



**CRTA-CITIZENS ON WATCH**  
**ELECTION OBSERVATION MISSION**  
**FINAL REPORT**  
**EARLY PARLIAMENTARY ELECTIONS**  
**2016.**

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## ABBREVIATIONS

<b>BDZ-Sandzak</b>	Bosniak Democratic Party of Sandzak
<b>PB</b>	Polling board
<b>VR</b>	Voter register
<b>CRTA</b>	Center for Research, Transparency and Accountability
<b>CRTA-GnS</b>	CRTA-Citizens on Watch Election Observation Mission
<b>DS</b>	Democratic Party
<b>DSHV</b>	Democratic Alliance of Croats in Vojvodina
<b>DSS</b>	Democratic Party of Serbia
<b>EPS</b>	State power utility Elektroprivreda Srbije
<b>GIK</b>	City election commission
<b>GnS</b>	Citizens on Watch Election Observation Mission
<b>GO</b>	City board
<b>JKP</b>	Public utility company
<b>JS</b>	United Serbia
<b>ODIHR</b>	Office for Democratic Institutions and Human Rights
<b>LDP</b>	Liberal Democratic Party
<b>LSV</b>	League of Social Democrats of Vojvodina
<b>LTO</b>	Long-term observer
<b>MPA</b>	Ministry of Public Administration and Local Self-Government
<b>NARS</b>	National Assembly of the Republic of Serbia
<b>NGO</b>	Non-governmental organization
<b>OSCE</b>	Organization for Security and Co-operation in Europe
<b>OIK</b>	Municipal election commission
<b>REM</b>	Electronic Media Regulatory Authority
<b>REC</b>	State election commission
<b>RRA</b>	Broadcast Media Regulator
<b>RT</b>	Working body
<b>RTS</b>	Public service broadcaster Radio Television Serbia
<b>SDA Sandzak</b>	Party of Democratic Action Sandzak
<b>SDS</b>	Social Democratic Party
<b>SNS</b>	Serbian Progressive Party
<b>SPS</b>	Socialist Party of Serbia
<b>SRS</b>	Serbian Radical Party
<b>STO</b>	Short-term observer
<b>SVM</b>	Alliance of Vojvodina Hungarians
<b>ZZS</b>	Together for Serbia

## EXECUTIVE SUMMARY

The 11th parliamentary elections since the introduction of a multi-party system in 1990 were held in Serbia on April 24, 2016. This snap parliamentary vote was held concurrently with provincial elections in Vojvodina and regular local elections. Irregularities were reported at 15 polling stations, where repeat voting was conducted on May 4. The State election commission (REC) pronounced the final results of the early parliamentary elections on May 6.

CRTA observed the entire course of the parliamentary vote under Citizens on Watch (CRTA-GnS) Election Observation Mission, that is, it observed the quality before, on and after election day. The observation mission comprised long-term observers who were deployed to all districts in Serbia and the REC, and also short-term observers, who observed the quality of voting process on election day, April 24, on a representative and random sample of 450 polls and at all 15 polls where repeat voting was conducted on May 4, 2016.

## ELECTION CAMPAIGN

The campaign was marked with the absence of concrete proposals by the parties running in the elections, clear political messages and accessible election platforms. What dominated in the campaign environment was leader-focused campaigning which left very little room for democratic debates and dialogue.

In their public appearances, political leaders mainly addressed economic issues and infrastructure projects (the Serbian Progressive Party - SNS), social matters and care for the elderly, workers and pensioners (the Socialist Party of Serbia - SPS), transparency of political parties, expert staff and "new solutions" (the Democratic Party - DS), reform of the education and healthcare systems and Vojvodina's autonomy (the Social Democratic Party, the Liberal Democratic Party, the League of Social Democrats of Vojvodina - SDS-LDP-LSV), calls for consistency, economic recovery program and closer ties with Russia and China, the protection of domestic products (the Serbian Radical Party - SRS), rural and agricultural development, the protection of family values, population growth and the opposition to NATO membership (the Democratic Party of Serbia, the Dveri movement - DSS - Dveri).

The SNS, along with other parties represented in then caretaker government, left other contestants far behind by campaign scale and intensity and media presence.

Observers reported on alleged politically-motivated incidents involving endangering of personal safety and property. The campaign environment was also marked with the alleged intimidation and vote-buying, particularly among the Roma community and socially vulnerable groups.

The misuse of administrative resources mainly involved the participation of representatives of state bodies, local governments and public utility companies in rallies and other election activities, and the use of official events, such as the opening and reconstruction of various facilities, for promotional purposes. There were reports of pressure on public sector employees to attend rallies of certain political parties. The campaign was also marked by numerous welfare initiatives, which was also remarked by the Anti-Corruption Agency<sup>1</sup> and the OSCE/ODIHR Election Observation Mission.<sup>2</sup>

<sup>1</sup> The Anti-Corruption Agency, *Activities of political stakeholders in election campaign*, <http://archive.is/Epqxq>

<sup>2</sup> The OSCE/ODIHR Limited Election Observation Mission, *Interim report*.  
<http://www.osce.org/odihr/elections/serbia/256926>

## CONTROVERSIES WITH FORGED SUPPORTING SIGNATURES & STATUS OF REC'S PRESIDENT

More than 15,000 counterfeit supporting signatures for seven of 29 submitted election tickets and verification of an election ticket which contained forged supporting signatures contested the integrity and credibility of the electoral process.

The campaign environment was overshadowed by a matter involving REC's President Dejan Djurdjevic with regard to the posts he discharged. Within the prescribed deadline, on March 7, 2016, Djurdjevic informed the Anti-Corruption Agency of his posts as REC's president and director of the State Secretariat for Legislation, seeking consent from the agency to discharge both posts. On May 11, 2016, the agency decided to deny his request, after which Djurdjevic quit the post as REC's president on June 9, 2016.

## REC'S WORK IN ELECTORAL PROCESS

Although the REC carried out its activities in accordance with the law, it failed to adequately respond to all attempts of circumventing the law and irregularities with registration documents of candidate lists due to deficiencies in the law, short deadlines and understaffed expert service. Considering that no complaint was filed by citizens at polls where irregularities were detected in PB protocols, the REC did not have the authority ex officio to annul elections at polls where irregularities may have affected the outcome. Under the existing legal framework, the REC has the right to take into consideration only complaints filed by citizens and possibly annul elections at polls concerned and order repeat voting.

If the electoral process is viewed through the work of election administration, primarily the REC and the Administrative Court (as the second-instance body for handling complaints), it is obvious that the existing legal framework contains conflicting provisions for candidate lists to obtain national minority status (the Law on Political Parties<sup>3</sup> and the Law on Election of Representatives<sup>4</sup>).

The REC's work on election night was burdened with the presence of contestants from the opposition ranks, who, having doubted the regularity of vote counting appeared on the REC's premises exerting pressure on the work of the REC's members with their presence and media statement. For opposition members, the REC facilitated live streaming of tabulation process on a display set up at the National Assembly's hall, via a web application of the Statistics Office.

## IRREGULARITIES AT POLLS

On election day, April 24, incidents, serious omissions and irregularities were registered at 4% of polls, which under ordinary conditions, could not affect the outcome. However, considering that these elections saw a rare case of one ticket being short of crossing the threshold by a single vote, while another two tickets were on the verge of reaching the threshold,<sup>5</sup> these irregularities could have impacted the outcome for the party lists in question. As the CRTA-GnS mission was observing only the early parliamentary elections, it is not in the position to assess whether the reported irregularities may have affected provincial or local elections.

<sup>3</sup> Provisions of Article 9, Article 24, Paragraph 4, and Article 26 of the Law on Political Parties, pertaining to the registration of a political party as a national minority party.

<sup>4</sup> Article 81 of the Law on Election of Representatives, and Article 42, Paragraph 1, Item 3, defining the REC's competences in granting or denial of national minority status in an election.

<sup>5</sup> According to preliminary results of the CRTA-GnS mission, on election night, candidate lists DSS-Dveri, Enough Is Enough and SDS-LDP-LSV were on the verge of crossing the threshold, and within the margin of error that could have taken them both ways, below and above the 5% threshold requirement.

## CONTROVERSIES WITH VOTER REGISTER

The distribution of a large number of poll cards at wrong addresses, addressed to persons who do not reside at those addresses ahead of elections, undermined public confidence in the state's ability to conduct credible elections. Additionally, on election day, the observation mission was addressed by a large number of citizens complaining that they could not vote as they were missing from voter lists at their respective polls, while insisting that they have previously confirmed their enrollment in the voter register through a database, available on the website of the Ministry of Public Administration and Local Self-Government. The CRTA-GnS mission looked into these reports on a representative and random sample on election day, establishing that the problem with voter lists arose at 20% of polls, yet affecting a mere 0.32% of voters, and thereby could not have affected the outcome. The voter register (maintaining and controlling the accuracy of data) is among the matters which require urgent engagement of relevant bodies and the civil society in the period until next elections in order to enable citizens to exercise their suffrage rights, guaranteed under the Constitution.

