT TO VOTE, OR IS LISTED AS AN MP CANDIDATE ON A PREVIOUSLY PROCLAIMED ELECTORAL LIST, OR IS A LEADER OF A PREVIOUSLY PROCLAIMED ELECTORAL LIST, IF IT IS INCOMPLIANT WITH THE LEGAL RULES ON GENDER REPRESENTATION ON THE ELECTORAL LIST, AND IF THE NAME OF THE SUBMITTER OF THE ELECTORAL~~

~~LIST AND THE NAME OF THE ELECTORAL LIST ARE NOT DETERMINED IN ACCORDANCE WITH THE LAW.~~

Rectifying deficiencies

Article 78

If the submitter of the electoral list has not submitted all the documents required to be enclosed with the electoral list and if there are other deficiencies in terms of proclaiming the electoral list which do not constitute grounds for dismissal ~~OR REJECTION~~ of the electoral list, the Republic Electoral Commission shall issue a conclusion ordering the submitter to rectify such deficiencies within 48 hours after that conclusion was published on the website, and instruct the submitter what documents should be submitted, or what should be done in order to rectify such deficiencies, and warn the submitter of the legal consequences in case of failure to timely rectify deficiencies.

Should the submitter of the electoral list fail to submit the documents, or to rectify the deficiencies indicated in the conclusion, the Republic Electoral Commission shall, within 24 hours from the expiration of the deadline for complying with the conclusion, issue a decision rejecting to proclaim that electoral list.

If the submitter of the electoral list rectifies all the deficiencies indicated in the conclusion, the Republic Electoral Commission must, within 24 hours from the rectification of the deficiencies, issue a decision proclaiming that electoral list.

National minority electoral list

ARTICLE 137

~~FOR THE PURPOSES OF THIS LAW, THE NATIONAL MINORITY ELECTORAL LIST SHALL MEAN THE ELECTORAL LIST FOR WHICH THE REPUBLIC 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 REPUBLIC 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 REPUBLIC 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.~~

ARTICLE 137

FOR THE PURPOSES OF THIS LAW, THE NATIONAL MINORITY ELECTORAL LIST SHALL MEAN THE ELECTORAL LIST WHOSE MAIN GOAL 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 CONSTITUTION, LAWS AND THE INTERNATIONAL LEGAL STANDARDS.

THE ELECTORAL LIST NOMINATOR SHALL SUBMIT, TOGETHER WITH THE ELECTORAL LIST, THE PROPOSAL TO DETERMINE THE STATUS OF THE ELECTORAL LIST AS A NATIONAL MINORITY LIST.

THE REPUBLIC ELECTORAL COMMISSION SHALL, BY SPECIAL DECISION, DECIDE ON THE PROPOSAL TO DETERMINE THE STATUS OF THE ELECTORAL LIST AS A NATIONAL MINORITY LIST FOR THE PURPOSES OF THIS LAW, WHEN ASSESSING WHETHER THE CONDITIONS FOR ITS PROCLAMATION HAVE BEEN MET.

THE NOMINATOR OF THE NATIONAL MINORITY ELECTORAL LIST MAY ONLY BE A POLITICAL PARTY REGISTERED IN THE REGISTER OF POLITICAL PARTIES AS A POLITICAL PARTY OF A NATIONAL MINORITY OR A COALITION COMPOSED EXCLUSIVELY OF POLITICAL PARTIES REGISTERED IN THE REGISTER OF POLITICAL PARTIES AS NATIONAL MINORITY POLITICAL PARTIES.

AN ELECTORAL LIST MAY BE DETERMINED TO HAVE THE STATUS OF A NATIONAL MINORITY ELECTORAL LIST:

1) IF THE NAME OF THE ELECTORAL LIST CONTAINS THE FULL NAME OF THE POLITICAL PARTY OF THE NATIONAL MINORITY NOMINATING THE ELECTORAL LIST OR THE NAME OF THE NATIONAL MINORITY WHOSE INTERESTS ARE REPRESENTED BY THE POLITICAL PARTY NOMINATING THE ELECTORAL LIST, AND

2) IF, AT LEAST SIX MONTHS BEFORE THE DECISION TO CALL AN ELECTION TAKES EFFECT, THE MAJORITY OF CANDIDATES FOR MPS ON THAT ELECTORAL LIST WERE REGISTERED IN A SPECIAL VOTER REGISTER OF THE NATIONAL MINORITY MAINTAINED IN ACCORDANCE WITH THE LAW GOVERNING THE NATIONAL COUNCILS OF NATIONAL MINORITIES.

