



Strasbourg, 16 November 2022

CDL-REF(2022)054

Opinion No. 1071 / 2021

Engl. only

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

SERBIA

LAW ON LOCAL ELECTIONS

LAW ON LOCAL ELECTIONS

I. GENERAL PROVISIONS

Scope of the Law

Article 1

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

Councillors shall be elected for a term of four years.

Core principles of the local elections

Article 2

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

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

Suffrage

Article 3

Every adult citizen of the Republic of Serbia over whom parental rights have not been extended, or who has not been wholly divested of legal capacity, with permanent residency in the territory of the local self-government unit in which he/she exercises the right to vote, shall have the right to elect councillors and to be elected as a councillor.

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

Freedom to vote

Article 4

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

No one has the right to prevent or force a voter to vote, to take him/her to account for voting or failure to vote, or to demand a voter to declare for whom he/she has voted or why he/she has not voted.

Equal suffrage and proportional electoral system

Article 5

Each voter shall have only one vote.

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

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

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

Councillors' seats won by an electoral list shall be allocated to candidates for councillors in keeping with the order in which they are listed on that electoral list.

Informing on elections

Article 6

The citizens shall have the right to be informed through public service media about electoral programs and activities of submitters of the electoral lists, as well as about candidates for councillors in accordance with the regulations governing public service media and electronic media.

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

It shall be forbidden, 48 hours before the day of voting and on the day of voting until the closing of polling stations, to publish estimates of election results, publicly present election candidates and their electoral programs, and invite voters to vote, or not to vote for certain electoral lists in the media and at public gatherings.

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

Funds for conducting elections

Article 7

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

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

Analogous application of another law

Article 8

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

The provisions of the law governing the general administrative procedure shall apply accordingly to deciding on the complaint.

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

II. AUTHORITIES RESPONSIBLE FOR CONDUCTING LOCAL ELECTIONS

1. Common rules regarding authorities responsible for conducting local elections

Authority to conduct local elections

Article 9

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

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

Article 10

The authorities responsible for conducting local elections (hereinafter: local election bodies) shall be autonomous and independent in their work and operate in compliance with laws and regulations adopted on the basis of the law.

Local election bodies shall report about their work to the authority which has appointed them.

The work of the local election bodies shall be public.

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

The prerequisites for the work of the local election bodies shall be provided by the municipal / city administration.

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

Member and deputy member of the local election body

Article 11

The local election body shall be composed of president, other members of the local election body, and their deputies.

The same person may be appointed to the local election body more than once.

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

A deputy member of the local election body shall have the right to vote only when the member he/she substitutes is absent.

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

Standing and expanded composition of the local election bodies

Article 12

The local election bodies may operate in the standing or expanded composition.

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

Should a submitter of the proclaimed electoral list fail to nominate a member or deputy member to the local election body in expanded composition within the deadline set by the law, related body shall continue to work and make valid decisions without a representative of the concerned submitter of the electoral list.

Members/deputy members of the local election bodies in expanded composition shall have the same rights and duties as members/deputy members of the local election bodies in expanded composition.

General rules on the nomination of members/deputy members of the local election bodies

Article 13

When nominating members / deputy members to the local election bodies, authorized nominators should take care of ensuring gender balance and of the need to include persons with disabilities in the conduct of the election process.

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

Decision-making by the local election bodies

Article 14

The local election bodies shall decide by a majority of the total number of votes of members in the standing or expanded composition.

Eligibility for membership in the local election bodies

Article 15

Only a person who has the right to vote and to stand as a candidate and 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 the local election body.

Termination of office in the local election body

Article 16

The office of a member or deputy member of the local election body shall be terminated by force of law, and the body competent for his/her appointment shall establish termination of his/her office *ex officio*:

- 1) if he/she dies;
- 2) if he/she be disfranchised;
- 3) if his / her residency on the territory of the local self-government unit has ceased;
- 4) when the electoral list on which he/she is a candidate for councillor is proclaimed;
- 5) if the submitter of the electoral list who has nominated him/her, withdraws the electoral list;
- 6) if the decision on the proclamation of the electoral list whose submitter has nominated him/her is annulled;
- 7) if he/she has been sentenced to a term of imprisonment of not less than six months by a final court decision;
- 8) if he/she has been deprived of his/her legal capacity
- 9) in other cases stipulated by law.

