

# **LAW**

## **ON THE ELECTION OF MEMBERS OF PARLIAMENT<sup>1</sup>**

### **BASIC PROVISIONS**

#### **Article 1**

This Law regulates both the election and termination of tenure of Members of Parliament in the National Assembly of the Republic of Serbia (hereinafter referred to as: MPs).

#### **Article 2**

The citizens shall elect the MPs on the basis of free, universal, equal and direct suffrage, by secret ballot.

(2) No one shall have the right, on any grounds, to prevent or force a citizen to vote, to hold a citizen to account for voting or to demand a citizen to declare for whom he has voted or why he has not voted.

#### **Article 3**

The National Assembly of the Republic of Serbia shall consist of 250 MPs, elected to a four year term.

#### **Article 4**

(1) The MPs shall be elected in the Republic of Serbia, as a single constituency, on the basis of lists of political parties, coalitions of parties, other political organizations and lists submitted by the groups of citizens (hereinafter referred to as: "electoral list").

(2) The mandates shall be distributed among the MPs in proportion to the number of the votes won.

#### **Article 5**

(1) The citizens shall have the right to be informed by the mass media about the electoral programs and activities of submitters of the electoral lists, as well as about the candidates on the electoral lists.

(2) The mass media shall be obliged to ensure equal accessibility of information about all submitters of the electoral lists, and about all candidates on those electoral lists.

(3) Electoral promotion through the mass media and public gatherings, as well as publication of estimated electoral results shall be forbidden in the period of 48 hours

---

<sup>1</sup>“Official Gazette of the RS” No. 35/00, 57/03 – Decision of the Constitutional Court, 72/03 – other law, 18/04, 85/05 – other law, 101/05 – other law, 104/09 – other law, 28/11 – Decision of the Constitutional Court 36/11.

before the day of the elections, as well as during the election day until the closing of polling stations.

#### **Article 6**

The electoral bodies shall be the Republic Electoral Commission and the polling boards.

#### **Article 7**

The protection of the suffrage shall be ensured by the Republic Electoral Commission, the Administrative Court and relevant courts.

#### **Article 8**

The funds needed for conducting the elections shall be allocated from the Budget of the Republic of Serbia.

### **II. SUFFRAGE**

#### **Article 9**

For the purposes of this Law, suffrage shall comprise the right of citizens: to elect and stand for elections; to nominate candidates and be nominated as candidates; to decide about nominated candidates and electoral lists; to publicly pose questions to nominated candidates; to be timely, truthfully, completely and impartially informed about the programs and activities of the submitters of electoral lists and the candidates on such lists, and have other rights provided for by this Law, in the manner and according to the procedures laid down by this Law.

#### **Article 10**

Every national of the Republic of Serbia with the domicile on the territory of the Republic of Serbia, of legal age and with legal capacity, shall have the right to elect the MPs or stand for election as an MP (hereinafter referred to as the: "voter").

#### **Article 11**

(1) An MP shall not simultaneously hold any judicial or other office to which he/she has been elected by the National Assembly of the Republic of Serbia, or be an office holder or an employee of a public authority conducting the activities related to the scope of work of such authority, except in cases laid down by the Constitution.

(2) On the day of validation of MP's mandate by the National Assembly of Republic of Serbia, that office shall cease, and employment of the employee in a public authority shall be suspended.

### **III. ELECTORAL ROLLS**

#### **Articles 12-24**

*repealed by the Law on a Single Electoral Roll ("Official Gazette of the RS" No. 104/09)*

### **IV. CALLING ELECTIONS**

## **Article 25**

(1) The elections for MPs shall be called by the President of the Republic. The Decision on calling the elections shall also include the date of the elections, and the initial date for the deadlines for completion of electoral procedures.

(2) The Decision on calling the elections shall be published in the "Official Gazette of the Republic of Serbia".

## **Article 26**

Not less than 45 days, and no more than 60 days shall elapse between the day of calling for the elections and the day of holding the elections.

## **Article 27**

(1) The elections for the MPs shall be held not later than 30 days before the expiration of the mandate of the MPs whose mandate is expiring.

(2) The mandate of the MPs whose mandate is expiring shall end on the day of verification of the mandates of newly elected MPs.

(3) The mandates of the MPs shall be verified on the basis of both the certificate on the election of the MP and the Report of the Republic Electoral Commission on the completion of the elections, within 30 days starting from the day of announcement of the final results of the elections.

(4) At the constitutive session of the National Assembly of Republic of Serbia, a three-member commission shall be formed in order to ascertain the compliance of certificates on the election of the MP with the Report of the Republic Electoral Commission.

(5) Based on the Commission's Report referred to in paragraph 4 of this Article, a person presiding the constitutive session of the National Assembly of the Republic of Serbia shall note that the Republic Electoral Commission has submitted the report on the completion of the elections, and which certificates on the elections of MPs are in compliance with the Report concerned, thus confirming the mandate of newly elected MPs.

# **V ELECTORAL BODIES**

## **1. Status of the bodies**

### **Article 28**

(1) The bodies administering the conduct of elections (hereinafter: electoral bodies) shall be autonomous and independent in their work, and operate in compliance with laws and regulations adopted on the basis of the law.

(2) The electoral bodies shall report about their work to the authority which has appointed them.

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

### **Article 29**

(1) The electoral bodies may work in a standing and in an enlarged composition.

(2) the electoral bodies shall operate in an enlarged composition starting from the date of establishing such composition until the conclusion of the elections.

(3) The electoral bodies shall decide by majority vote of the members of both standing and enlarged composition.

(4) No political party, coalition of parties or other political organisations shall have more than half of the members of standing composition of any electoral body.

### **Article 30**

(1) Members of the Republic Electoral Commission and their deputies shall be appointed for a period of four years, and members of polling boards and their deputies shall be appointed for each election.

(2) Members and deputy members of electoral bodies can neither be in the direct line of consanguinity, irrespective of the degree of kinship, nor in the collateral line up to the third degree of kinship and, if in in-law kinship, up to the second degree, inclusive, nor spouses and persons in mutual relationship of adopter and adoptee or guardian and ward.

(3) In case the electoral commission or a polling board are composed contrary to the provision of paragraph 2 of this Article, such authority shall be dismissed and the elections and/or voting shall be repeated.

(4) Deputy members of the Republic Electoral Commission and polling boards shall have the same rights and responsibilities as the members whose deputies they are.

(5) The suffrage in the Republic Electoral Commission or a polling board shall only be vested in the member of this authority or, in case of his/her absence, in his/her deputy.

### **Article 31**

(1) Members of the authorities conducting the elections of MPs and their deputies shall have the suffrage.

(2) Members of the electoral bodies and their deputies shall cease to perform their duties in the authorities concerned, once they accept candidacy for MPs.