## WORK HAMPERED TO CITIZEN OBSERVERS

Although cooperation with the REC in this electoral process was professional, citizen observers were denied observing certain election materials (primarily concerning controversial cases of forged supporting signatures, PB protocols as well as other election materials which could have enabled observers to conduct control in a timely manner). Also, under restrictive instructions for conducting elections, citizen observers are limited to only one observer per organization per polling station, which disables independent observing in line with international good practice.<sup>6</sup>

## PRIORITY RECOMMENDATIONS

With a view to boost public confidence and enhance the electoral process toward endorsing international standards and good practice for conducting fair and free elections, the CRTA-GnS observation mission believes it is necessary to introduce a number of changes, with the following being identified as most important:<sup>7</sup>

- Adopt a single, unified election law, which would incorporate all provisions governing an electoral process which are currently contained in the Law on Election of Representatives, the Law on the Election of the President of the Republic and the Law on Local Elections, and partially in the Law on General Administrative Procedure, the Law on Political Parties, the Law on Financing Political Activities and the Law on the Anti-Corruption Agency;
- Define cases when it is possible to use emergency legal remedies by institutions administering elections;
- Update the voter register and improve mechanisms for control of and accountability for the accuracy of data;
- More precisely define qualification for the status of a national minority party for candidate lists or change registration rules for political parties in regard to national minority status;
- Amend the Law on Election of Representatives to provide the REC with authority ex officio to rectify, overturn or annul decisions taken by polling boards;
- Transform the REC into a permanent and independent body for administering elections;

<sup>6</sup> In order to overcome this limitation, CRTA set up an association of citizens, Citizens on Watch, thereby ensuring two observers per polling station, one on behalf of CRTA and Citizens on Watch each.

<sup>7</sup> A complete list of recommendations with explanation is available on 85th page, including an analysis of the OSCE/ODIHR mission's recommendations.



- Set up a permanent expert service within the REC, while in parallel strengthening its human and technical resources;
- Establish by law the status of short-term and long-term citizen observers both, nationally and locally;
- Amend the Criminal Procedure Code to envisage that special rules of evidence can be applied to election-related crime;
- Standardize and publish in a timely manner all election data in an open format;
- Organize and conduct mandatory training for all members of polling boards and also of members of lower election commissions (municipal and city);
- Amend the Law on Election of Representatives to extend deadlines for verification of election tickets from current 24 hours to 48 hours to allow for more thorough inspection of registration documents;
- The Electronic Media Regulatory Authority (REM) should be proactive in ensuring that all contestants enjoy equal media coverage.

## CONCLUSION

During the electoral process, the observation mission registered irregularities in the work of election administration, negative campaigning, partisan, that is, discriminatory media coverage, frequent allegations of vote-buying and intimidation, and visible misuse of administrative resources in campaigning, which exhibit a whole range of problems requiring a systemic solution.

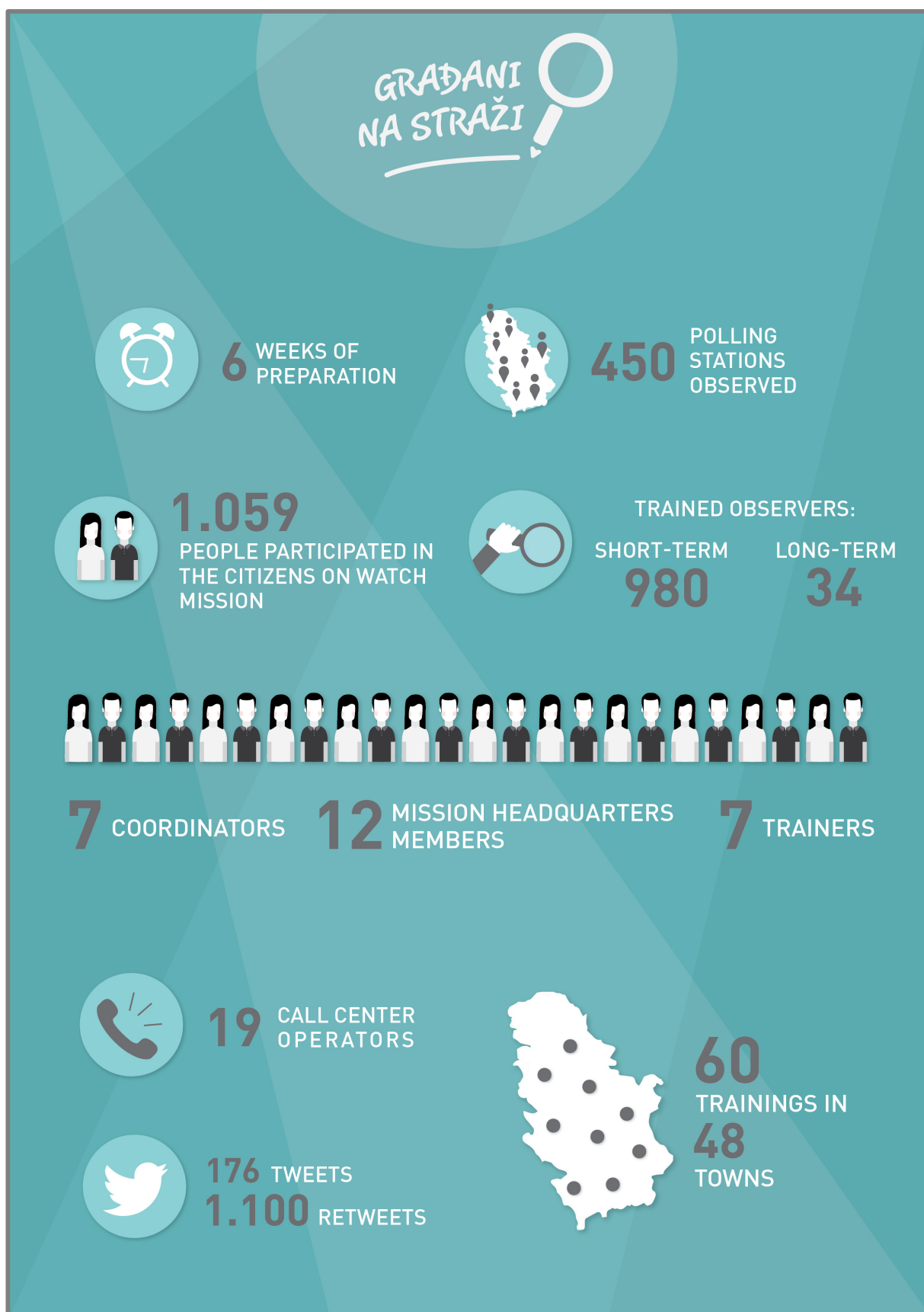
Having regard to principles for international election observation in evaluating an electoral process and conduct of all stakeholders, the CRTA-GnS mission assesses that the registered irregularities were not to the extent that may have contested integrity of the early parliamentary vote. However, bearing in mind that two election tickets were close to crossing the threshold and that every ballot could have been deciding,<sup>8</sup> the number and the extent of the recorded irregularities imply that they could have affected impacted on the outcome and consequently on the balance of power in the National Assembly of the Republic of Serbia.

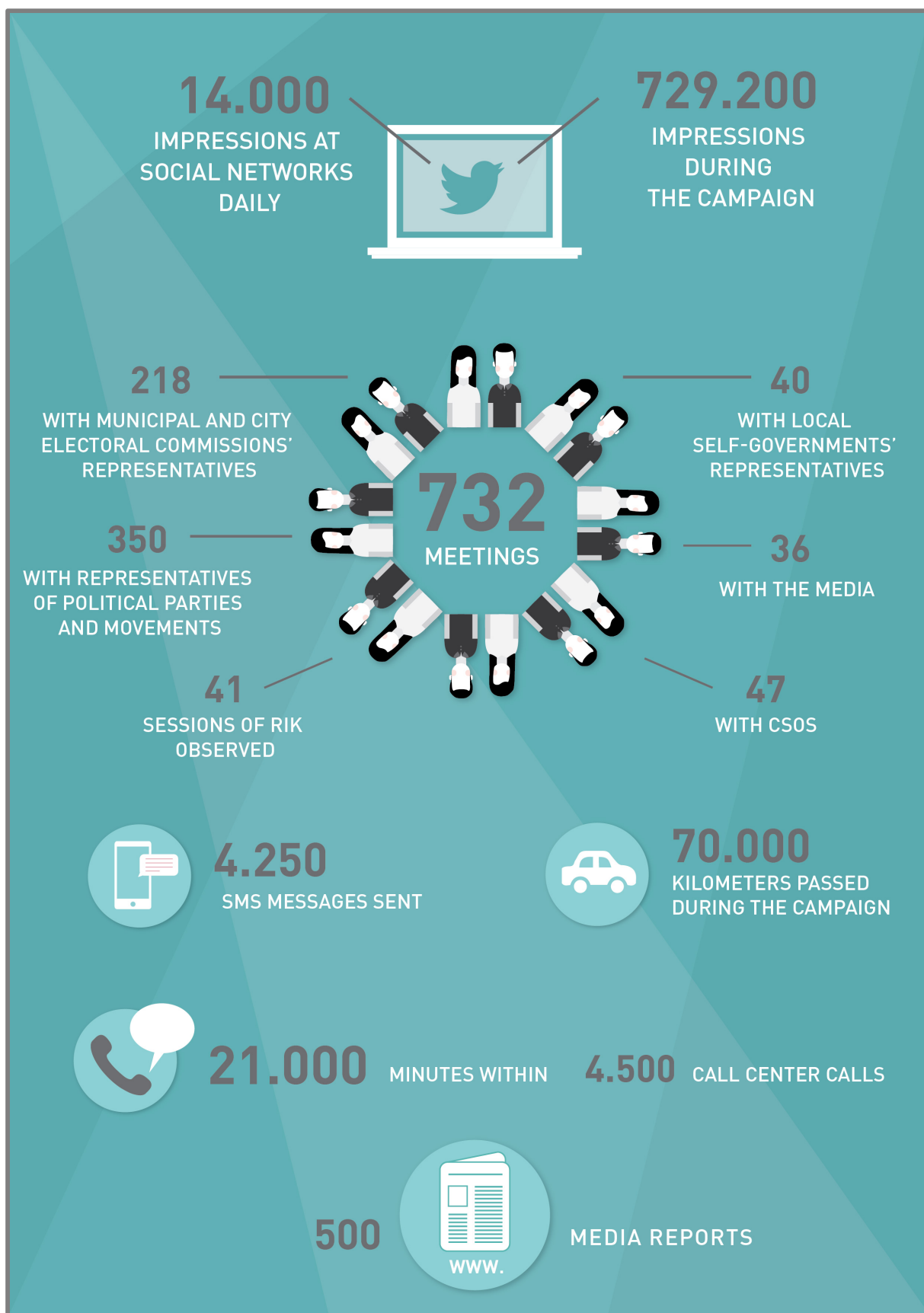
Taking into account all the circumstances, the CRTA-GnS observation mission is of the opinion that the 2016 snap parliamentary vote in Serbia was carried out by insufficient and often conflicting legal provisions, exhibiting a series of omissions and deficiencies by relevant bodies and institutions, along with the obvious absence of professional resources required for credible conduct of elections, but that nonetheless the outcome reflect the will of the voters.<sup>9</sup>

<sup>8</sup> After counting ballots in the April 24 elections, and before repeat voting at 15 polls on May 4, the REC released preliminary results based on the votes counted at 99.82% of polls, according to which election ticket DVERI - DEMOCRATIC PARTY OF SERBIA - SANDA RASKOVIC IVIC - BOSKO OBRADOVIC was short of the threshold, literally by a single vote. Another ticket which was within the margin of error was BORIS TADIC, CEDOMIR JOVANOVIC - ALLIANCE FOR A BETTER SERBIA - the Liberal Democratic Party, the League of Social Democrats of Vojvodina, the Social Democratic Party, which, by the REC's figures collected 5.02% of ballots cast (GnS: 5.04% of ballots cast, with the margin of error of 0.30%).