IF THE ELECTORAL LIST IS NOMINATED BY A COALITION, THE ELECTORAL LIST MAY BE DETERMINED TO HAVE THE STATUS OF A NATIONAL MINORITY ELECTORAL LIST IF THE NAME OF THE ELECTORAL LIST CONTAINS THE NAMES OF ALL THE POLITICAL PARTIES THAT FORMED THE COALITION,

OR THE NAMES OF ALL THE NATIONAL MINORITIES WHOSE INTERESTS ARE REPRESENTED BY THE POLITICAL PARTIES THAT FORMED THE COALITION.

NO COMPLAINT MAY BE FILED AGAINST THE DECISION ON THE PROPOSAL OF THE ELECTORAL LIST NOMINATOR TO DETERMINE THE STATUS OF NATIONAL MINORITY LIST, BUT SUCH A DECISION MAY BE CHALLENGED BY A COMPLAINT AGAINST THE DECISION ON THE ELECTORAL LIST.

Prohibition to circumvent the law

ARTICLE 138

~~THE REPUBLIC ELECTORAL COMMISSION SHALL REJECT, BY ITS DECISION, MOTION TO GRANT CERTAIN ELECTORAL LIST STATUS OF THE NATIONAL MINORITY ELECTORAL LIST IF THE LIST LEADER OR MP CANDIDATE ON THAT 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.~~

ARTICLE 138

THE REPUBLIC ELECTORAL COMMISSION SHALL, BY DECISION, REJECT A PROPOSAL TO DETERMINE THAT A PARTICULAR ELECTORAL LIST HAS THE STATUS OF A NATIONAL MINORITY ELECTORAL LIST IF IT DOES NOT MEET THE CONDITIONS PRESCRIBED BY THIS LAW, AS WELL AS IF THE LIST LEADER OR THE FIRST CANDIDATE FOR MP ON THAT ELECTORAL LIST IS A PERSON WHO IS PUBLICLY RECOGNISABLE PRIMARILY AS A MEMBER OF A POLITICAL PARTY THAT IS NOT A NATIONAL MINORITY POLITICAL PARTY, OR AS A SOCIAL ACTIVIST ON ISSUES THAT ARE NOT RELATED TO NATIONAL MINORITIES OR TO THE PROTECTION AND ENHANCEMENT OF THEIR RIGHTS.

Appeal against the decision of the Republic Electoral Commission on the complaint

Article 156

The complainant may file an appeal against the decision of the Republic Electoral Commission by which a complaint was dismissed or rejected with the Administrative Court within 72 hours following the publication of that decision on the website.

An appeal due to 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.

A submitter of the proclaimed electoral list, a submitter of the electoral list, a political party, a parliamentary group, a candidate for MP, 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

Administrative Court within 72 hours following the publication of that decision on the website, if the granting of the complaint results in direct violation of the legal interest.

AN APPEAL SHALL BE LODGED BY FILING A SUBMISSION WITH THE REPUBLIC
ELECTORAL COMMISSION

DRAFT LAW
AMENDING THE LAW ON LOCAL ELECTIONS

Article 1

In the Law on Local Elections ("Official Gazette of the RS", nos. 14/22 and 35/24), in Article 15, after paragraph 1, paragraphs 2 and 3 shall be added, worded as follows:

"Only a person who has a valid certificate of completed training for work in an electoral management body may be appointed as a member and deputy member of a standing composition of a local electoral management body.

Trainings for work in the electoral commission and polling board shall be organised and carried out by the Republic Electoral Commission in accordance with the law governing the election of MPs of the National Assembly."

Article 2

In Article 22, after paragraph 3, a new paragraph 4 shall be added, worded as follows:

"Only persons who have a valid certificate of completed training for work in the electoral commission may be appointed as secretary and deputy secretary of the electoral commission."

Former paragraph 4 shall become paragraph 5.

Article 3

In Article 25, paragraph 1, after point 20), a new point 20a) shall be added, worded as follows:

"20a) co-operates with the Republic Electoral Commission in organising and carrying out trainings for work in polling boards;"

Article 4

In Article 28, paragraph 3 shall be deleted.

Article 5

In Article 30, paragraph 3 shall be deleted.

Article 6

In Article 43, paragraph 2 shall be amended to read as follows:

"A voter may, by his/her signature, support more than one electoral list."

Paragraphs 3 and 4 shall be deleted.

Article 7

After Article 43, an article heading and Article 43a shall be added, worded as follows:

"Complaints against decisions on the electoral list

Article 43a

Against the decision refusing to proclaim the electoral list and the decision rejecting the electoral list, the nominator of the electoral list may file a complaint with the electoral commission within 48 hours following the publication of that decision on their website.

A councillor candidate on the electoral list, a person whose name is contained in the name of that electoral list or in the name of the nominator of that electoral list, a political party, nominator of the proclaimed electoral list or a voter may file a complaint with the electoral commission against the decision proclaiming the electoral list, within 48 hours following the publication of that decision on their website.

No complaint may be filed against the conclusion ordering the nominator to rectify deficiencies in the electoral list, but such a conclusion may be challenged by a complaint against the decision on the electoral list."