### **Article 32**

(1) The work of the electoral bodies shall be public.

(2) Persons who monitor the work of the electoral bodies shall act pursuant to the rules set by the Republic Electoral Commission.

(3) Where persons referred to in paragraph 2 of this Article breach the rules concerning the order at a polling station or otherwise disrupt the work of the electoral bodies, the electoral body may remove such persons from the spot, entering the record of the event in the minutes.

(4) A candidate from an electoral list that has been validated and proclaimed shall not be present during the work of the electoral bodies.

## **2. Republic Electoral Commission**

### **Article 33**

(1) Standing composition of the Republic Electoral Commission shall consist of the Chairperson and sixteen members appointed by the National Assembly of the Republic of Serbia, while the enlarged composition shall also include one representative of each submitter of the electoral list.

(2) The Republic Electoral Commission shall have a Secretary, appointed by the National Assembly of Republic of Serbia from among the experts in its services, who shall participate in the work of the Commission without the right to make decisions.

(3) The Republic Electoral Commission shall also have one member, a representative of a state organization responsible for statistics, who shall participate in work of the Commission without the right to make decisions.

(4) The Chairperson, members of the Republic Electoral Commission and its Secretary shall have their deputies.

(5) The Chairperson, members of the Republic Electoral Commission and their deputies shall hold a BA degree in law.

(6) The Republic Electoral Commission shall adopt a Decision establishing that the submitter of an electoral list fulfils the requirements for delegating its representatives to the enlarged composition of this body, within 48 hours from the proclamation of the electoral list.

(7) The Decision on fulfilment or non-fulfilment of the requirements for delegating the representatives of the submitter of the electoral list shall be submitted by the Republic Electoral Commission to the submitter of the electoral list within 24 hours from the adoption of the Decision.

(8) The representative of the submitter of the electoral list referred to in paragraph 1 of this Law shall become a member of the enlarged Republic Electoral Commission composition within no later than 24 hours upon adoption of the Decision.

(9) The composition of the Republic Electoral Commission shall be published in the "Official Gazette of the Republic of Serbia".

### **Article 34**

(1) The Republic Electoral Commission shall:

- 1) ensure the lawful conduct of the elections,
- 2) organize technical preparation for the elections,
- 3) monitor the application of, and provide explanations concerning the application of this Law, particularly concerning the conduct of the voting abroad,
- 4) establish uniform standards for the election materials,
- 5) prescribe the forms and rules for carrying out the electoral procedures under this Law,

6) determine the type of the spray referred to in Article 68, paragraph 4 of this Law,

7) determine and publish in the "Official Gazette of the Republic of Serbia" the number and address of the polling stations, not later than 20 days before the date envisaged for the elections,

8) Establish the polling boards and appoint the chairpersons and members of the polling boards,

9) determine the number of ballot papers for each polling station, verify them and submit them recorded in minutes together with the certified extract from the electoral roll to the polling boards,

10) determine the election documents to be communicated to it,

11) establish whether the electoral list has been compiled and submitted in accordance with this Law and proclaim it,

12) Adopt a Decision on proclamation of the general electoral list,

13) determine the manner of keeping and handling the election material,

14) establish and publish the election results,

15) determine the number of mandates belonging to each electoral list,

16) submit a report to the National Assembly of the Republic of Serbia on the conducted elections,

17) submit data to the authorities responsible for gathering and processing the statistical data,

18) perform other duties stipulated by this Law.

(2) The Republic Electoral Commission shall adopt its Rules of Procedure.

(3) The Republic Electoral Commission shall make the forms referred to in paragraphs 4 and 5 of this Article available to participants in the elections within five days from the date of calling the elections.

### **Article 35**

The National Assembly of the Republic of Serbia shall ensure the conditions necessary for the work of the Republic Electoral Commission.

## **3. Polling Board**

### **Article 36**

(1) Standing composition of a polling board shall comprise: the chairperson and at least two members, while enlarged composition shall include one representative of each submitter of the electoral lists.

(2) The chairperson and members of the polling board shall have deputies.

(3) The polling board shall be appointed no later than 10 days before the day scheduled for the elections.

(4) The Republic Electoral Commission shall within 48 hours from the adoption of the Decision on proclamation of electoral lists, adopt a decision determining which submitter of the electoral list meets the requirements for designating its representatives to the enlarged composition of the polling board.

(5) The Decision on meeting or failure to meet the requirements for designating representatives of the submitter of the electoral list shall be submitted by the Republic Electoral Commission to the submitter of the electoral list within 24 hours of the adoption of the Decision.

(6) A representative of the submitter of the electoral list referred to in paragraph 1 of this Article shall become a member of the polling board's enlarged composition within no later than 24 hours of the adoption of the decision.

(7) Submitters of electoral lists may agree to delegate a joint representative to the polling board.

#### **Article 37**

(1) The polling board shall conduct the voting directly at the polling station, ensure the regularity and secrecy voting, establish the voting results at the polling station and carry out other duties envisaged by this Law.

(2) The polling board shall ensure order at the polling station during the course of voting.

(3) More detailed rules of procedure of the polling board shall be defined by the Republic Electoral Commission.

#### **Article 38**

In the case of simultaneous elections of MPs to the National Assembly of the Republic of Serbia and of the President of the Republic, the polling boards established to conduct the elections of MPs shall perform the duties of the polling boards for the election of the President of the Republic.

### **4. Representatives of the Submitters of Electoral Lists in Electoral Bodies**

#### **Article 39**

The submitter of the electoral list referred to in Articles 33 and 36 of this Law shall designate representatives to electoral bodies, and notify the authorities that have appointed the electoral bodies thereof.

(2) Upon receiving the notification on the persons designated to the enlarged composition, electoral bodies shall in their standing composition adopt a decision determining the names of the persons who are becoming their members, and shall do so within no later than 24 hours from the receipt of the notification.

(3) If a submitter of the electoral list does not designate a representative to the electoral body five days before the date scheduled for the elections, at the latest, such authority shall continue its work and make valid decisions without the representatives of the submitter of the electoral list.

## **VI ELECTORAL LIST**

### **1. Nomination of Candidates**

#### **Article 40**

(1) Candidates may be proposed, under the conditions laid down by this Law, by registered political parties and coalitions of parties (hereinafter: political parties), and by groups of citizens.

(2) On behalf of a political party or a group of citizens, the proposal referred to in paragraph 1 of this Article may be put forward only by the person authorized for this by the political party or the group of citizens.

(3) On behalf of a coalition of parties, the proposal referred to in paragraph 1 of this Article may be put forward by two authorized persons at most.

### **Article 40a**

(1) On the electoral list, among each three candidates according to the order on the list (the first three, next three, and so on to the end of the list) there shall be at least one candidate – of the gender less represented on the list.