A member or deputy member of the local election body shall be dismissed by the body in charge for his/her appointment:

- 1) if he/she submits letter of resignation in writing;
- 2) if it is subsequently established that he/she does not meet the special conditions for appointment;
- 3) in other cases stipulated by this Law.

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

A decision of the local election body may not be challenged on the grounds that this body was not deciding in the prescribed composition if the prescribed legal remedy challenging its composition had not been timely filed.

A special case of termination of office

Article 17

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

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

2. Electoral Commission

Electoral commission in the standing composition

Article 18

The electoral commission in the standing composition shall consists of:

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

President, members, deputy president and deputy members of the electoral commission shall be appointed by the assembly.

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

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

The new convocation of the assembly shall appoint a new standing composition of the electoral commission within six months from the day of the constitution of the assembly.

Special condition for the appointment of the president and deputy president of the electoral commission

Article 19

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

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

Article 20

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

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

A councillors' group that has more than half of the total number of councillors shall nominate the president, deputy president, members, whose number, altogether including the president, shall not be greater than half of the total number of members of the electoral commission, and deputy members, whose number, altogether including the deputy president, shall not be greater than half of the total number of deputy members of the electoral commission, while the remaining members and deputy members of the electoral commission in the standing

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

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

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

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

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

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

Article 21

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

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

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

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

**Participants in the work of the electoral commission
without the right to make decisions**

Article 22

Participants in the work of the 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 speaker of the assembly.

The secretary of the assembly, the deputy secretary of the assembly, the head of the municipal / city administration, the deputy head of the municipal / city administration or a person from the ranks of employees in the municipal / city administration with a BA degree in law may be appointed as a secretary or deputy secretary of the electoral commission.

The provisions of this Law governing the termination of office in the authority responsible for conducting elections shall also accordingly apply to both the secretary and the deputy secretary of the electoral commission.

Electoral commission in the expanded composition

Article 23

A member / deputy member of the electoral commission in the expanded composition shall be appointed by the electoral commission at the proposal of the submitter of the proclaimed electoral list, which must be submitted no later than seven days before the day of voting.

The electoral commission shall decide on the proposal for the appointment of a member / deputy member of the electoral commission in the expanded composition within 24 hours of receiving the proposal.

The decision on the appointment of a member / deputy member of the electoral commission in the expanded composition shall apply from the day following the day when it was adopted.

A member / deputy member of the electoral commission in the expanded composition who has been dismissed or whose office has been terminated by force of law may be substituted at the request of the submitter of the proclaimed electoral list on whose proposal he/she was appointed only while the electoral commission works in the expanded composition.

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

**Complaint against decision on a proposal for the appointment of a member / deputy
member of the electoral commission in the expanded composition**

Article 24

Against the decision dismissing or rejecting a proposal for the appointment of a member / deputy member of the electoral commission in the expanded composition, the submitter of the proposal may file a complaint with the electoral commission within 48 hours of publishing that decision on the website.

Against the decision on the appointment of a member / deputy member of the electoral commission in the expanded composition, the submitter of the proclaimed electoral list, the

registered political party and a voter may file a complaint with the electoral commission within 48 hours from the publication of that decision on the website.

Competences of the electoral commission

Article 25

The electoral commission shall:

- 1) ensure lawful conduct of the 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 the 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 slips 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 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) determine at its session the preliminary results of local elections for all polling stations that have been processed within 24 hours from the closing of polling stations;
- 19) determine election results, render and publish general report on the election results;
- 20) submit to the assembly a report on the conducted elections;
- 21) perform also 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 from the day when the decision on calling the elections came into force.

The electoral commission shall adopt its rules of procedure.