Article 8

Article 75 shall be amended to read as follows:

"For the purposes of this Law, the national minority electoral list shall mean the electoral list whose main goal 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 Constitution, laws and the international legal standards.

The electoral list nominator shall submit, together with the electoral list, the proposal to determine the status of the electoral list as a national minority list.

The electoral commission shall, by special decision, decide on the proposal to determine the status of the electoral list as a national minority list for the purposes of this Law, when assessing whether the conditions for its proclamation have been met.

The nominator of the national minority electoral list may only be a political party registered in the Register of Political Parties as a political party of a national minority or a coalition composed exclusively of political parties registered in the Register of Political Parties as national minority political parties.

An electoral list may be determined to have the status of a national minority electoral list:

- 1) if the name of the electoral list contains the full name of the political party of the national minority nominating the electoral list or the name of the national minority whose interests are represented by the political party nominating the electoral list, and
- 2) if, at least six months before the decision to call an election takes effect, the majority of candidates for MPs on that electoral list were registered in a special voter register

of the national minority maintained in accordance with the law governing the national councils of national minorities.

If an electoral list is nominated by a coalition, the electoral list may be determined to have the status of a national minority electoral list if the name of the electoral list contains the names of all the political parties that formed the coalition, or the names of all the national minorities whose interests are represented by the political parties that formed the coalition.

An electoral list may have the status of a national minority electoral list within the meaning of the provisions of this Law governing the number of signed statements of voters supporting the electoral list and the method of allocation of seats, only if, according to the latest census, members of the national minority represented by that electoral list reside in the territory of the local self-government unit, and if the percentage of members of that national minority in the total population of the territory of the local self-government unit is less than 50%.

No complaint may be filed against the decision on the proposal of the electoral list nominator to determine the status of national minority list, but such a decision may be challenged by a complaint against the decision on the electoral list."

Article 9

Article 76 shall be amended to read as follows:

"The electoral commission shall, by decision, reject a proposal to determine that a particular electoral list has the status of a national minority electoral list if it does not meet the conditions prescribed by this Law, as well as if the list leader or the first candidate for councillor on that electoral list is a person who is publicly recognisable primarily as a member of a political party that is not a national minority political party, or as a social activist on issues that are not related to national minorities or to the protection and enhancement of their rights."

Article 10

In Article 85, after paragraph 3, a paragraph 4 shall be added, worded as follows:

"An appeal shall be lodged by filing a submission with the electoral commission."

Article 11

This Law shall enter into force on the eighth day following the date of its publication in the "Official Gazette of the Republic of Serbia", with the exception of Articles 1, 2, 4. and 5, that shall apply from 1 January 2028.

REVIEW OF THE PROVISIONS OF THE LAW THAT ARE BEING AMENDED

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.

ONLY A PERSON WHO HAS A VALID CERTIFICATE OF COMPLETED TRAINING FOR WORK IN AN ELECTORAL MANAGEMENT BODY MAY BE APPOINTED AS A MEMBER AND DEPUTY MEMBER OF A STANDING COMPOSITION OF A LOCAL ELECTORAL MANAGEMENT BODY.

TRAININGS FOR WORK IN THE ELECTORAL COMMISSION AND POLLING BOARD SHALL BE ORGANISED AND CARRIED OUT BY THE REPUBLIC ELECTORAL COMMISSION IN ACCORDANCE WITH THE LAW GOVERNING THE ELECTION OF MPS OF THE NATIONAL ASSEMBLY.

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.

ONLY PERSONS WHO HAVE A VALID CERTIFICATE OF COMPLETED TRAINING FOR WORK IN THE ELECTORAL COMMISSION MAY BE APPOINTED AS SECRETARY AND 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.

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;
- 20a) CO-OPERATES WITH THE REPUBLIC ELECTORAL COMMISSION IN ORGANISING AND CARRYING OUT TRAININGS FOR WORK IN POLLING BOARDS;
- 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.

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.~~

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.~~

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.~~

A VOTER MAY, BY HIS/HER SIGNATURE, SUPPORT MORE THAN 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.

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%.~~

ARTICLE 75

FOR THE PURPOSES OF THIS LAW, THE NATIONAL MINORITY ELECTORAL LIST SHALL MEAN THE ELECTORAL LIST WHOSE MAIN GOAL 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 CONSTITUTION, LAWS AND THE INTERNATIONAL LEGAL STANDARDS.

THE ELECTORAL LIST NOMINATOR SHALL SUBMIT, TOGETHER WITH THE ELECTORAL LIST, THE PROPOSAL TO DETERMINE THE STATUS OF THE ELECTORAL LIST AS A NATIONAL MINORITY LIST.