(2) If the electoral list does not meet the requirements referred to in paragraph 1 of this Article, it shall be deemed to involve the irregularities which prevent proclamation of the electoral list, and the submitter of the list shall be invited to remove the irregularities of the list in conformity with this Law.

(3) If the submitter of the electoral list fails to remove the irregularities referred to in paragraph 2 of this Article, the Republic Electoral Commission shall refuse to proclaim the electoral lists in accordance with this Law.

### **Article 41**

(1) The submitter of the electoral list may withdraw the list no later than by the day of the establishment of the general electoral list.

(2) Upon the withdrawal of the electoral list, the function of the representative of the submitter of the electoral list shall cease in all electoral bodies, along with all the rights belonging to it in this capacity pursuant to the provisions of this Law.

## **2. Name, Establishment and Proclamation of Electoral Lists**

### **Article 42**

(1) The name of the electoral list shall be determined according to the name of the political party which submits the list, and the name may include the name and surname of the person designated by the political party as a carrier of the electoral list.

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

(3) Along with the name of the electoral list of a group of citizens, the submitter shall determine a more specific designation of such list, and the name and surname of the person designated as carrier by the group of citizens may be included in the name of the list.

(4) The person designated as a carrier of the electoral list may be a candidate for an MP.

(5) The person designated as a carrier of the electoral list may be a candidate for another state authority for which elections are conducted at the same time.

### **Article 43**

(1) An electoral list shall be established when it is supported by the signatures of at least 10,000 voters.

(2) The Republic Electoral Commission shall determine the content and the format of the form to be used for the signatures referred to in paragraph 1 of this Article, and shall make it available to participants in the elections within five days from the date of calling for elections.

(3) A voter may support the electoral list of only one submitter, by his/her signature. Each signature referred to in paragraph 1 of this Article shall have to be verified by the competent court.

(4) A fee to be paid for the verification of the signature shall be determined by the Ministry of Justice of the Republic of Serbia by a separate act.

#### **Article 44**

(1) Electoral list shall be submitted to the Republic Electoral Commission no later than 15 days before the date scheduled for the elections.

(2) Apart from the electoral list, the Republic Electoral Commission shall also be furnished with the documentation comprising:

1) a certificate of suffrage for each candidate on the electoral list, stating the candidate's name, surname, date of birth, occupation and personal number,

2) the candidate's written statement accepting the nomination;

3) a certificate of the candidate's place of residence,

4) a written consent of the list carrier,

5) authorizations for persons submitting the electoral list,

6) proof of the nationality,

7) on a separate form, signatures of the voters who have supported the electoral list concerned, verified by the court.

#### **Article 45**

(1) The Republic Electoral Commission shall proclaim the electoral list of a political party (party electoral list), the list of two or more political parties (coalition electoral list) or the list of a group of citizens (group of citizens' electoral list) immediately upon receiving the electoral list and relevant documentation or within no later than 24 hours from the receipt of the electoral list.

(2) The Republic Electoral Commission shall provide the submitter without delay with the decision on proclamation of the electoral list referred to in paragraph 1 of this Article.

#### **Article 46**

(1) If the Republic Electoral Commission finds that an electoral list has not been submitted on time, it shall pass a decision rejecting such electoral list.

(2) If the Republic Electoral Commission finds that an electoral list contains deficiencies which are an obstacle to the proclamation of the list in accordance with this Law it shall, within 24 hours of the receipt of such a list, adopt a conclusion instructing the submitter of the electoral list to remove those deficiencies within no later than 48 hours from the moment of the submission thereof. The conclusions shall also indicate the activities to be performed by the submitter of the electoral list in order to remove the deficiencies.

(3) If the Republic Electoral Commission finds that the electoral list contains deficiencies foreseen by this Law or that the deficiencies of the electoral list have not been removed, or have not been removed within the prescribed time limit, it shall within the next 48 hours render a decision rejecting to proclaim the electoral list.

### **3. General Electoral List**

#### **Article 47**

(1) The Republic Electoral Commission shall establish the general electoral list, and it shall contain all electoral lists with personal names of all candidates and data on their respective years of birth, occupations and places of residence.

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

(3) The Republic Electoral Commission shall publish the general electoral list in the "Official Gazette of the Republic of Serbia" no later than 10 days before the date scheduled for the elections. The date of proclamation of the general electoral list shall be deemed to be the date of its publication in the "Official Gazette of the Republic of Serbia".

(4) Each submitter of the electoral list shall have the right to examine, through a person appointed by it, all submitted electoral lists and accompanying documentation within 48 hours from the date of publication of the general electoral list.

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

### **Article 48**

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

### **Article 49**

(1) Starting from the date of calling the elections, radio and television broadcasting organizations whose founder is the Republic of Serbia shall be bound to ensure in their political and informative programmes which can be seen or heard throughout the territory of Serbia, the representation of the submitters of the electoral lists and of the candidates from the electoral lists, as well as the presentation and explanation of the electoral manifestoes of the submitters of such lists, in accordance with this Law.

(2) The organizations referred to in paragraph 1 of this Article shall not be allowed, under any circumstances whatsoever, to enable representation of the candidates and presentation and explanation of the manifestoes of the electoral lists' submitters in commercial, entertainment or any other programme.

### **Article 50**

(1) Editors and hosts of political, informative and specialized broadcasts of the organizations referred to in Article 49 of this Law shall be bound to independently and impartially present all candidates during the election campaign, while the hosts of broadcasts shall have an impartial attitude to all of the presented political, social, and ethnical and cultural programmes of the political parties whose candidates are represented.

(2) In accordance with paragraph 1 of this Article and by virtue of Article 5 paragraph 2 of this Law, broadcasts which shall ensure public confrontation of the electoral manifestos of the electoral lists' submitters and candidates on these lists shall be organized.

### **Article 51**

(1) Two representatives of each of: the Public Radio and TV Broadcasting Company whose founder is the Republic of Serbia, Government of the Republic of Serbia and political parties having their MPs in the National Assembly of the Republic of Serbia shall, through an agreement, determine the number and duration of the programmes for representing the political parties, political organizations or groups of citizens intending to stand for election.

(2) The agreement referred to in paragraph 1 of this Article shall be concluded not later than five days after the date of making the decision to call the elections, and shall be made public without delay.

(3) The mass media referred to in paragraph 1 of this Article shall together with the representatives of the founders and submitters of the electoral lists determine more specific rules for the representation of the submitters of the electoral lists, electoral manifestoes and candidates on the electoral lists.

## **VIII CONDUCT OF ELECTIONS**

### **1. Polling stations**

#### **Article 52**

Voting for MPs shall take place at a polling station. The polling station shall be set up for 2,500 voters at most, and for 100 voters at least. More specific rules regarding a polling station shall be determined by the Republic Electoral Commission.