In its work, the electoral commission shall accordingly apply the instructions and other acts of the Republic Electoral Commission relating to the election of members of parliament.

Publication of decisions of the electoral commission

Article 26

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

The date and time of publication of the decision must be stated on the website.

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

If the decision of the electoral commission was made upon a request, the requester may request that a written copy of that decision be delivered to him at the seat of the electoral commission or be sent by mail.

The time when the requester was informed by phone or email that the decision upon his/her request has been made and published, and/or when a written copy of the decision was delivered to him/her at the seat of the electoral commission, or sent to him/her by mail shall not affect counting of time within which legal remedies may be filed against that decision.

3. Polling Board

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

Article 27

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

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

The term of office of a member or a deputy member of the polling board shall start from the day the decision on his/her appointment has been published, and shall cease when the election material has been handed over upon completion of the voting and the records on operation of the polling board has been checked, as well as in other cases stipulated by law.

Polling board in the standing composition

Article 28

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

The procedure for proposing members and deputy members of the polling board in the standing composition shall be prescribed by the electoral commission.

When proposing a candidate for the president and deputy president of the polling board, the councillors' group shall, if possible, give priority to a person who has completed training for work in the polling board and has experience in conducting elections.

Criteria for appointment of the polling board in the standing composition

Article 29

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

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

No councillors' group may nominate both the president and deputy president of the polling board at one polling station.

Based on the criteria stipulated by law, the electoral commission shall prescribe and timely publish on its website the schedule of positions according to which councillors' groups shall nominate members and deputy members of the polling boards in the standing composition

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

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

Proposal for appointment of a member / deputy member of the polling board in the standing composition

Article 30

The proposal for the appointment 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 a proposal for the appointment 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 proposing a member or 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.

1. Polling board in the expanded composition

Article 31

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

The submitter of the proclaimed electoral list shall submit a proposal for the appointment of a member / deputy member of the polling board in the expanded composition on a form prescribed by the electoral commission.

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

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

Article 32

Against the decision dismissing or rejecting a proposal for the appointment of a member / deputy member of the polling board, the submitter of the proposal may file a complaint with the electoral commission within 48 hours of publishing that decision on the website.

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

Against the decision on the appointment of a member / deputy member of polling board in the expanded composition, the submitter of the proclaimed electoral list or a voter may file a complaint with the electoral commission within 48 hours from the publication of that decision on the website.

Replacement of a member of the polling board

Article 33

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

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

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

III. THE COURSE OF THE ELECTION PROCEDURE

1. Calling the local elections

Competence to call the local elections

Article 34

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

The decision on calling the local elections shall enter into force on the day when it is published in the "Official Gazette of the Republic of Serbia".

Deadlines for calling the local elections and voting

Article 35

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

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

Contents of the decision on calling the elections

Article 36

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

2. Submission of electoral list

Submitter of the electoral list

Article 37

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

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

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

Article 38

Voters who form a group of citizens in order to submit electoral list for participation in local elections need not to have residency on the territory of the local self-government unit in which the elections are held.

Special rule for the list leader in local elections

Article 39

List leader in local elections may, but needs not be at the same time a candidate for councillor on that electoral list.

List leader in local elections needs not have residency on the territory of the local self-government unit where the elections are held.

Deadline for submission of the electoral list and its content

Article 40

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

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

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

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

Gender representation on the electoral list

Article 41

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

Documentation submitted along with the electoral list

Article 42

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

1) written consent of each candidate accepting the nomination as councillor candidate on the form prescribed by the electoral commission, which shall contain his/her name, surname, UMCN, occupation, place and address of residence;

2) document with the read out ID card, if with a microcontroller (chip), or ID card photocopy, if without a microcontroller, for each candidate for councillor;

3) written statements of voters who support the electoral list, in the number stipulated by law, given on the form prescribed by the electoral commission, certified before the expiry of deadline for submission of the electoral list, which shall contain name, surname, UMCN, place and address of residence for each voter;