<sup>9</sup> The CRTA-GnS mission employed histograms for projection of parliamentary election results, which confirmed this conclusion. For more details on histograms, see 83<sup>rd</sup> page.

## CRTA - CITIZENS ON WATCH IN NUMBERS





## POLITICAL ENVIRONMENT

The 11th parliamentary elections since the introduction of a multi-party system in Serbia in 1990 were held on April 24, 2016. This snap parliamentary vote was held in parallel with regular provincial polls and regular elections for local assemblies.<sup>10</sup>

For the first time, Serbia went to the polls as an EU candidate country, with first two negotiating chapters opened.<sup>11</sup> Chapter 32 deals with financial control and Chapter 35 with normalization of relations with Pristina, the latter often triggering tension in the Serbia-EU relations. The cabinet, formed after the elections, is expected to pursue Serbia's EU integration effort. One should not forget that the talks under Chapter 23 (judiciary and fundamental rights) and Chapter 24 (justice, freedom and security), which were opened in July 2016, could seriously disturb traditional customs in the society and thereby pose a number of challenges to the government.

The ongoing migrant crisis and global economic crisis have also reflected on Serbia's political environment, prompting a drop in citizens' backing of the country's EU integration, while strengthening anti-European and pro-Russian forces in Serbia,<sup>12</sup> which is expected to additionally complicate the government's effort in the accession talks with the EU.

A decline in the number of pro-EU voters was directly linked with the issues based on which voters made their choice. Most important issues<sup>13</sup> for Serbia's voters during campaigning included slashing unemployment rate, strengthening economy, combating corruption, poverty reduction etc. On April 24, citizens voted for a political option they believed would be able to improve their quality of life over a four-year term in office. In that regard, voters believed that the migrant and economic crisis affected the EU's capacity to pay the necessary attention to affairs in Serbia relating to strengthening economy and improving living standard.

Political environment ahead of polling day on April 24 was marked by low public confidence in institutions. Opinion polls<sup>14</sup> showed that public confidence in political parties, the parliament and the judiciary of somewhat above 10% is among the lowest in the region. Confidence in the institutions of president and prime minister is slightly higher, but not drastically, and stands at above 20% of the surveyed voters. The only exception was then outgoing prime minister Aleksandar Vucic, who enjoyed confidence of more than 50% of the respondents.

A decline in voter turnout was reported already in the 2014 polls. Voter turnout in the parliamentary elections held from 2000 to 2012 reported no major fluctuations<sup>15</sup> with an average of 3,948,221. In the 2014 parliamentary vote, 3,590,717, turned out, more than 350,000 down from the average arithmetical value over the past 15 years for parliamentary elections. Aside from a considerable rise in abstention rate, there is also a substantial increase of invalid ballots (protest votes/white ballots), which coupled with the increasing

<sup>10</sup> Local elections were not held in 14 local governments on April 24, where early elections were held between 2013 and 2015: Belgrade, Zajecar, Arandjelovac, Bor, Vrbas, Kovin, Kosjeric, Lucani, Majdanpek, Medvedja, Mionica, Negotin, Odzaci and Pecinci.

<sup>11</sup> One of the most important dates between two elections was January 21, 2014, when the EU decided to open accession talks with Serbia. After this, which many describe as "a historic date," Serbia opened first negotiating chapters only in late 2015 - Chapter 32 on financial control and Chapter 35 on normalization of Belgrade-Pristina relations were opened on December 14, 2015.

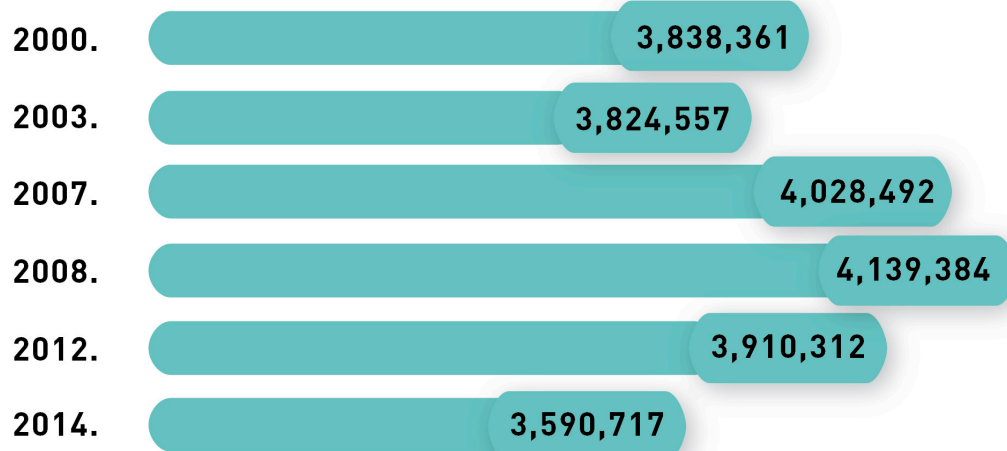
<sup>12</sup> An omnibus survey conducted by agency IPSOS Strategic Marketing shows a drop in the number of voters who would back Serbia's membership in the EU by nearly 10% against 2014, and by more than 15% compared with 2010. At the same time, positive opinion of Russia jumped by more than 20%.

<sup>13</sup> December 2015 survey carried out by IPSOS Strategic Marketing for the National Democratic Institute.

<sup>14</sup> 2015 regional survey carried out by IPSOS Strategic Marketing for the National Democratic Institute.

<sup>15</sup> See voter turnout in the parliamentary elections on the REC's website.

abstention in the context of low confidence in institutions, indicates a growing number of dissatisfied and disappointed active voters.



GRAPH 1 – VOTERS TURNOUT ON PARLIAMENTARY ELECTIONS | SOURCE: REC

The April 24 election was a second consecutive snap parliamentary vote in the last four years during the term of the SNS-led ruling coalition. This "accelerated" election cycle raised "concerns about its necessity" with Serbia's citizens. It is not common to have elections called only after two years in office of a cabinet that has the backing of 210 MPs in a 250-seat parliament.

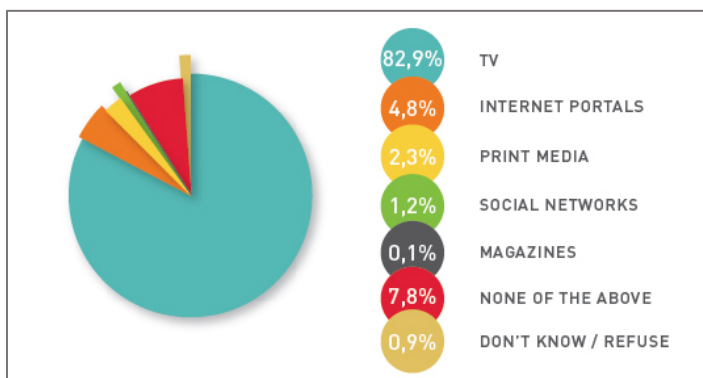
Relevant polls, (conducted by Faktor Plus, IPSOS – Strategic Marketing, New Serbian Political Thought) all suggested that the supremacy the SNS earned in the 2014 vote was maintained in this election campaign. The fragmentation of the DS, which was the ruling party until 2012, continued and in these elections it faced a tough challenge of crossing the threshold and also of preserving its last stronghold, Vojvodina, where it was in power for the last 16 years. In relation to this, what was visible in political life was the consolidation of some left-wing parties (the Social Democratic Party of former Serbian President Boris Tadic forged a coalition with the Liberal Democratic Party and the League of Social Democrats of Vojvodina and was expected to almost certainly cross the threshold), but also a growing support to the right-wing parties, which did not have any seats in the previous legislature (a coalition of the Democratic Party of Serbia (DSS) and the Dveri movement) and to the Serbian Radical Party (SRS), led by Vojislav Seselj, who was recently cleared of all charges before the International Criminal Tribunal for the Former Yugoslavia (ICTY).

Crucial issues for every election, this one being no exception, include equal media coverage of all contestants, non-partisan and critical reporting about all contestants regardless of whether they are in power or not, as well as constant strengthening of institutions responsible for supervising the electoral process in all its aspects. In its 2016 early parliamentary elections final report, the OSCE/ODIHR Limited Election Observation Mission says that media pluralism and independence of journalists are jeopardized by the influence exerted on media by political parties and the private sector. The mission perceives political and economic pressure as the main reasons for self-censorship among journalists and media outlets, both locally and nationally. Also, the report states that the OSCE/ODIHR media monitoring showed that "government activities dominated in the news of the two public broadcast media (the national Radio Television of Serbia RTS and the provincial Radio Television of Vojvodina RTV), receiving some 40% of news coverage, generally in a positive or neutral light." It further

says that "in the news coverage of the contestants by these two channels, the SNS received the largest share, over 15%."<sup>16</sup>

Media influence on the outcome of elections is undisputed, particularly bearing in mind the fact that broadcast media<sup>17</sup> are the main source of information for a vast majority of citizens.