#### **Article 53**

(1) A voter shall cast a vote at a polling station where he/she was registered in the excerpt from the electoral roll.

(2) Exceptionally, a voter may cast a vote outside of the polling station where he/she was registered in the excerpt from the electoral roll, under the conditions and according to the procedure provided for by this Law.

(3) The manner of voting outside of the polling station and the number of voters who have voted in this manner shall be recorded in the minutes of the polling board concerned.

#### **Article 54**

(1) Each voter shall, no later than five days before the date of the elections, be provided with the notification of the date and the time of the elections, including the number and address of the polling station where he/she is to vote, and the number under which he/she is registered in the excerpt from the electoral roll.

(2) The notification referred to in paragraph 1 of this Article shall be communicated to voters by the authority responsible for managing the electoral roll.

#### **Article 55**

(1) Every voter shall personally cast a vote.

(2) A voter may vote only once in the course of the elections. Voting shall be secret.

(3) Votes shall be cast on stamped ballots.

(4) It shall be prohibited to display symbols of political parties and other advertising material at the polling station, and within 50 meters from the polling station.

(5) If the rules referred to in paragraphs 1-4 of this Article are infringed in the course of voting, the polling board shall be dissolved and voting at this polling station shall be repeated.

(6) The use of pagers, mobile phones and other means of communication shall be prohibited at the polling station.

(7) More specific instructions concerning the measures ensuring the secrecy of the vote shall be determined by the Republic Electoral Commission.

#### **Article 56**

(1) Polling stations shall open at 7 a.m. and close at 8 p.m. During this interval, the polling station shall be constantly open.

(2) Voters present at a polling station at the moment of its closing shall be given the opportunity to vote.

(3) Voting abroad shall last for two days and shall end on the same day and hour, local time, corresponding the time of the termination of voting in the Republic of Serbia.

#### **Article 57**

(1) If order is disturbed at a polling station, the polling board may interrupt the voting until the order is restored. The reasons and duration of interruption of the voting shall be recorded in the minutes of the polling board.

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

#### **Article 58**

(1) While the polling station is open and while voting lasts, all members of the polling board or their deputies shall be at the polling station.

(2) Every polling station shall have a separate room where the secrecy of the vote can be ensured.

(3) The number of voters present in the room where the voting is carried out shall be equal to the number of places ensuring the secrecy of the vote.

(4) All persons having no rights and duties in connection with the conduct of the elections laid down by this Law shall be forbidden to linger or remain at the polling station.

(5) Police officers on duty may enter a polling station only at the invitation of the chairperson of the polling board if peace and order at the polling station have been disturbed.

(6) By reason of infringement of the provisions of paragraphs 1-5 of this Article, a complaint may be filed with the Republic Electoral Commission which shall decide whether voting at that polling station shall be repeated.

## **2. Election Material**

#### **Article 59**

A ballot shall contain:

- 1) ordinal number placed before the name of the electoral list,
- 2) names of electoral lists, according to the order determined in the general electoral list, with the name of the first candidate on the list;
- 3) a note that only one electoral list is to be voted for by circling the ordinal number before the name of the list.

#### **Article 60**

(1) Ballots shall be prepared and stamped by the Republic Electoral Commission.

(2) The Republic Electoral Commission shall establish the number of ballots, which must be equal to the number of voters registered in the electoral roll.

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

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

(5) The submitter of the electoral list shall notify the Republic Electoral Commission of the name of the person entitled to be present at printing, counting and packing of the ballots, as well as during their delivery to electoral bodies.

(6) In municipalities where the languages of national minorities are in official use, the ballots shall also be printed in those languages.

(7) The Republic Electoral Commission shall further regulate the form and layout of the ballots, the manner and control of their printing, as well as delivery and handling of the ballots.

#### **Article 61**

The Minister in charge of public administration affairs shall specify in greater detail the form and dimensions of the ballot box. The ballot box must be made from transparent materials (plexiglass, plastic or similar materials).

#### **Article 62**

(1) The Republic Electoral Commission shall have a duty to timely prepare the election material for each polling board including in particular the necessary number of ballots, the general electoral list, the excerpt from the electoral roll, the certificates of suffrage, and the form of the polling board's minutes.

(2) The election material shall be handed over no later than 48 hours before the date scheduled for the elections.

(3) Municipal authorities shall ensure the arrangement of the polling station, and shall prepare the necessary number of ballot boxes with the wax sealing stationery, as well as the writing stationery, for each polling board.

On the election day, before the voting begins, the polling board shall examine whether the election material prepared for that polling station is complete and correct, whether the polling station has been arranged in such a manner as to ensure the secrecy of the vote, and whether the voting may start, and shall record all such details in the minutes of its work.

### **Article 63**

(1) The general electoral list, with the names of the electoral lists and of all candidates shall be visibly displayed at the polling station throughout the voting.

(2) The contents, form and the manner of display of the general electoral list referred to in paragraph 1 of this Article shall be prescribed by the Republic Electoral Commission.

### **Article 64**

Representatives of the submitters of the electoral lists and candidates for MPs shall have the right to inspect the election material, particularly the excerpts from the electoral rolls, minutes of the polling boards, minutes of the Republic Electoral Commission and the ballots. The inspection shall be carried out in the official premises of the Republic Electoral Commission, and with the authorities in charge of keeping the election material. Inspection of the election material may be carried out within five days following the elections date.

### **Article 65**

(1) The election material shall be kept for at least four years.

(2) The Republic Electoral Commission shall define the manner of utilization of the election material.

### **Article 66**

The Republic Electoral Commission shall, within 15 days from the date of its appointment, define the contents and the format of the forms and election material necessary for conducting the elections.

## **3. Voting**

### **Article 67**

(1) The polling board shall verify the ballot box in the presence of the voter who is the first to arrive at the polling station. The result of the verification shall be entered in the control sheet, which shall be signed by the members of the polling board and by the voter who was the first to arrive at the polling station.

(2) The control sheet shall be inserted in the ballot box which shall then be sealed in the presence of the first voter to arrive, and which shall be recorded in the minutes of the polling board.

(3) Upon opening the ballot box, it shall be first checked whether the control sheet is in the box. If the control sheet is not in the ballot box, the polling board shall be dissolved and a new one appointed, and voting at that polling station shall be repeated.

(4) The control sheet form and the manner of sealing the ballot box shall be defined by the Republic Electoral Commission.

### **Article 68**

(1) A voter shall firstly notify the polling boards of his name and hand over the voting notification, and then prove his/her identity by presenting the identification card or another document.

(2) A voter may not vote without presenting the proof of his identity. The chairperson or a member of the polling board shall, upon establishing the identity of the voter, circle the ordinal number under which the voter has been enlisted in the excerpt from the electoral roll, and explain the voting procedure.