4) list of voters who signed the submitted statements of voters supporting the electoral list in electronic form, on the form prescribed by the electoral commission, which shall contain the surname and name of the voter, UMCN and data on the certifying authority who certified the signature on the statement;

5) written consent of the list leader to use his/her personal name in the name of the electoral list, which shall contain his/her name, surname, UMCN, place and address of residence, if the electoral list contains his/her personal name and if he/she has not signed another document submitted along with the electoral list, and the signing of which is considered to be giving consent for his/her personal name to be used in the name of the electoral list;

6) written consent of the legal entity to use its name in the name of the electoral list, which shall contain the name and seat of the legal entity that gives that consent;

7) authorization to submit electoral list on behalf of a political party, if it is not submitted by its representative entered in the Register of Political Parties, which shall be given in writing, and shall contain the name, surname, UMCN, place and address of residence of the authorized person;

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

9) authorization to conclude a coalition agreement on behalf of a political party, if it has not been concluded by its representative entered in the Register of Political Parties, which shall be given in writing, and shall contain the name, surname, UMCN, and place and address of residence of the authorized person;

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

11) written consent to use personal name of a natural person or name of a legal entity in the name of the coalition, or group of citizens, which shall contain the name, surname, UMCN, place and address of residence of the natural person, or the name and seat of the legal entity, or

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

The number of signatures required to proclaim an electoral list

Article 43

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

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

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

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

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

Collective electoral list

Article 44

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

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

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

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

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

IV. VOTING AND DETERMINATION OF ELECTION RESULTS

Ballot paper

Article 45

The ballot paper shall contain:

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

Number of copies of the records on operation of the polling board

Article 46

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

The first copy of the records on operation of the polling board shall be submitted to the electoral commission, the second shall be displayed at the polling station for public inspection, while the remaining four copies of the records on operation of the polling board shall be delivered to representative of the electoral lists which have received the largest number of votes at the polling station.

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

Article 47

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

Election material shall be handed over by the president of the polling board or his/her deputy.

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

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

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

Checking records on operation of the polling board

Article 48

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

If during the checking of the records on operation of the polling board the election material was inspected, the factual situation established by such inspection of the election material shall be entered in the report on the checking of the records on operation of the polling board.

The report on the checking of the records on operation of the polling board shall state whether there are any objections by the members of the polling board or observers of the polling board's work.

The electoral commission shall post all records on operation of the polling boards on the website, and if errors in completing the records on operation of the polling board have been corrected, also the decision on correcting the records on operation of the polling board shall be published.

Actions in case of minor errors

Article 49

If there are obvious errors in filling in the records on operation of the polling board (minor errors), the electoral commission shall issue a decision on correcting the records on operation of the polling board based on the report on checking the records on operation of the polling board.

Minor errors shall be:

- 1) if the number of voters registered in the excerpt from the electoral roll is not recorded or is erroneously recorded in the records on the operation of the polling board;
- 2) if the number of voters who turned out is not recorded in the records on the operation of the polling board, and the other results are logically and computationally correct;
- 3) if the number of voters who turned out recorded in the records on the operation of the polling board is greater than the number of voters registered in the excerpt from the electoral roll, and the other results are logically and computationally correct;
- 4) if the total number of ballot papers in the ballot box is not recorded in the records on operation of the polling board, and the other results are logically and computationally correct;
- 5) if the number of valid ballot papers is not recorded in the records on operation of the polling board, and the sum of the number of invalid ballot papers and the number of votes received individually by each electoral list is equal to the number of ballot papers in the ballot box.