Between two election campaigns, the rhetoric used by and about the media became more combative, raising concerns about their role and influence on the outcome of elections. By interpretation of the freedom of media in Serbia, journalists are divided into "hack writers" and "fawning journalists" and bots. Some media outlets openly declared their siding with the ruling coalition, while in the meantime many talk shows with a long tradition disappeared from the air. "Soft censorship" and economic pressure on the media and journalists<sup>18</sup> are mentioned in this context.



GRAF 2 - VOTERS TURNOUT ON EARLY PARLIAMENTARY ELECTIONS |  
SOURCE: REC

The passage of a set media laws - primarily the Law on Public Information and Media (but also the Law on Electronic Media and the Law on Public Broadcasting Services), which aim to through envisaged privatization of state-owned media and transparency of ownership structure ensure less government's influence on media, especially media outlets at the local level, has brought no essential changes at the local level. Preliminary results of monitoring election coverage by privatized local media outlets show that the new laws have largely failed to produce the expected results.

The so far practice also shows that the Electronic Media Regulatory Authority (REM) responds swiftly only to breaches in the blackout period. In 2012 and 2014, the REM demanded from cable operators to without delay disable certain programs, mainly broadcasts by the countries in the region, which were not in compliance with the campaign silence rules.

The OSCE/ODHIR Limited Election Observation Mission, in its final report on the 2016 early parliamentary elections, included recommendations for the REM: "Consideration should be given to clarify the REM's competences in investigating and sanctioning breaches of legislation in a timely manner. In addition, the REM should act upon its own initiative, based on systematic monitoring election coverage and compliance with established regulations."

In the absence of clear rules for media conduct in campaigning and with control mechanisms of questionable efficiency, while bearing in mind media influence on political participation and political affiliation, one of key preconditions for a credible and legitimate electoral process is that media reporting about all contestants is nonpartisan and balanced, which was not the case in this election campaign.

<sup>16</sup> <http://www.osce.org/sr/odihr/elections/serbia/259021?download=true>, Media environment section, pg. 13.

<sup>17</sup> Survey carried out by IPSOS Strategic Marketing, April 2014, for NDI.

<sup>18</sup> [https://docs.google.com/viewerng/viewer?url=https://www.cenzolovka.rs/wp-content/uploads/2016/02/izvestaj\\_meka\\_cenzura\\_final.pdf](https://docs.google.com/viewerng/viewer?url=https://www.cenzolovka.rs/wp-content/uploads/2016/02/izvestaj_meka_cenzura_final.pdf)

After 2000, Serbia mainly endorsed the fundamental democratic principle - elections must be fair and free.<sup>19</sup> Accordingly, the number of international observation missions as well as of citizen observers has been gradually reducing. For this vote, the OSCE and the ODIHR had a mission of 10 international experts and 12 long-term observers, who were deployed throughout Serbia. Additionally, the REC granted the status of election observers to three domestic organizations - CARTA, Citizens on Watch and the Center for Free Elections and Democracy (CeSID).

The goal of the CARTA-GnS Election Observation Mission was to, through independent and impartial observing, inform citizens about the quality and level of democracy of the entire electoral process, and also to, in line with international standards and good practice, educate and help them to vote knowledgeably and freely. Another goal was to enable citizens to evaluate the quality of the entire electoral process having regard to the national legislation and international good practice for free, fair and democratic elections.

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<sup>19</sup> <http://www.REC.parlament.gov.rs/doc/dokumenta/ODIHR/2014%20OSCE%20parlamentarni%20lat.pdf>



## ELECTION LAW & ADMINISTRATION

### OVERVIEW

The elections of representatives to the National Assembly of the Republic of Serbia and representatives to the Vojvodina provincial assembly were held in the Republic of Serbia as a single electoral unit. The elections of representatives were held by a proportional representation system, by voting for one election ticket and through the distribution of mandates to election tickets in proportion to the number of votes received. Mandates were allocated based on a highest average method (so-called D'Hondt method). Seats in the parliament were distributed among candidate lists which received minimum 5% of the votes cast. Election tickets representing national minorities are exempt from this threshold requirement (so-called natural threshold).

The electoral process commenced on the day the announcement of elections, on March 4, 2016. Within its competence, the REC adopted a detailed timetable for carrying out of election, which precisely established time frames for specific electoral activities. Also, the election commission of the province of Vojvodina and each municipal and city election commission adopted their respective detailed schedules for conducting elections.

Election of representatives to the National Assembly is primarily regulated by the Law on Election of Representatives, the Instructions for carrying out of election of representatives to the National Assembly and the REC Rules of Procedure. In Kosovo and Metohija, only election of representatives to the National Assembly was held. The REC adopted special Instructions for carrying out of election of representatives to the National Assembly, called for April 24, 2016, in the territory of the Autonomous Province of Kosovo and Metohija.<sup>20</sup>

Parliamentary elections are administered by the REC and polling boards (PB), which both operate in permanent and extended composition. PBs administer polls all levels, which are determined by the REC pursuant to the Law on Election of Representatives and the Instructions for carrying out of election of representatives to the National Assembly. Election of representatives to the National Assembly, election of representatives to assemblies of local self-governments and election of representatives to the Assembly of the Autonomous Province of Vojvodina are administered by PBs formed by the REC, pursuant to the Decision on concurrent conduct of parliamentary and local elections. The REC adopted guidelines for PBs for concurrent conduct of parliamentary and local elections, which more narrowly defines rules for PBs.

The voter register is regulated by the Law on the Unified Voter Register and the Instructions for carrying out of election of representatives to the National Assembly. The unified voter register is a public document which contains a register of citizens of the Republic of Serbia who are eligible to vote. The voter register is maintained by the ministry responsible for public administration management. However, voters not enrolled in the voter register within the deadline (midnight on April 8, 2016), were registered by municipal or city administration of their place of residence. From the closure of the registration process, April 9, 2016, until midnight on April 20, 2016, or 72 hours before polling day, voters were registered by the Ministry of Public Administration and Local Self-Government. Also, the REC, pursuant to the Instructions for carrying out of

<sup>20</sup> Election of representatives to the Assembly of the Autonomous Province of Vojvodina is regulated by the Statute of the Autonomous Province of Vojvodina, the Decision on election of representatives to the Assembly of the Autonomous Province of Vojvodina, the Instructions for carrying out of election of representatives to the Assembly of the Autonomous Province of Vojvodina and the Rules of Procedure of the Vojvodina election commission. Election of representatives to municipal and city assemblies and city councils is regulated by the Law on Local Elections, the Law on Election of Representatives and rules of procedure for lower election commissions (municipal and city).



election, is obliged to publish a total number of eligible voters for the polls scheduled for April 24, 2016. On election day, 6,739,441 citizens were eligible to vote at 8,378 polling stations, of which 29 polls were set up in penitentiary institutions and 38 established in diplomatic and consular offices abroad.

Neither the Law on Election of Representatives nor the Law on Local Elections envisages rules for citizen and international election observation. These laws contain provisions stipulating that the work of election administrators is public. Access of observers is regulated by the instructions of the REC and the provincial election commission, which mainly concern observing election day (aside from provisions regulating accreditation procedure and observing the REC's work), wherein the status of long-term observers is not regulated.

Locally, each lower election commission (municipal and city) has its own rules and procedures which need to be met for observing their work. Given that the elections on April 24 were held at several levels in parallel, accreditation procedures for observing elections at polis was handled by the REC in line with the Instructions for carrying out of election of representatives to the National Assembly.

## STATUS OF VULNERABLE GROUPS IN ELECTORAL PROCESS - LEGAL FRAMEWORK

### STATUS OF WOMEN

Latest changes to the Law on Election of Representatives from 2011, envisage positive discrimination (affirmative action) to help the less represented sex successfully stand for election. As women are less represented in Serbia's political life, this provision directly stipulates an increase in women's representation on election tickets. More precisely, Article 40a of the Law on Election of Representatives prescribes as follows:

*Each election ticket should be as such that the less represented sex is one in three candidates, by their order on the list, (first three candidates, next three candidates and so on throughout the list).*

*Should an election ticket fall short of this requirement, laid down in Paragraph 1 of this article, it shall be considered a deficiency for verification of that election ticket, while the submitter of the ticket shall be advised to correct omissions in line with this law.*

*Unless the submitter corrects omissions, laid down in Paragraph 2 of this law, the REC shall reject the ticket in line with this law.*

### STATUS OF LGBT PEOPLE

Položaj LGBT populacije u izbornom procesu nije definisan nijednim izbornim zakonom niti podzakonskim aktom. Dakle pitanja od značaja za LGBT populaciju u izbornom procesu uopšte nisu uređena i predstavljaju pravnu prazninu u izbornom zakonodavstvu.

### STATUS OF ROMA NATIONAL MINORITY

The submitters of a Roma candidate list or a coalition of Roma candidate lists, as stipulated under the Constitution and the law, are guaranteed rights to stand for election. With regard to national minority parties, which include Roma parties, Article 81 of the Law on Election of Representatives, stipulates positive discrimination, according to which national minority parties are included in the distribution of mandates even if lacking the 5% threshold requirement (so-called natural threshold).

## EARLY PARLIAMENTARY ELECTION OBSERVATION METHODOLOGY

CRTA observed the entire electoral process under its Citizens on Watch observation mission, including the period before, on and after election day until the announcement of the final election results by the REC.