(3) A voter shall affix his/her signature to the electoral roll and take the ballot paper.

(4) The right hand index finger of every voter who comes to cast a vote and takes the election material shall be marked by a special spray as a sign that he/she has already voted. Duration of the index finger mark shall be at least 24 hours.

#### **Article 69**

(1) The polling board members may in no way influence a voter's decision.

(2) The polling board members shall repeat the explanation of the voting procedure, at a voter's request.

(3) The polling board members shall particularly ensure that a voter is not disturbed while filling-in his ballot paper, and ensure total secrecy of the vote.

(4) If the provisions of paragraphs 1-3 of this Article are infringed during the voting, the Republic Electoral Commission shall dissolve the polling board, set up a new one, and order the repetition of the voting at that polling station.

#### **Article 70**

(1) A voter may vote for only one electoral list on the ballot paper. A vote is cast by circling the ordinal number preceding the name of the electoral list to be voted for.

(2) A voter shall fold the ballot paper him/herself in such a manner as to disallow his/her vote to be visible, drop it into the appropriate ballot box, and then leave the polling station.

#### **Article 71**

(1) No modifications of the excerpts from the electoral rolls may be made on the day of the elections.

(2) If the polling board acts contrary to the provision of paragraph 1 of this Article, it shall be dissolved and voting at such a polling station shall be repeated.

#### **Article 72**

(1) A voter who is not able to vote at the polling station (blind, disabled or illiterate person) has the right to bring along a person who shall instead of him/her and in the manner determined by him/her, fill-in the ballot paper, i.e. cast a vote.

(2) The manner of voting for the voter referred to in paragraph 1 of this Article shall be recorded in the minutes.

#### **Article 72a**

(1) A voter not able to vote at a polling station (incapacitated or prevented person) may notify the polling board of his/her wish to vote, and shall do so by no later than 11.00 a.m. on the day of the elections.

(2) Three members of the polling board's enlarged composition, representatives of the submitters of three different electoral lists and designated by the polling board shall go to the place of such a voter, establish his/her identity and deliver to him the official envelope, stamped ballot paper, general electoral list, suffrage certificate and a separate envelope for the filled-in ballot paper, inform him/her about the manner of voting and leave the room in which the voter casts a vote.

(3) After the voting, the voter shall sign the suffrage certificate, fold the ballot paper and put it into a separate envelope which shall be sealed before the voter with the wax seal by the present polling board members who shall thereafter put the signed suffrage certificate and the separate envelope with the ballot paper in an official envelope.

(4) Upon returning to the polling station, the polling board members shall immediately deliver the official envelope to the remaining polling board members, to be opened by the polling board, which shall on the basis of the signed suffrage certificate circle the ordinal number under which the voter is enlisted in the excerpt from the electoral roll, and finally open the sealed envelope from which the folded ballot paper shall be taken and dropped in the ballot box in such a manner as to disallow the visibility of who the voter has voted for.

(5) If the official envelope does not contain the signed certificate of suffrage, the voter shall be deemed not to have voted.

#### **Article 72b**

(1) A voter who is on the day of the election in detention or serving a sanction in a correctional facility shall vote at the polling station within such a facility.

(2) The Republic Electoral Commission shall determine special polling stations within the correctional facility and designate the polling board members for both its standing and enlarged composition. Persons working in the Ministry in charge of the judiciary and persons who vote in the correctional facilities cannot be part of the polling board composition.

(3) The Ministry in charge of public administration shall prepare and verifies special excerpts from the electoral roll for each correctional facility and submit them to the Republic Electoral Commission within 24 hours from the date of making a decision to conclude the electoral roll.

(4) The Republic Electoral Commission shall submit the special excerpts referred to in paragraph 3 of this Article to the polling boards in the correctional facilities.

#### **Article 73**

(1) Voters who are completing their national service or on temporary military duty or undergoing education in units or institutions of the Serbian Army shall vote at the announced polling station nearest to the unit or institution where they are completing their national service or are on temporary military duty or undergoing education.

(2) The Republic Electoral Commission shall publish in the Official Gazette of the Republic of Serbia, no later than 20 days before the date scheduled for the elections, the already designated places where soldiers completing their national service or on temporary military duty or undergoing education in units or institutions of the Serbian Army will vote.

(3) The Ministry in charge of public administration shall prepare and verify the special excerpts from the electoral roll for voting of the persons referred to in paragraph 1 of this Article and submit them to the Republic Electoral Commission within 24 hours from the date of making a decision to conclude the electoral roll.

(4) The Republic Electoral Commission shall submit special excerpts referred to in paragraph 3 of this Article to the polling boards at the polling stations where voters completing their national service or on temporary military duty or undergoing education in units or institutions of the Serbian Army vote.

### **Article 73a**

(1) Voters residing abroad shall vote in the diplomatic missions or consular offices of the Republic of Serbia and at special polling stations determined by the Republic Electoral Commission, upon obtaining an opinion of the Ministry in charge of foreign affairs.

(2) The Ministry in charge of public administration shall prepare and verify special experts from the electoral roll for voting of persons referred to in paragraph 1 of this Article and submit them to the Republic Electoral Commission within 24 hours from the date of making a decision to conclude the electoral roll.

(3) The special excerpts referred to in paragraph 2 of this Article shall be forwarded by the Republic Electoral Commission to the Ministry in charge of foreign affairs, which then forwards them together with other election material to all polling stations abroad.

(4) Members of the polling boards in a standing composition abroad shall be appointed by the Republic Electoral Commission, at the proposal of the Ministry in charge of foreign affairs.

(5) Polling boards in an enlarged composition abroad shall consist of one representative of each submitter of a proclaimed electoral list. Members of the polling boards in a standing composition abroad shall be appointed by the Republic Electoral Commission at the proposal of the submitters of proclaimed electoral lists.

(6) As a rule, the chairman of the polling board shall be appointed from the ranks of law school graduates employed at a diplomatic mission or consular post.

### **Articles 73b, 73c, and 73d**

*repealed by the Law on a Single Electoral Roll ("Official Gazette of the RS" No. 104/09)*

## **IX ESTABLISHING AND ANNOUNCING ELECTION RESULTS**

### **1. Establishment of Election Results**

#### **Article 74**

(1) Upon completion of voting, the polling board shall proceed to the establishment of the results of voting at the polling station.

(2) The polling board shall establish the number of unused ballot papers and put them in a special envelope which shall be sealed.

(3) Based on the excerpts from the electoral roll, the polling board shall establish the total number of voters who have casted their votes.

(4) When the ballot box is opened, after checking the control sheet, valid ballot papers shall be separated from the invalid ones.

(5) The board shall establish the number of invalid ballot papers and record it in the minutes, and shall then establish the number of valid ballot papers and the number of votes for each electoral list, and enter these in the minutes, too.