Actions in case of serious errors

Article 50

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

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

Serious errors shall be, in particular, the following:

- 1) if the number of ballot papers in the ballot box recorded in the records on operation of the polling board is greater than the number of voters who turned out;
- 2) if in the records on operation of the polling board the sum of the number of votes received individually by each electoral list is not equal to the number of valid ballot papers, and the sum of the number of invalid ballot papers and the number of valid ballot papers is equal to the number of ballot papers in the ballot box;
- 3) if the sum of the number of invalid ballot papers and the number of votes received individually by each electoral list recorded in the records on operation of the polling board is greater than the number of voters registered in the excerpt from the electoral roll;
- 4) if the number of valid ballot papers recorded in the records on operation of the polling board is not equal to the sum of the number of votes received individually by each electoral list, and the sum of the number of invalid ballot papers and the number of votes received individually by each electoral list is equal to the number of ballot papers in the ballot box;
- 5) if the number of invalid ballot papers is not recorded in the records on operation of the polling board, and the sum of the number of votes received individually by each electoral list is equal to or less than the number of ballot papers in the ballot box;
- 6) if the number of invalid ballot papers recorded in the records on operation of the polling board is not equal to the difference between the number of ballot papers in the ballot box and the number of valid ballot papers, and the sum of the number of votes received individually by each electoral list is equal to or less than the number of ballot papers in the ballot box.

Check of the records on operation of the polling board performed by members and deputy members of the electoral commission

Article 51

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

Request for sample control of the records on operation of the polling board

Article 52

At the request submitted within 48 hours from the closing of polling stations, the electoral commission shall order undertaking of control of records on operation of the polling board from a maximum of 5% of polling stations.

A request for sample control of records on operation of the polling boards may be submitted by a proclaimed opposition electoral list (an electoral list whose submitter does not have councillors in the assembly, i.e. an electoral list whose submitter is not part of the parliamentary majority) which according to the preliminary election results has won more than 2% of votes, and proclaimed opposition minority electoral list which according to the preliminary election results has won more than 1% of votes.

If the sample control of the records on operation of the polling boards from more than 5% of the polling stations was requested, the control of the records on operation of the polling board shall be performed at those polling stations where the biggest number of voters have been registered.

The requester may file a complaint against the decision dismissing or rejecting the request for sample control of the records on operation of the polling board with the electoral commission within 48 hours from the publication of that decision on the website.

The submitter of the proclaimed electoral list may file a complaint against the decision granting the request for sample control of the records on operation of the polling board with the electoral commission within 48 hours from the publication of that decision on the website.

Sample control of the records on operation of the polling board

Article 53

The electoral commission shall compile a report on the performed control of the records on operation of the polling boards and post it on the website.

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

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

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

Legal consequences of the control of the records on operation of the polling board

Article 54

If during the check of records on operation of the polling boards performed by members and deputy members of the electoral commissions, or if during the sample control of records on operation of the polling boards, it is established that the content of the election material and the records on operation of the polling board do not agree, the electoral commission shall issue a decision on correcting the records on operation of the polling board.

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

If there is a reasonable suspicion that the huge discrepancy between the content of the election material and the records on operation of the polling board is a consequence of conscious and intentional activity aimed at establishing false result of the local elections, the electoral commission shall file criminal report against members of the polling board with the competent public prosecutor's office.

Impossibility to determine voting results at the polling station

Article 55

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

- 1) if voting at that polling station was not held, or if after it had been suspended it was not continued;
- 2) if it did not receive the records on operation of the polling board;
- 3) if the submitted records on operation of the polling board was not signed by at least three members of the polling board;
- 4) if there are gross logical-computational errors in filling in the records on operation of the polling board that could not be rectified even after inspecting the entire election material from the polling station.

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

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

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

Article 56

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

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

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

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

Complaint on voting at the polling station

Article 57

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

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

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

Repeat voting

Article 58

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

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

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

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

General report on the results of local elections

Article 59

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

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

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

If repeat voting is conducted at certain polling stations, the deadline for compiling and publishing a general report on the results of local elections shall be counted from the closing of the polling station where the voting was repeated last, or from the day when decisions on all filed legal remedies in connection with the repeat voting have been submitted to the electoral commission.

If a request for sample control of records on operation of the polling board has been submitted, the deadline for compiling and publishing the general report on the results of local elections shall be counted from the conclusion of the control of the records on operation of the polling board.