### PRE-ELECTION PERIOD

In the pre-election period, long-term observers monitored several aspects of the electoral process: election campaign (general information related to the campaign; major topics addressed; general environment; irregularities and flagrant breaches of election law in campaigning), the work of election administrators, the use of public resources in campaign and media coverage. From March 24 to April 24, 2016, a team of 34 specially trained long-term observers was dispatched to all electoral districts, thereby ensuring inclusive information on the course of and trends in the electoral process from the entire territory of Serbia.<sup>21</sup>

The essential role of long-term observers was to monitor and evaluate efficiency and impartiality of election administrators, the implementation of election law and regulations, election campaign and political environment. To that end, long-term observers established and maintained contacts with regional and local administrators and representatives of the government, political parties and candidates, national minority leaders and the civil society, including human rights protection groups, women's organization, other NGOs and media representatives.

Long-term election observation methodology applied by the CRTA-GnS observation mission relied on the highest international principles for election observation (*The Declaration of Principles for International Election Observation*,<sup>22</sup> *the Code of Conduct for International Election Observers*, *the Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations*<sup>23</sup> and *the Code of Conduct for Nonpartisan Citizen Election Observers*), which enabled the mission to report on the quality of the entire electoral process.

### ELECTION DAY - APRIL 24, 2016

For observing polling day on April 24, 2016, the CRTA-GnS mission employed the parallel vote tabulation (PVT). This election observation methodology is grounded in statistics and represents the most efficient methodology for collection of voting results and independent tabulation of these results, parallel to election authorities, thereby providing for independent verification of election results released by election administration.

The PVT is an election observation methodology that was typically based on a representative and random sample of polling stations in the territory of the Republic of Serbia. Sample-based results can be applied for the entire country. The mission's observers were deployed to a representative random sample of 450 polls throughout Serbia.

On election day, the CRTA-GnS mission employed the PVT to collect and make available information concerning the regularity of voting process in the entire country and to provide data on voting results and voter turnout, taking into account only polls, where no irregularities that may have distorted or inhibited the free expression of the elector's will were registered.

<sup>21</sup> The CRTA-GnS Election Observation Mission had no observers deployed in the territory of Kosovo and Metohija.

<sup>22</sup> <https://www.ndi.org/dop>

<sup>23</sup> <https://www.ndi.org/dop>

On election day, the CRTA-GnS mission had a team of nearly 1,000 people: 900 observers deployed at 450 polls, 34 mobile teams, a legal team, a public communication team, 15 call center operators and a statistics unit.

All observers received a training by CRTA-GnS' team. From April 7 to 17, 40 trainings were conducted for short-term observers in all districts in Serbia. Subsequently, the observers received an additional verbal training, conducted by the mission's call center. All observers also took three knowledge tests: a written, verbal and a simulation test.

In order to test the preparedness of the entire election observation infrastructure for polling day, and also the mechanisms for data collection and processing, a simulation of election day was held on the CRTA's premises on April 19. It involved all observers who were deployed at polls on April 24, call center operators and all other team members.

## REPEAT VOTING & PRONOUNCEMENT OF FINAL RESULTS

Observing polling day, also included the REC's work until the announcement of the final results of the early parliamentary elections. Following the annulment of elections at 15 polling stations over irregularities, the mission also observed repeat voting at all 15 polls, conducted on May 4. The mission also observed procedures of handling complaints on the work of polling boards and the REC.

## COMMUNICATING FINDINGS TO PUBLIC

Based on data processed, the CRTA-GnS mission produced reports and presented them to the public. In the pre-election period, the CRTA-GnS long-term observation mission published two reports to keep the public informed on the quality of the electoral process and possible irregularities in the observed period. CRTA-GnS' first report, issued on April 7, covered the first two weeks of the work of long-term observers, while the other report, released on April 20, shortly before the campaign silence took effect, concerned the final two weeks of campaigning.

Throughout polling day, April 24, the CRTA-GnS mission kept the public updated on the events at polls and other relevant matters through seven news conferences and media releases. Also, live streaming of tabulation process was available on the website [www.gradjaninastrazi.rs](http://www.gradjaninastrazi.rs).

On Monday, April 25, having analyzed data, the CRTA-GnS mission released preliminary findings of election day observation for to expediently disseminate important information to the public and election stakeholders.

The mission also observed repeat voting on May 4, at all 15 polls, where elections had been annulled over irregularities. Throughout the day, the CRTA-GnS mission kept the general public updated on events at polls and other relevant matters through two news conferences and news releases.

A final report on the overall electoral process, covering the pre-election period, election day and the period after the elections, the CRTA-GnS mission published after the pronouncement of the official election results by the REC.

## ANALYSIS & FINDINGS

One of the basic goals of citizen election observation is to obtain an inclusive insight into all circumstance that may affect the outcome of elections. In other words, the goal is to observe and analyze events and processes in order to establish whether there was a level playing field among all contestants in terms of reaching voters, whether voters had the ability to cast ballots "free of fear or retribution" and whether election administration conducted the electoral process in a nonpartisan, impartial and professional manner. Having taken all the abovementioned into account, citizen election observers may give their final say on whether the outcome reflects the will of the voters.

Although the irregularities registered in the work of election administration, conduct of contestants in campaigning, discriminatory, that is, unequal media coverage, widespread allegations of vote-buying and intimidation and considerable misuse of administrative resources in campaigning exhibit a whole range of problems that demand solutions in line with international standards, and given that the number of evidenced irregularities was not to the extent that could provide for challenges of elections, the CRTA-GnS observation missions assess that the snap parliamentary elections in Serbia were regular. However, bearing in mind that two candidate lists were on the verge of the electoral threshold and that every single vote could have been deciding,<sup>24</sup> the number and the extent of the recorded irregularities indicate that they could have affected the outcome and consequently the balance of power in the National Assembly of the Republic of Serbia.

## PRE-ELECTION PERIOD

From March 24 to April 23, 2016, CRTA-GnS long-term observers collected data about several aspects of the electoral process: (1) work of election administration, (2) campaigning (general information concerning campaigns; main campaign topics; general campaign environment; irregularities and flagrant violations of election law in campaigning, (3) use of administrative resources in campaigning, and (4) media coverage. Long-term observers were deployed to each electoral district, thereby ensuring inclusive information on developments and events in the electoral process from the entire territory of Serbia.<sup>25</sup>

Observers were entering their findings in standardized forms and forwarding them to the mission's communication office in Belgrade. Findings of each observer were then entered into a specially created database which enabled the mission to easily process, analyze and interpret the collected data.

All long-term observers received special training, held in Belgrade March 22 - 23, 2016. In the pre-election period (March 24 - April 23), observers established contacts and held a total of 699 meetings with representatives of city and municipal commissions (218), local self-governments (40), political parties and movements (358), media outlets (36) and civil society organizations (47). The CRTA-GnS mission also accredited for observing the REC's work.

<sup>24</sup> After counting votes in the April 24 elections, and before repeat voting at 15 polls on May 4, the REC released preliminary results based on the votes counted at 99.82% of polls, according to which election ticket DVERI - DEMOCRATIC PARTY OF SERBIA - SANDA RASKOVIC IVIC - BOSKO OBRADOVIC was short of the threshold, literally by a single vote. Another ticket which was within the margin of error was BORIS TADIC, CEDOMIR JOVANOVIC - ALLIANCE FOR A BETTER SERBIA - the Liberal Democratic Party, the League of Social Democrats of Vojvodina, the Social Democratic Party, which, by the REC's figures collected 5.02% of ballots cast (GnS: 5.04% of ballots cast, with the margin of error of 0.30%).

<sup>25</sup> The CRTA-GnS mission did not have accredited observers at the polls in the Autonomous Province of Kosovo and Metohija (KiM) or for the transport of unprocessed election materials from the polls to collection centers in Vranje and Raska. CRTA-GnS' accredited observers had limited observation in the collection centers, where votes from Kosovo and Metohija were counted.

## REC - OVERVIEW

Mission observers were present at 31 sessions of the REC. The mission observed all important election activities, such as: inspection of registration documents and consequent verification or rejection of election tickets, granting or denial of national minority status to election tickets, the announcement of the total number of eligible voters, and decisions on the final list of candidates for the ballot paper, the number of ballots, the location of polling stations, and the total number of eligible voters in the Republic of Serbia, as well as complaint handling procedures.

The most important moments of this electoral process include:

1. Forgery of supporting signatures and the precedent that one the candidate list which contained forged signatures was still included on the final ballot paper;
2. The REC's interpretation that under the Law on Election of Representatives it has discretionary power to grant or deny status of national minority to election tickets.

While observing the REC's work, the commission received registration documents from 19 candidate lists, verifying 11 and rejecting 6 election tickets for failing to correct omissions as per the REC's instructions, while two submitters withdrew their candidate lists. The REC deliberated 16 complaints, 10 of which were submitted by election tickets and 6 by voters.

## COMPLIANCE WITH LAW & INTEGRITY OF ELECTORAL PROCESS

As regards decision taken by the REC in the observed period, the mission is of the opinion that the REC acted in compliance with established regulations. The REC honored the right to complain and legal opinions of higher instances (the Administrative Court). This part of the report addresses deficiencies the mission observed in the electoral process and also offers solutions that could help improve the REC's work.