THE ELECTORAL COMMISSION SHALL, BY SPECIAL DECISION, DECIDE ON THE PROPOSAL TO DETERMINE THE STATUS OF THE ELECTORAL LIST AS A NATIONAL MINORITY LIST FOR THE PURPOSES OF THIS LAW, WHEN ASSESSING WHETHER THE CONDITIONS FOR ITS PROCLAMATION HAVE BEEN MET.

THE NOMINATOR OF THE NATIONAL MINORITY ELECTORAL LIST MAY ONLY BE A POLITICAL PARTY REGISTERED IN THE REGISTER OF POLITICAL PARTIES AS A POLITICAL PARTY OF A NATIONAL MINORITY OR A COALITION COMPOSED EXCLUSIVELY OF POLITICAL PARTIES REGISTERED IN THE REGISTER OF POLITICAL PARTIES AS NATIONAL MINORITY POLITICAL PARTIES.

AN ELECTORAL LIST MAY BE DETERMINED TO HAVE THE STATUS OF A NATIONAL MINORITY ELECTORAL LIST:

1) IF THE NAME OF THE ELECTORAL LIST CONTAINS THE FULL NAME OF THE POLITICAL PARTY OF THE NATIONAL MINORITY NOMINATING THE ELECTORAL LIST OR THE NAME OF THE NATIONAL MINORITY WHOSE INTERESTS ARE REPRESENTED BY THE POLITICAL PARTY NOMINATING THE ELECTORAL LIST, AND

2) IF, AT LEAST SIX MONTHS BEFORE THE DECISION TO CALL AN ELECTION TAKES EFFECT, THE MAJORITY OF CANDIDATES FOR MPS ON THAT ELECTORAL LIST WERE REGISTERED IN A SPECIAL VOTER REGISTER OF THE NATIONAL MINORITY MAINTAINED IN ACCORDANCE WITH THE LAW GOVERNING THE NATIONAL COUNCILS OF NATIONAL MINORITIES.

IF AN ELECTORAL LIST IS NOMINATED BY A COALITION, THE ELECTORAL LIST MAY BE DETERMINED TO HAVE THE STATUS OF A NATIONAL

MINORITY ELECTORAL LIST IF THE NAME OF THE ELECTORAL LIST CONTAINS THE NAMES OF ALL THE POLITICAL PARTIES THAT FORMED THE COALITION, OR THE NAMES OF ALL THE NATIONAL MINORITIES WHOSE INTERESTS ARE REPRESENTED BY THE POLITICAL PARTIES THAT FORMED THE COALITION.

AN ELECTORAL LIST MAY HAVE THE STATUS OF A NATIONAL MINORITY ELECTORAL LIST WITHIN THE MEANING OF THE PROVISIONS OF THIS LAW GOVERNING THE NUMBER OF SIGNED STATEMENTS OF VOTERS SUPPORTING THE ELECTORAL LIST AND THE METHOD OF ALLOCATION OF SEATS, ONLY IF, ACCORDING TO THE LATEST CENSUS, MEMBERS OF THE NATIONAL MINORITY REPRESENTED BY THAT ELECTORAL LIST RESIDE IN THE TERRITORY OF THE LOCAL SELF-GOVERNMENT UNIT, AND IF THE PERCENTAGE OF MEMBERS OF THAT NATIONAL MINORITY IN THE TOTAL POPULATION OF THE TERRITORY OF THE LOCAL SELF-GOVERNMENT UNIT IS LESS THAN 50%.

NO COMPLAINT MAY BE FILED AGAINST THE DECISION ON THE PROPOSAL OF THE ELECTORAL LIST NOMINATOR TO DETERMINE THE STATUS OF NATIONAL MINORITY LIST, BUT SUCH A DECISION MAY BE CHALLENGED BY A COMPLAINT AGAINST THE DECISION ON THE ELECTORAL LIST.

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.~~

Article 76

THE ELECTORAL COMMISSION SHALL, BY DECISION, REJECT A PROPOSAL TO DETERMINE THAT A PARTICULAR ELECTORAL LIST HAS THE STATUS OF A NATIONAL MINORITY ELECTORAL LIST IF IT DOES NOT MEET THE CONDITIONS PRESCRIBED BY THIS LAW, AS WELL AS IF THE LIST LEADER OR THE FIRST CANDIDATE FOR COUNCILLOR ON THAT ELECTORAL LIST IS A PERSON WHO IS PUBLICLY RECOGNISABLE PRIMARILY AS A MEMBER OF A POLITICAL PARTY THAT IS NOT A NATIONAL MINORITY POLITICAL PARTY, OR AS A SOCIAL ACTIVIST ON ISSUES THAT ARE NOT RELATED TO NATIONAL MINORITIES OR TO THE PROTECTION AND ENHANCEMENT OF THEIR RIGHTS

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.

AN APPEAL SHALL BE LODGED BY FILING A SUBMISSION WITH THE ELECTORAL COMMISSION.