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

Publication of the general report on the results of local elections

Article 60

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

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

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

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

Electoral census

Article 61

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

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

Highest quotient system

Article 62

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

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

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

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

If the number of seats due to a certain electoral list is greater than the number of councillor candidates it has, the seat that is not allocated to that electoral list shall be allocated to the electoral list having the next highest quotient for which the seat has not been allocated.

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

Allocation of seats

Article 63

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

Confirmation of term of office

Article 64

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

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

Convening a constitutive session of the assembly

Article 65

The constitutive session of the assembly shall be convened by the speaker of the assembly from the previous convocation within ten days from the day of publishing the decision on the allocation of seats on the website, so that the session is held no later than 30 days from the day of publishing the decision on the allocation of seats on the website.

Decision-making at the constitutive session

Article 66

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

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

The assembly shall decide on the confirmation of the term of office of the councillors, based on the report of the verification board, by public voting.

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

Against the decision of the assembly made in connection with the confirmation of the term of office of the councillor at the constitutive session, the submitter of the proclaimed electoral list who has been allocated a seat may file an appeal with the higher court in whose territorial jurisdiction the assembly is seated, within seven days from the day the decision has been made.

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

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

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

Termination of term office

Article 67

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

- 1) when the assembly at the constitutive session confirms the term of office of the councillors from the next convocation;
- 2) if he/she dies;
- 3) if he/she has been wholly divested of legal capacity by a final court decision, or if he/she has been declared incapable of exercising the right to vote under a final court decision on partial deprivation of legal capacity;
- 4) if he/she has lost the citizenship of the Republic of Serbia;
- 5) if his / her residency on the territory of the local self-government unit has ceased;
- 6) if he/she has been sentenced to a term of imprisonment of not less than six months by a final court decision;
- 7) if a decision on dissolution of the assembly has been made;
- 8) if he/she has assumed an office which, according to the Constitution and the law, is incompatible with the office of the councillor;
- 9) if he/she resigns.

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

Resignation of the councillor

Article 68

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

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

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

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

The resignation may not be revoked.

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

Establishing termination of councillor's term of office

Article 69

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

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

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

Article 70

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

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

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

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

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

Article 71

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

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

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

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

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

Filling in vacant councillor seat

Article 72

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

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

The term of office of a new councillor shall start running from the day when the assembly has confirmed his/her term of office.

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

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

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

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

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

Filling in a vacant councillor seat from the coalition electoral list

Article 73

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

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

Re-allocation of seat to a councillor

Article 74

A councillor whose term of office was terminated after he/ she was elected as mayor, deputy mayor or member of the city council, or president of the municipality, deputy president of the municipality or member of the municipality council may, upon termination of that office, submit a request to be reallocated a seat in the same convocation of the assembly, if there is a vacant councillor seat belonging to his/her electoral list.

VI. SPECIAL RULES APPLICABLE TO NATIONAL MINORITY ELECTORAL LISTS

National minority electoral list

Article 75

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

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

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

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

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

Prohibition to circumvent the law

Article 76

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

Position of the national minority electoral list in respect of nomination

Article 77

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

Position of the national minority electoral list in respect of allocation of seats

Article 78

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

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

VII. PROTECTION OF ELECTORAL RIGHTS

Legal remedies in the conduct of local elections

Article 79

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

General rules on the right to complaint

Article 80

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

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

Content of the complaint

Article 81

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

- 1) note that the complaint is filed with the electoral commission;
- 2) name, surname, UMCN, place and address of residence, telephone number and e-mail address of the complainant if the complainant is a natural person;
- 3) name and seat of the complainant, and name, surname, UMCN, place and address of residence, telephone number and e-mail address of the person authorized to represent the complainant if the complainant is a legal entity;
- 4) name of the proclaimed electoral list, name of the submitter of the proclaimed electoral list and name, surname, UMCN, place and address of residence, telephone number and e-mail address of the person authorized to represent the submitter of the proclaimed electoral list, if the complaint is filed by the submitter of the proclaimed electoral list;
- 5) signature of the complainant;
- 6) the subject of the complaint, and in particular the exact designation of the decision with the indication of the issuer, date of issuance and the number under which the decision was filed if the complaint challenges a decision, or the exact description of the action indicating who took the action and when;
- 7) the facts on which the complaint is based;
- 8) evidence.