## UNIFIED ELECTION LAW

First deficiency concerns the absence of a single, unified law which would precisely regulate an electoral process when elections are held concurrently at several levels, as it was the case on April 24. Such an inclusive law would incorporate all existing election-related provisions into a single code.<sup>26</sup> In addition, such a law would apply to all relevant stakeholders in an electoral process<sup>27</sup> and prescribe their respective competences. This law would regulate an electoral process from the time an election is announced until the announcement of the final election results and subsequent allocation of mandates. With such a law, there would be no arbitrary or different interpretations of the rights and obligations of election stakeholders. Also, this law would clearly set out competences of the REC in the event omissions in candidate registration documents are detected at a later stage. Precisely, the REC's competences, under the Law on Election of Representatives, to grant or deny status of a national minority party to the submitters of election tickets, which was one of the matters of disputation in the April 24 elections. In practice, this particular competence is at odds with the Law on Political Parties, which regulates the registration of national minority parties and therein such status. If course of the entire electoral process is to be viewed through the work of election administration, primarily the REC and the Administrative Court (as the second-instance body for handling appeals), it is evident that in practice these

<sup>26</sup> The Election Code of Georgia could be a role model for this single, unified law:

[http://www.transparency.ge/sites/default/files/August%202012,%20Election\\_Code\\_of\\_Georgia\\_EN\\_-\\_codified.pdf](http://www.transparency.ge/sites/default/files/August%202012,%20Election_Code_of_Georgia_EN_-_codified.pdf)

<sup>27</sup> Relevant stakeholders, apart from election commissions, particularly include the Anti-Corruption Agency, the Statistics Office, the Electronic Media Regulatory Authority (REM), the Interior Ministry and the prosecutor's office.

two provisions/interpretations are at odds. This became apparent particularly with the interpretation of the provisions for candidate lists to obtain the status of national minority, names of election tickets and annulment of results ex-officio, with the REC taking decisions based on one interpretation of the law and the Administrative Court taking just the opposite.

### USE OF EXTRAORDINARY LEGAL REMEDIES

Another deficiency observed is the absence of clear rules on the use of extraordinary legal remedies<sup>28</sup> and effective legal redress for violations of suffrage rights. Bearing in mind extremely short deadlines prescribed by law for legal redress, the use of extraordinary legal remedies is excluded and that be with an explicit legal regulation.<sup>29</sup> Opinion on interpretation of this regulation has been taken more than once by the court of competent jurisdiction.<sup>30</sup> We believe that the existence of such a rigid provision and related opinion of the Administrative Court affect public confidence in the integrity of an electoral process. The observation mission believes that consideration should be given to establishing by law certain restrictive conditions when it would be possible to use extraordinary legal remedies. As it could be seen in the past elections, lawmakers' intention to eliminate all doubts in the integrity of an electoral process with imposing short deadlines, actually produces the opposite effect due to certain stakeholders who try to abuse the good intention of lawmakers. In order to preclude certain unlawful acts in future elections, we believe that restrictive conditions should exist, when no other method is available, when it would be possible to use extraordinary legal remedies.

### ABSENCE OF DEBATES AND OWN INITIATIVE AMONG REC'S MEMBERS

While observing the REC's work, the mission had the opportunity to attend debates among the REC's members, during which the REC's president displayed most initiative, particularly in seeking a solution to the problem with candidate ticket the Republican Party – Republikanus Part – Nikola Sandulovic, which had been confirmed before detecting omissions, which if observed timely, would have rendered the opposite outcome. Most of the REC's decisions were taken in a collegial manner. The only time when a decision was adopted in a tight vote, was when the REC was deciding on national minority status to the Green Party. Namely, this decision was adopted with 18 votes for, while requiring 17 supporting votes. This situation should be interpreted in the context of conflicting opinions on which parties qualify for the status of a national minority party. In all other cases, the REC adopted conclusions and decisions, drafted shortly ahead of sessions.

### PREVENTING ABUSE IN ELECTORAL PROCESS

The REC undertook measures to prevent potential abuse in the electoral process. To that end, the REC decided that remuneration for poll board members be paid on their current accounts as opposed to earlier practice of paying them in cash, when political parties who delegated them would take "a share." Also, responding to the incident of fake letters addressed to an unspecified number of citizens, which reportedly threatened voters

<sup>28</sup> Legal opinion taken by the Administrative Court at the 63rd Session of all the Judges, held on April 7, 2016, prohibits the use of extraordinary legal remedies in election dispute resolution. This opinion is important as it represents a legal ground to divest the REC of power to act retroactively and "overturn" its decisions which have taken effect, which is why the REC did not act to take a decision to overturn decision verifying election ticket the Republican Party – Republikanus Part – Nikola Sandulovic.

<sup>29</sup> Article 97 of the Law on Election of Representatives envisages that a decision taken on a matter appealed is effective and cannot be appealed with extraordinary legal remedies, which is possible under the Administrative Procedure Law.

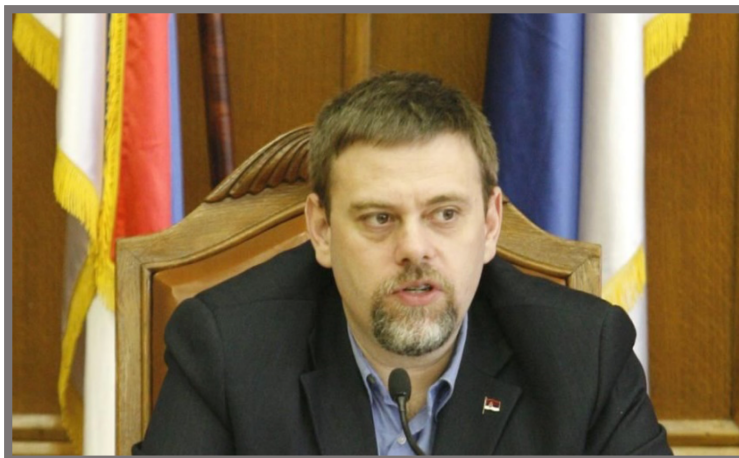
<sup>30</sup> Namely, this provision was last subject of interpretation at the 63rd Session of all the Judges of the Administrative Court, held on April 7, 2016, with the court opinion being explicit that extraordinary legal remedies cannot be used in election dispute resolution.



with losing certain privileges unless they vote, the REC issued a statement advising citizens to disregard such letters.

### REC'S PRESIDENT: CONFLICT OF INTERESTS - *POST FESTUM*

Dejan Djurdjevic was first elected president of the State election commission (REC) on July 26, 2012, holding this position until his resignation in August 2014. A probable reason for Djurdjevic's resignation was the decision taken by his party (at the time he presided over the REC, Djurdjevic also served as a member of the Serbian Progressive Party's (SNS) Presidency), according to which no party official could hold more than elective office (so called dual mandate)<sup>31</sup> simultaneously. Djurdjevic,



PICTURE 1 – DEJAN ĐURĐEVIĆ, PRESIDENT OF REC

however, continued serving as REC's president until the National Assembly session on March 3, 2016, when he was first removed from office, only to be re-elected as REC's president at the same session.<sup>32</sup>

Following his re-election as REC's president, Djurdjevic had three days to request for consent of the Anti-Corruption Agency to hold another public office.<sup>33</sup> On March 7, 2016, Djurdjevic submitted the said request to the agency. According to a decision of the agency's director from March 17, 2016, the agency **did not give its consent to Djurdjevic to discharge another office**, primarily due to the fact that the office of REC president, according to the agency, is an elective office. As per the agency director's decision, Djurdjevic's request should be denied on the ground that serving simultaneously as director of the Secretariat for Legislation and president of the REC is contrary to regulations on the rights and obligations of public officials, which is contrary to provisions of Article 27, Paragraph 2, of the Anti-Corruption Agency Act,<sup>34</sup> also contained in Article 76 of the Law on Civil Servants.<sup>35</sup> Djurdjevic appealed this decision.

The Agency's Board **denied the appeal** on May 11, 2016, upholding its director's decision. A decision taken by the Agency's Board can be appealed through an administrative proceeding within 30 days of the receipt of the decision. It is not known if Djurdjevic used this right. Pursuant to Article 28 of the Anti-Corruption Agency Act, office of an official elected to another public office contrary to provisions of this act, the latter office (in this case that of president of the REC) ceases by operation of law. In addition, a decision on termination of office is taken by the authority that has appointed an official to the latter post (in this case the National Assembly of

<sup>31</sup> <http://www.politika.rs/sr/clanak/350434/Dejan-Durdevic-razresen-pa-ponovo-izabran-u-REC>

<sup>32</sup> <http://rs.n1info.com/a139878/Vesti/Vesti/Djurdjevic-izabran-za-predsednika-REC.html>

<sup>33</sup> Article 28, Paragraph 4 of the Law on the Anti-Corruption Agency Act states that, "an official who is elected, nominated or appointed to another public office and who intends to serve in more than one public position simultaneously, is required to request for consent from the agency, within three days of the day of election, nomination or appointment."

<sup>34</sup> "An official shall observe regulations on their respective rights and duties and shall secure and foster and maintain public confidence in conscientious and responsible discharge of public office."

<sup>35</sup> "Office of a civil servant shall cease with the expiry of their term in office; submission of a resignation in writing; commencement of office in a government body, body of the autonomous region or local self-government; abolishment of appointed position; fulfillment of years of service under retirement requirements; resignation in writing; and dismissal from appointed position."

the Republic of Serbia), within eight days of the receipt of the agency's decision determining that the official has been elected to another public office contrary to the said act.

Considering that the Agency's Board took a decision to deny the appeal on May 11, 2016, the National Assembly should have been delivered the decision within the next eight days. At the time the decision was supposed to be delivered the assembly, a new legislature was not formed yet, whereby termination of Djurdjevic's office could not be acknowledged. A new legislature took office at its constitutive session on June 6, 2016, but failed to acknowledge the termination of Djurdjevic's mandate as president of the REC.

Consequently, Djurdjevic had to submit to the agency proof he has ceased discharging more than one public office. Otherwise, the agency had to initiate ex officio proceedings to look into potential breaches of Article 28 of the said act.<sup>36</sup>

On June 9, a few days following the constitutive session of the National Assembly, media reported that Dejan Djurdjevic has tendered his resignation to the post of REC's president to the National Assembly, in accordance with the Anti-Corruption Agency's decision from June 6, 2016.<sup>37</sup> Inspection of the Agency Board's documents related to the matter showed that the Agency' Board took the final decision on May 11, 2016, and not on June 6, as media reported citing Djurdjevic as saying.