(6) An invalid ballot paper shall be deemed to be a ballot paper that is not filled in, the ballot paper filled out in a manner not allowing to determine for which electoral list the vote has been cast, and the ballot paper on which more than one list has been circled.

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

(8) If it is found that the number of ballot papers in the ballot box exceeds the number of voters who have turned out for the vote, the polling board shall be dismissed, a new one appointed, and voting at that polling station shall be repeated.

### **Article 75**

(1) Once the voting results are established, the polling board shall enter in the minutes of its work the following: number of ballot papers received; number of unused ballot papers; number of invalid ballot papers; number of valid ballot papers; number of votes cast for each electoral list; number of voters in comparison to to the expert from the electoral roll, and the number of voters who have voted.

(2) The minutes of the polling board shall also include the remarks and opinions of the polling board members, the submitters of the electoral lists and joint representatives of the submitters of the electoral lists, and all other facts relevant for the voting.

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

### **Article 76**

(1) The minutes of the polling board shall be made on the official form which is printed in six copies.

(2) In municipalities where the languages of national minorities are in official use, the official form for the minutes shall be also printed in those languages.

(3) The first copy of the minutes, together with the established election material, shall be submitted to the Republic Electoral Commission.

(4) The second copy of the minutes shall be displayed at the polling station for perusal by general public.

(5) The remaining four copies of the minutes shall be delivered to deputies of the submitters of the electoral lists that have won the largest number of votes at that polling station and it shall be done immediately if the submitter of the electoral list has a representative in the polling board, and if this is not the case, the representative of the submitter of the electoral list may take over the copy of the minutes from the Electoral Commission within a period of 12 hours.

(6) Other submitters of the electoral lists are entitled to get from the Republic Electoral Commission, within 12 hours after the transfer of the election material from the polling station to the Republic Electoral Commission, a verified photocopy of the minutes from the polling station.

#### **Article 77**

Upon establishing the voting results, the polling board shall without delay, and no later than 18 hours from the closure of the polling station, submit to the Republic Electoral Commission the following: the minutes of its work, excerpt from the electoral roll; unused and, separately, used ballot papers; invalid and, separately, valid ballot papers; and the remaining election material.

#### **Article 78**

(1) Within 96 hours from the closure of the polling stations, the Republic Electoral Commission shall establish in the form of records the following: total number of voters registered in the electoral roll; number of voters who have voted at the polling stations; total number of ballot papers received at the polling stations; total number of unused ballot papers; total number of invalid ballot papers; total number of valid ballot papers; number of votes cast for each electoral list individually.

(2) The Republic Electoral Commission shall establish the election results and make separate records thereof.

(3) The Republic Electoral Commission shall specify the contents and the format of the form of the minutes to be taken of its work.

#### **Article 79**

The submitters of the electoral lists may report to the Republic Electoral Commission the name of the person who will be entitled to attend the statistical processing of the data at the Republic Electoral Commission.

#### **Article 80**

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

#### **Article 81**

(1) Only electoral lists which have won at least 5% of votes of the total number of voters who have voted in the constituency shall take part in the distribution of mandates.

(2) Political parties of national minorities and coalitions of political parties of national minorities shall participate in the assignment of mandates even if they have won less than 5% of votes out of the total number of voters who have voted.

(3) Political parties of national minorities shall be all parties whose basic objective is to represent and advocate for the interests of a national minority and to protect and improve the rights of persons belonging to national minorities, in accordance with international standards.

(4) The Republic Electoral Commission shall decide if the submitter of the electoral list holds the status of a political party of a national minority or a coalition of political parties of national minorities when proclaiming the electoral list, at the proposal

of the submitter of the electoral list, which needs to be made when submitting the electoral list.

#### **Article 82**

(1) The Republic Electoral Commission shall distribute the mandates by applying the system of the largest quotient.

(2) The mandates shall be distributed by dividing the total number of votes won by each individual electoral list by the numbers ranging from one to 250, inclusive.

(3) The quotients thus achieved shall be sorted by size, and 250 largest quotients shall be taken into account. Each electoral list shall be assigned the number of mandates that corresponds to the number of quotients assorted to the list concerned.

(4) If two or more electoral lists obtain the same quotient on the basis of which one mandate is to be assigned and there are no more unassigned mandates, the mandate shall be assigned to the list with the largest number of votes won.

(5) If none of the electoral lists has won at least 5% of votes, the distribution shall be performed in the manner specified in paragraphs 1-3 of this Article.

#### **Article 83**

(1) Mandates belonging to a certain electoral list shall be assigned to the candidates on that list, in accordance with the provisions of this Law.

(2) When an electoral list has been assigned more mandates than the number of candidates for MPs proposed on this list, the mandate shall be assigned to the electoral list having the next largest quotient.

#### **Article 84**

Not later than 10 days from the date of publishing the overall results of elections, the Republic Electoral Commission shall assign all the mandates won by the election lists to the candidates according to their order on the electoral list, starting from the first candidate on this list.

### **2. Publication of Election Results**

#### **Article 85**

The Republic Electoral Commission shall publish the data on the overall result of the elections for MPs in the "Official Gazette of the Republic of Serbia", including:

- 1) number of voters registered in the electoral roll,
- 2) total number of voters who have voted,
- 3) number of ballot papers received,
- 4) number of unused ballot papers,
- 5) number of used ballot papers,
- 6) number of invalid ballot papers,
- 7) number of valid ballot papers,
- 8) number of votes won by individual electoral lists,
- 9) number of mandates received by individual electoral lists.

#### **Article 86**

(1) The Republic Electoral Commission shall publish the election results within 96 hours of the moment the voting has completed.

(2) The Republic Electoral Commission shall, between the completion of the voting and publication of the election results, announce provisional election results through the mass media.

(3) The election results shall be published in the "Official Gazette of the Republic of Serbia".

### **Article 87**

The Republic Electoral Commission shall issue to an MP a certificate of his/her election.

## **X TERMINATION OF MANDATE, REPEATED ELECTIONS AND FILLING MP SEAT VACANCIES**

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

#### **Article 88**

(1) An MP's mandate shall terminate before the expiration of the term to which he has been elected in the following cases:

1) *(Point 1 has been repealed by the Decision of the Constitutional Court of the Republic of Serbia – (Official Gazette of the Republic of Serbia No 57/03)),*

2) if he/she resigns,

3) if he/she has been convicted by a final court decision to an unconditional prison sentence of at least six months,

4) if he/she has been debarred from business capacity by a final court decision,

5) if he/she takes over a function or a position which are, according to this Law, incompatible with the position of an MP,

6) if he/she loses the citizenship,

7) if his/her place of residence in the territory of the Republic of Serbia discontinues;

8) if the MP dies,

9) *(Point 9 has been repealed by the Decision of the Constitutional Court of the Republic of Serbia ( Official Gazette of the Republic of Serbia No 57/03),*

(2) An MP shall personally submit his/her resignation, certified by the authority in charge of signature certification, to the Speaker of the National Assembly, within three days from the date of certification.