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

Deadline for filing a complaint

Article 82

A complaint may be filed within 72 hours from the publication of the decision, or taking of the action that the complainant considers irregular, unless otherwise stipulated by this Law.

A complaint because no decision or action has been taken within the period prescribed by law or a bylaw of the Republic Electoral Commission may be filed within 72 hours of the expiration of the period in which the decision should have been rendered, or within which the action should have been taken, unless otherwise stipulated by this Law.

Jurisdiction to decide on the complaint

Article 83

The electoral commission shall decide on complaints.

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

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

Decisions of the electoral commission on the complaint

Article 84

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

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

Appeal against the decision of the electoral commission deciding on the complaint

Article 85

The complainant may file an appeal against the decision of the electoral commission by which a complaint was dismissed or rejected with the higher court in whose territorial jurisdiction the assembly is seated within 72 hours from 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 from 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 from the publication of that decision on the website, if their legal interests are directly violated by the fact that the complaint was granted.

Actions upon appeal

Article 86

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

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

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

Decisions of the Higher Court on appeal

Article 87

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

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

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

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

If the Higher Court grants the appeal and annuls the decision made in the conduct of the election, or the action taken in the conduct of the election, the appropriate decision shall be made, or the appropriate action shall be taken no later than ten days from the day the electoral commission received related decision of the Higher Court.

Publication of legal remedies and decisions on legal remedies

Article 88

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

V. SIMULTANEOUS HOLDING OF LOCAL ELECTIONS AND REPUBLIC ELECTIONS

Coordinated conduct of elections

Article 89

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

Election material

Article 90

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

Separate excerpts from the electoral rolls and separate ballot boxes for local elections and for republic elections shall be provided for each polling station.

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

Polling board in the standing composition

Article 91

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

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

President of the polling board, two members and three deputy members shall be appointed at the proposal of parliamentary groups in the National Assembly so that the number of presidents, members and deputy members in all polling boards in the standing composition in the local self-government unit who belong to the parliamentary group must be proportional to its representation in the National Assembly on the day when the decision on calling the elections came into force.

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

Election bodies in the expanded composition

Article 92

Submitter of the proclaimed electoral list for local elections and every nominator of candidates in the republic elections shall have the right to nominate a member and a deputy member to the election bodies in the expanded composition.

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

Assessment of the identity of coalitions, or groups of citizens

Article 93

Sameness of coalitions, or groups of citizens in terms of nominating a member and deputy member to the election bodies in the expanded composition shall not be assessed according to the name of the coalition, or group of citizens, but according to the signatories of the coalition agreement, or agreement on forming a group of citizens.

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

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

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

Article 94

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

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

Position of members of the election bodies in the expanded composition

Article 95

A member of the election body in the expanded composition appointed at the proposal of a political party, coalition, or group of citizens participating in one election may vote only for those decisions of the election body that are common to both election procedures (such as designation of polling stations, formation of polling board in the standing composition) and which relate only to the election procedure in which his/her nominator participates.

VI. TRANSITIONAL AND FINAL PROVISIONS

Deadline for the formation of the electoral commission

Article 96

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

Temporary retention of jurisdiction of the Administrative Court

Article 97

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

The Administrative Court shall be competent to decide on appeals against the decision on the appointment of members and deputy members of electoral commission in the standing composition, on appeals against decisions made in connection with confirmation of councillors' terms of office, appeals against decisions establishing termination of councillors' terms of office, as well as on the appeals for failure to establish termination of councillors' terms of office, if such appeals have been filed within one year from the day when this law came into force.

Temporary increase in the number of members and deputy members of local election bodies in the standing composition

Article 98

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

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

Regulation that is repealed

Article 99

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

Entry into force

Article 100

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