Based on all the aforementioned facts, it can be concluded that **the integrity of the electoral process was undermined for that fact that Dejan Djurdjevic was holding the office of REC president also in the period from March 17 to June 9, 2016, during which the Anti-Corruption Agency passed its first and second instance decisions, in both cases not giving its consent to Djurdjevic to serve as president of the REC.** Although, legally speaking, the REC president did not commit any violation, the electoral process was undermined on the ground that the institution crucial for administering elections was headed by a person who was not granted official consent of the Anti-Corruption Agency to serve as president of the REC. Furthermore, the question arises as to why key stakeholders, including political entities and representatives of independent institutions, failed to observe this matter involving the REC, or recognize its importance, thus, missing the opportunity to strengthen the independence and integrity of the REC.

## PUBLIC SCRUTINY OF REC'S WORK & ACCREDITATION OF OBSERVERS

Accreditation of citizen observers from the CRTA-GnS mission was successfully completed, with regular communication maintained between authorized REC's representative and the mission, and in that sense regular observing of the REC's work was enabled. However, only associations whose objectives relate to elections are allowed to observe the work of the REC and polling boards. This restrictive rule largely limits the number of citizen associations which can obtain accreditation for observing the REC's work, as it makes accreditation conditional on the charter of an organization. Moreover, guidelines for PBs allow for only one observer per accredited organization per polling station. Given that election day lasts for over 16 hours, an accredited observer cannot keep concentration at full level or pay proper attention to the work of PBs throughout the entire day. Such restrictive rules set by the REC restricts accredited organization in ensuring inclusive observing of polling boards' work.

Election law envisages only election day observation, pertaining only to the work of PBs and the REC. Long-term observation is not established by national election law. Observing election campaigns and the entire pre-

<sup>36</sup> For failing to act and for breaching the law, the National Assembly and Dejan Djurdjevic may face misdemeanor charges and a potential fine ranging from RSD 50,000 to RSD150,000.

<sup>37</sup> <http://www.blic.rs/vesti/politika/sukob-interesa-predsednik-REC-dejan-djurdevic-podneo-ostavku/m29vwtz>



election period, including the work of municipal and city election commissions, and other bodies involved in election preparations, is highly important for evaluating the quality of an electoral process. This is of particular importance in the context of election day, considering that a significant number of election day irregularities or/and abuse occur due to organized activity of various election stakeholders in the pre-election period. Given all the abovementioned, the CRTA-GnS mission is of the opinion that the term "a long-term observer" along with related status should be established by law.

For all the abovementioned, the CRTA-GnS mission had to accredit two organizations for observing election day. Namely, in order to ensure that election day observation is carried in line with international standards and good practice, observers have to be present at polling stations throughout the entire election day. Owing to the limit of one observer per accredited organization per polling station, CRTA had to register another association of citizens - Citizens on Watch. Observing of election was organized by deploying two accredited observers per polling station (one representing CRTA and the other Citizens on Watch). This was the only way to ensure that observing of polling day is carried in an inclusive manner and in line with international standards and good practice.

The REC session agendas, as well as other materials, were not posted on the REC's official website, while minutes from sessions were published in the form of a brief piece of news within day or day and a half of the last session. Observers were timely notified of the sessions via SMS. It is important to note that the REC's website was not updated from the final days in March until early April, owing to the website being hacked. As the website was not regularly updated, the REC was late in posting the decision on the final list of polling stations, as well as information from the sessions. Another interesting occurrence bears mentioning, and that is that all key decisions containing unlawful actions were not made available in materials from the sessions. Although acknowledging that the REC operated with a very limited number of people, we believe that this information in particular, along with all other information and documents pertaining to the REC's, work must be immediately made available in an electronic form and posted on the REC's website.

Further on, accredited observers were allowed unrestricted access to the REC's sessions, as well as to the materials handed at very sessions. Accredited observers maintained regular communication with the REC expert service and were provided the information from the sessions and on individual requests addressed to the REC. Observers were promptly notified of session schedules, via an SMS service. In this electoral process, aside from eight regular sessions, the REC also held 11 news conferences to communicate preliminary vote results. This period registered an increased number of the REC president's appearance in the media, as well as a growing media interest, which provided coverage of almost every REC's session. During this period, the Statistics Office took more active engagement, particularly in tabulation process. As regards transparency, on election day, the REC said it will release preliminary vote results at a news conference at 9 pm, only to hold it the next day at 1 am, which triggered much public concern about the integrity of the results, putting the REC under strong pressure. The REC explained that transmission of results took longer than expected.<sup>38</sup> The slow processing, the REC officials reasoned, was a consequence of a large number of PB members on polling premises and the fact that in certain parts of the country elections were held at three levels concurrently. Another reason for delays could be the fact that PB result protocols are transmitted in a three-tier tabulation process.<sup>39</sup> After voting completed, the REC announced that they will not go public with preliminary results until at least 30% of election material is tabulated. Such was their stand during previous elections as well. In

<sup>38</sup> On April 24, the REC said several times that by 10 pm on election day, it had only 12% of ballots counted, and that a first news conference was held when the amount reached 27%.

<sup>39</sup> First-tier tabulation takes place on the premises of municipal and city election commissions, to which PB result protocols are transported under the supervision of the REC officials, second-tier tabulation is performed on the REC's premises, while the final tabulation serves to purge the database of all inaccuracies.

the meantime, the REC had raw results displayed on a TV screen set up in the hall, which present party members and reporters took as credible. When errors in certain PB result protocols were caught, began the process of purging the central database, during which no new data could be entered. Only after the database was purged of inaccuracies, did the REC hold a first news conference, releasing preliminary results based on the votes counted at 27% of polls. It is important to note that certain representatives of the opposition parties were present without authorization at the REC sessions on election night.

The election observation mission has to underline that its accreditation for observing the REC's work expired at its 125th session, with the completion of a report on the final election results. However, at the next session on May 8, which saw the REC only in permanent composition, certain aspects of the electoral process were still up for debate and four post-election complaints were also deliberated. Given all this, the observation mission is of the opinion that an accreditation should be valid for at least until after the National Assembly's session, when mandates are distributed.

## LEGAL REDRESS FOR VIOLATIONS OF SUFFRAGE RIGHTS

From the announcement of elections until polling day (March 4 to April 24, 2016), the Administrative Court acted upon 216 appeals seeking legal redress for violations of suffrage rights. Appeals filed with the Administrative Court concerned the following:

1. Regulations/actions of municipal election commissions - 148 appeals;
2. Regulations/actions of city election commissions - 43 appeals;
3. Regulations/actions of the Vojvodina provincial election commission - 4 appeals;
4. Regulations/actions by the REC - 21 appeals.

The largest number of appeals concerned actions of the Knjazevac and Temerin municipal election commissions and the Novi Sad city election commission.

Of total number of appeals against the REC's decisions (21), 17 were rejected or dismissed and four upheld. The rejected and dismissed appeals mainly concerned the REC's decisions on the composition of polling boards, the final ballot paper and rejection of certain election tickets that lacked the required number of validated supporting signatures. Appeals upheld concerned granting national minority status to the submitters of some party lists and the use of personal name in the name of one election ticket.

## FORGERY OF SUPPORTING SIGNATURES

## STATUS OF ELECTION TICKETS IN 2016 EARLY PARLIAMENTARY ELECTIONS IN SERBIA

Information obtained through monitoring RIK's work

TICKET NAME	STATUS	FORGERY DETECTED	NO. OF FORGED SIGNATURES	METHOD
Aleksandar Vučić - Srbija pobeđuje	CONFIRMED			
Za pravednu Srbiju - Demokratska stranka (Nova, DSHV, ZZS)	CONFIRMED			
Ivica Dačić - SPS / JS - Dragan Marković Palma	CONFIRMED			
Dr Vojislav Šeselj - Srpska radikalna stranka	CONFIRMED			
DVERI - DSS / Sanda Rašković Ivić - Boško Obradović	CONFIRMED			
Savez vojvođanskih Mađara - Ištvan Pastor	CONFIRMED			
Boris Tadić - Čedomir Jovanović / savez za bolju Srbiju - LDP / LSV / SDS	CONFIRMED			
Muamer Zukorlić - Bošnjačka demokratska zajednica Sandžaka	CONFIRMED			
SDA Sandžaka - Dr. Sulejman Ugljanin	CONFIRMED			
Za slobodnu Srbiju / Zavetnici - Milica Đurđević	CONFIRMED			
Grupa građana za preporod Srbije -prof. dr. Slobodan Komazec	CONFIRMED			
Ruska stranka - Slobodan Nikolić	CONFIRMED			
Republikanska stranka - Nikola Sandulović	CONFIRMED	● YES ●	900	● Forged stamp of Sabac Basic Court ●
Srpsko ruski pokret- Slobodan Dimitrijević	CONFIRMED			

## STATUS OF ELECTION TICKETS IN 2016 EARLY PARLIAMENTARY ELECTIONS IN SERBIA

Information obtained through monitoring RIK's work

TICKET NAME	STATUS	FORGERY DETECTED	NO. OF FORGED SIGNATURES	METHOD
Romska lista Srbije	WITHDRAWN			
Borko Stefanović - Srbija za sve nas	CONFIRMED			
Dijalog / Mladi sa stavom - Stanko Debeljaković	CONFIRMED			
Dosta je bilo - Saša Radulović	CONFIRMED			
Jedinstvena ruska stranka - Zoran Marić	 WITHDRAWN	 YES	 4.845	 Forged stamp of Sabac Basic Court
6. oktobar za sve nas	 REJECTED	 YES	 2.707	 Stamp of a court in Belgrade (not known which one) under suspicious circumstances
Dokazano - Prof. dr. Danica Grujić / Vlaška stranka	REJECTED			
VMDK - Mađarski pokret za promene	 REJECTED	 YES	 1.611	 Forged stamp of Belgrade 1st Basic Court
Partija za demokratsko delovanje - Ardita Sinani	CONFIRMED			
To smo mi / Prirodni pokret - Vladimir Zaharijev	 REJECTED	 YES	 3.957	 Forged stamp of Belgrade 1st Basic Court
TOLERANCIJA	 REJECTED	 YES	 1.130	 Forged stamp of Belgrade 1st Basic Court
Zelena stranka	CONFIRMED			
Nijedan od ponuđenih odgovora	CONFIRMED			
U inat / Složno za Srbiju - Narodni savez	CONFIRMED			
Romska stranka - Bunjevci građani Srbije	 REJECTED	 YES	 650	 Method unknown, with the use of stamp of Zrenjain Basic Court, department in Secanj

Article 43, paragraph 1 of the Law on Election of Representatives prescribes quantitative criteria for verification of election tickets. Precisely, every election ticket is required to collect at least 10,000 validated supporting signatures. This is the main criterion for a party to be able stand for election.