(3) An MP's mandate shall terminate as of the date of occurrence of the events referred to in paragraph 1 of this Article.

(4) The day of termination of the mandate shall be noted by the National Assembly of the Republic of Serbia immediately upon receiving the notification of the reasons for the termination of the MP's mandate, at the current sitting or at the first following sitting.

#### **Article 89**

Repeated elections shall be conducted if the Republic Electoral Commission annuls the vote due to the irregularities in the conduct of the elections, in cases laid down by this Law.

#### **Article 90**

(1) If the Republic Electoral Commission annuls the elections at a particular polling station, the vote shall be repeated only at this polling station.

(2) When the voting is repeated in the cases laid down by this Law, the Republic Electoral Commission shall make a Decision on repeating the vote.

(3) In the case referred to in Articles 89 and 90 of this Law, the election result shall be established upon completion of the repeated vote.

#### **Article 91**

(1) Repeated elections shall be conducted in the manner and according to the procedure laid down by this Law for the conduct of elections.

(2) Repeated elections shall be called by the Republic Electoral Commission.

(3) Repeated elections shall be conducted no later than 15 days from the date of the annulment of the elections in the Republic of Serbia, or no later than seven days from the date of the annulment of the elections at a polling station.

(1) Repeated elections shall be conducted according to the list of candidates established for the elections which have been annulled, with the exception of the elections annulled due to the irregularities in the establishment of the electoral list.

#### **Article 92**

(1) If an MP's mandate terminates before the end of the term to which he/she has been elected pursuant to Article 88, paragraph 1 of this Law, the mandate shall be assigned to a new MP, in the manner laid down by this Article.

(2) When an MP's mandate terminates before the end of the term to which he has been elected, the mandate shall be assigned to the first following candidate on the same electoral list to whom the mandate of an MP has not been assigned.

(3) When the mandate of an MP elected from the coalition electoral list terminates before the end of the term to which he/she has been elected, the mandate shall be assigned to the first following candidate on the electoral list to whom the mandate has not been assigned – member of the same political party.

(4) A candidate who has been assigned the mandate of an MP and whose mandate terminated due to the assumed function of the Government member, the mandate shall be reassigned to him/her during this legislature of the National Assembly under the following conditions:

- the candidates' function as the Government member has ceased,
- there is a vacant MP seat pertaining to the same political party, and
- that the candidate has submitted a request to the Republic Electoral Commission to be granted an MP mandate.

(5) When an MP's mandate terminates before the end of the term to which he/she has been elected in the cases referred to in paragraph 1 of this Article, and there is no candidate on the electoral list for whom the submitter of the electoral list has not

been given the mandate, the mandate shall belong to the submitter of the electoral list having the next largest quotient and who has not been assigned the mandate therefore.

(6) The mandate of the new MP shall run until the expiration of the term of office of the MP whose mandate has ceased.

(7) In the cases referred to in paragraphs 2, 3 and 5 of this Article, a written consent shall be obtained from the candidate to his/her acceptance of the mandate.

## **XI PROTECTION OF SUFFRAGE**

### **Article 93**

Competent electoral bodies shall keep the voters informed during the election procedure of their suffrage and of the manner of protecting such rights.

### **Article 94**

Each voter, MP candidate and a submitter of the electoral list shall have the right to the protection of his/her suffrage, under the procedure laid down by this Law.

### **Article 95**

(1) Each voter, candidate and submitter of the electoral list shall have the right to file an objection with the Republic Electoral Commission concerning the infringements of the suffrage during the elections, or due to irregularities in the procedure of nominating the candidates or voting.

(2) The objection against a decision, action or omission by the polling board shall be filed with the Republic Electoral Commission.

(3) The objection referred to in paragraphs 1 and 2 of this Article shall be filed within 24 hours from the making of the decision or from the moment of committed omission.

### **Article 96**

(1) The Republic Electoral Commission shall make a Decision within 48 hours from the receipt of the objection, and shall deliver it to the submitter of the objection and all submitters of the electoral lists.

(2) If the Republic Electoral Commission adopts the objection, it shall annul the relevant decision or action.

(3) If the Republic Electoral Commission does not make a Decision on the objection within the time interval defined by this Law, the objection shall be deemed accepted.

### **Article 97**

(1) An appeal may be filed to the Administrative Court against any decision on the objection made by the Republic Electoral Commission.

(2) The appeal shall be lodged through the Republic Electoral Commission within 48 hours from the receipt of the decision.

(3) The Republic Electoral Commission shall submit the objection and all required documents to the Administrative Court within 24 hours from the receipt of the appeal.

(4) The Administrative Court shall rule on the appeal by applying the provisions of the Law governing the procedure in administrative disputes.

(5) The ruling on the appeal shall be made no later than 48 hours after the receipt of the appeal and accompanying documentation.

(6) The ruling made in the appeal based procedure shall be final, and no extraordinary legal remedies provided for by the Law governing administrative disputes may be submitted against it.

(7) If the Court upholds the appeal and annuls the electoral action or elections, the relevant electoral action or elections shall be repeated in a 10-day time at the latest.

## **XII ELECTION CONDUCT EXPENSES**

### **Article 98**

(1) The resources necessary for the operation of electoral bodies, election material and other expenses for the conduct of elections shall be allocated from the state Budget.

(2) Request for the allocation of resources, together with the specification of total expenses, shall be submitted by the Republic Electoral Commission.

(3) Amounts paid as a remuneration for the work of persons in the electoral bodies shall be exempt from payment of taxes and contributions.

### **Article 99**

(1) In the elections conduct procedure, general supervision over how political parties, candidates and the mass media act in the course of electoral activities shall be exercised by the supervisory board.

(2) The supervisory board shall have ten members, half of which shall be appointed by the National Assembly of the Republic of Serbia at the proposal of the Government of the Republic of Serbia, and the other half shall be appointed upon recommendation of the parliamentary groups in the National Assembly of the Republic of Serbia from among outstanding public personalities, provided that they are not members of the bodies of political parties taking part in the elections.

(3) The chairperson of the supervisory board shall be selected from among the members of the supervisory board by the secret ballot vote.

### **Article 100**

(1) The supervisory board shall:

1) monitor the pre-election activities and point to possible irregularities in the actions of political parties, candidates and other participants in the electoral procedure,

2) control the mass media activities in applying the provisions of this Law with respect to ensuring equal conditions for the representation of the submitters of the electoral lists and candidates from the electoral lists,

3) propose measures aimed at respecting the equality of candidates in the presentation of their manifestoes,

4) address the public so as to safeguard the moral integrity of the candidates' personality,

5) warn of the actions of political parties of the public authorities, candidates and the mass media which hinder the electoral campaign and jeopardize the equality of rights of all candidates.

(2) If any of the participants in the electoral campaign incites violence by his/her behaviour or spreads national, religious or racial hatred, or calls for inequality of genders, the supervisory board for the electoral campaign shall without delay raise the initiative for instituting a relevant procedure before the competent public authorities.

(3) If the agreement referred to in Article 51 of this Law is not concluded in the foreseen period, the supervisory board shall determine the number and duration of the broadcasts for equal representation of the submitters of the electoral lists.

#### **Article 101**

(1) The National Assembly of the Republic of Serbia shall appoint the members of the Republic Electoral Commission within 20 days of the date this Law comes into effect.

(2) The Republic Electoral Commission shall adopt the acts provided for by this Law within no later than five days from the date of appointment of its members.

(3) The Republic Electoral Commission shall determine the polling stations at which the voting for MPs shall be carried out so as to enable the voters to vote for such MPs and other MPs, or councillors, for whom the elections are held on the same day, on the same premises or, if feasible, on the nearest premises where other elections are simultaneously conducted.

#### **Article 102**

The Republic agency in charge of statistics shall, within ten days of the date this Law comes into effect, publish the data about the number of voters in the "Official Gazette of the Republic of Serbia".

#### **Article 103**

*(Repealed by the Law on Financing Political Parties, ("Official Gazette of RS" No. 72/03))*

### **XIII PUNITIVE PROVISIONS**

#### **Article 104**

Sentence of imprisonment of up to three years shall be imposed against a member of the Republic Electoral Commission, or a member of a polling board or any other person who, in performing his/her duties in connection with the election of MPs change the number of votes by adding or taking away the ballot papers or votes during the counting of the ballot papers or publish the election result that does not correspond to the conducted voting.

#### **Article 105**

*(Repealed by the Criminal Code  
"Official Gazette of the Republic of Serbia", No. 85/05)*

#### **Article 106**

(1) A fine or sentence of up to one-year imprisonment shall be imposed for a criminal offense against:

1) a person who upon conducted elections for MPs calls a voter to account because of the vote cast, or demands that the voter states how he/she has voted or why he/she has not voted,

2) a person who in the elections for MPs votes instead of another voter under the name of the latter or who votes two or more times in the same voting,

3) a person who the elections for MPs destroys, damages, sequestrates or hides the ballot paper used for voting, any of the electoral documents or any item intended for the elections or voting.

(2) If the act referred to in paragraph 1 of this Article is committed by a member of the Republic Electoral Commission, a member of the polling board or another person performing duties in connection with the elections concerned - that person shall be punished by the sentence of imprisonment from three months to three years.

#### **Article 107**

*(Repealed by the Criminal Code  
"Official Gazette of the Republic of Serbia", No. 85/05)*

#### **Article 108**

(1) A fine of RSD 100,000 up to 600,000 shall be levied against the organization which publishes the election results estimate or preliminary election results contrary to the provision of Article 5, paragraph 3 of this Law.

A fine of RSD 25,000 up to 50,000 shall also be levied against the responsible person in the organization for the infringement referred to in paragraph 1 of this Article.

(3) A fine of RSD 10,000 up to 40,000 shall also be levied against the person for the infringement referred to in paragraph 1 of this Law who publishes the election results estimate or preliminary election results.

#### **Article 109**

A fine of RSD 25,000 up to 50,000 shall be levied for an infringement against a member of the polling board or of the Republic Electoral Commission who prevents monitoring of the work of the electoral bodies (Article 32, paragraph 2 of the Law).

#### **Article 110**

(1) A fine of RSD 50,000 up to 800,000 shall be levied for an infringement against the organizations referred to in Article 51 of this Law if they fail to meet their obligations laid down by the provisions of this Law or enable representation of the candidates contrary to Article 49, paragraph 2 of this Law.

(2) A fine of RSD 10,000 up to 30,000 shall also be levied for an infringement against the responsible person in the organization referred to in Article 51 of this Law.

#### **Article 111**

A fine of RSD 20,000 up to 50,000 shall be levied against the head of the authority responsible for managing the electoral rolls if such person fails to fulfil his/her obligations laid down by Articles 12, 19 and 54 of this Law.

### **Article 112**

(1) A fine of RSD 100,000 up to 400,000 shall be imposed, for an infringement, on a political party, coalition of parties or another political organization or another legal entity which contrary to the provisions of this Law displays the symbols of the political party or another political organization, and other advertising material (Article 55 of the Law).

A fine of RSD 10,000 up to 25,000 for the infringement referred to in paragraph 1 of this Article shall also be levied against the responsible person in the political organization or another legal entity.

### **Article 113**

A fine of RSD 10,000 up to 30,000 shall be levied for an infringement against the person who uses a pager, mobile phone or any other means of communication at the polling station (Article 55 of this Law).

### **Article 114**

A fine of RSD 10,000 up to 30,000 shall be levied against the person who creates disturbance at the polling station, due to which the voting had to be interrupted (Article 57 of the Law).

## **XIV TRANSITIONAL AND FINAL PROVISIONS**

### **Article 115**

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

### **Article 116**

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

### **Article 117**

On the date when this Law comes into force, the Law on the Constituencies for the Election of MPs ("Official Gazette of the Republic of Serbia", No. 32/97) shall cease to apply.

\*

\*

\*

**NOTE:** Provisions of the Law Amending the Law on the Election of MPs ("Official Gazette of the Republic of Serbia", No 18/04) that have not been included in the consolidated text:

### **Article 16**

(1) The Ministry in charge of internal affairs shall within 30 days from the date when this Law comes into force submit to the Ministry in charge of foreign affairs the list of voters with the place of residence abroad.

(2) The Ministry in charge of public administration shall establish Special Records of the Voters Abroad within 30 days from the date of the receipt of the list of voters with the residence abroad.

### **Article 17**

(1) If the elections for the National Assembly are held prior to the establishment of the Special Records of Voters Abroad, the Ministry responsible for foreign affairs shall immediately after the elections are called notify by a public announcement the voters having residence abroad that the elections have been called and ask them to submit to diplomatic missions and consular offices of the State Union Serbia and Montenegro the data necessary for updating the electoral roll.

(2) The Ministry in charge of foreign affairs shall forward the received data to the Republic Electoral Commission not later than 15 days before the scheduled day of the elections. Based on the data received, the Republic Electoral Commission shall create and officially stamp special excerpts from the electoral roll for each polling station abroad, and submit them to the Ministry in charge of foreign affairs, which shall then forward them, along with other election materials, to all polling stations abroad where voting is to take place.