At the REC's 98th session, the REC members and the public were informed that the United Russian Party has submitted 4,845 invalid supporting signatures. While inspecting registration documents, the REC members became suspicious of the authenticity of the stamp of the Sabac First Basic Municipal Court. Doubts raised as all seals were stamped uniformly with clearly readable text, all under the same angel and uniformly stamped in the designated area. The REC reported potential forgery of 4,845 supporting signatures to the police and the prosecutor's office. Shortly, the police provided feedback confirming that these signatures were not stamped by a seal but were produced on a computer printer. The REC adopted a conclusion advising the United Russian Party to submit the required number of supporting signatures as per Article 43 of the Law on Election of Representatives, that is, to submit 4,845 notarized supporting signatures. Later on, in a meeting with the REC members, the United Russian Party withdrew its candidate list, noting that it was not itself collecting supporting signatures, but had sought assistance from a party with a better infrastructure - the Republican Party. Subsequently, the REC scrutinized registration documents submitted by the Republican Party to find out that some 900 supporting signatures were stamped by a forged seal of the Sabac First Basic Municipal Court, as were the supporting signatures of the United Russian Party. As this ticket had already been confirmed and with all deadlines to overturn the REC's decision expired, the decision to verify the Republican Party candidate list was upheld in accordance with the law and the opinion of the Administrative Court that extraordinary remedies<sup>40</sup> cannot be used in election dispute resolution. That is how an election ticket, whose forgery of supporting signatures had been confirmed by the police, due to which it lacked the required 10,000 validated supporting signatures, was included on the final ballot paper, thereby standing a chance of representation in the National Assembly.

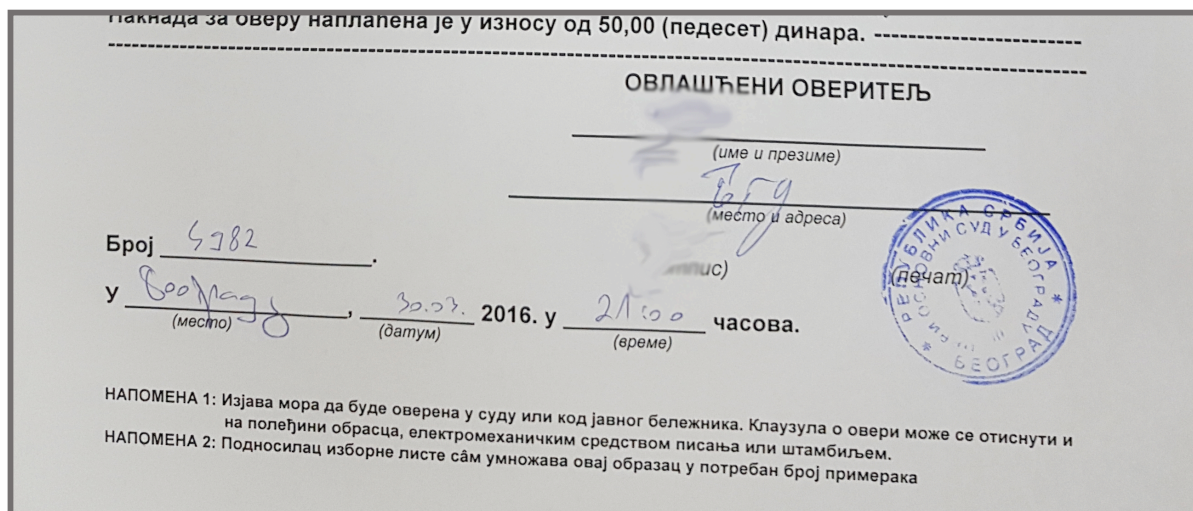
In the subsequent verification process, the REC expert service, keeping a watchful eye on registration documents, detected forged supporting signatures on another five party lists.<sup>41</sup> The REC established that a total number of counterfeit signatures was somewhat above 15,000. The United Russian Party withdrew from the election race, while other election tickets complained to the REC or appealed with the Administrative Court. Having seen the number of forged signatures and the number of parties involved in the counterfeit scam, the REC decided to reexamine all supporting signatures for 13 party lists which handed in registration documents on the last day for the submission of registration documents (April 8), saying that registration documents of other election tickets will be scrutinized after the completion of the electoral process (after May 1, 2016).<sup>42</sup> The CARTA-GnS observation mission on April 13 officially requested from the REC to scrutinize supporting signatures for some party lists, but the REC did not respond to this request until the time of publishing of this report. The REC's findings were confirmed by the interior minister's chief of staff in a meeting with the observation mission.

<sup>40</sup> Legal opinion taken by the Administrative Court at the 63rd Session of All the Judges, held on April 7, 2016, prohibits the use of extraordinary legal remedies in election dispute resolution.

<sup>41</sup> The election tickets which had supporting signatures certified with a forged seal or under suspicious circumstances include: October 6 for Us All, VMDK Hungarian Movement for Changes, It Is Us - Natural Movement - Vladimir Zaharijev, Tolerance, the Roma Party - Bunjevci, Citizens of Serbia, the United Russian Party and the Republican Party.

<sup>42</sup> Until the time of publishing this report, the observation mission did not manage to learn whether the REC has scrutinized all party lists, and if so, what the findings are. On April 13, 2016, the observation mission officially requested from the REC to provide findings of the reexamination of all election tickets, in line with the Law on Free Access to Information of Public Importance.





PICTURE 2 – EXAMPLE OF FORGED SUPPORTING SIGNATURE

Election ticket October 6 - For All of Us, as per REC's conclusion, was obliged to provide 2,649 supporting signatures. At its 101st session, REC said that while examining the ticket's registration documents, it established that 383 persons whose supporting signatures were submitted were not enrolled in the voter register and that 793 persons have already signed up for some other party list. Thereby, ticket October - For All of Us fell short of the required number of validated supporting signatures and accordingly was rejected. The REC's scrutiny of supporting signatures also revealed that deceased parents of one expert service staff member had supported this ticket. This finding added to the concerns about the integrity of submitted supporting signatures. A detailed inspection showed that all 2,649 supporting signatures were collected and stamped on the same day and by the First Basic Court in Belgrade. Furthermore, registration numbers of ID cards in registration documents did not match those on the clause of certification. Also interesting is that the citizens from all across Serbia traveled to Belgrade to have their supporting signatures certified, whereas it can be done in any municipality in Serbia. This case was also reported to the relevant prosecutor's office and the police. The REC was informed by the court that on that day, registrars were out in the field certifying supporting signatures.

At its 102nd session, the REC said that election ticket VMDK - Hungarian Movement for Changes, in accordance with REC's conclusion, submitted 1,611 supporting signatures, stamped by the Belgrade First Basic Court seal, registration number 3, which was damaged and out of use. This was also reported to the police and the relevant prosecutor's office. The REC was informed by the court that the seal in question had been damaged and out of use since late January 2016, so that the submitted supporting signatures could not have been notarized in the First Basic Court. Furthermore, the court had no data in its registries on the notarizations in question or the other certified copy, required under the law.

At next sessions, the REC established that election tickets It Is Us - Natural Movement - Vladimir Zaharijev and Tolerance, in line with REC's conclusions, submitted supporting signatures stamped by the same seal, which has been damaged and out of use. It was established that election ticket It Is US - Natural Movement - Vladimir Zaharijev had a total of 3,957 signatures stamped by a forged seal of the First Basic Court, while ticket Tolerance had a total of 1,130 disputed signatures. Given that all of these three parties lacked the required 10,000 validated supporting signatures, the REC rejected them all.

In case of election ticket the Roma Party - Bunjevci Citizens of Serbia, which submitted registration documents, in line with the REC's conclusion, irregularities were observed with 650 supporting signatures. Namely, it was

detected that 650 supporting signatures have not been certified by the First Basic Court in Zrenjanin. The court has evidence of only 60 notarized signatures based on paid court fees.

## VULNERABLE GROUPS IN ELECTORAL PROCESS - FINDINGS

### STATUS OF WOMEN

In the observed period, the REC was regularly checking the share of the less represented sex on candidate lists. On several occasions, the REC adopted conclusions for the submitters of election tickets, suggesting they should align their election tickets with Article 40a of the Law on Election of Representatives. **Based on the mission's findings and all the abovementioned, the mission can conclude that the REC consistently applied Article 40a of this law.**

It is important to note that apart from Article 40a of the Law on Election of Representatives, no other provision/document regulates the status of women in an electoral process.

### GRANTING OR DENIAL OF NATIONAL MINORITY STATUS TO ELECTION TICKETS

Acting upon applications of the submitters of election tickets for national minority status,<sup>43</sup> the REC, using its competences stemming from provisions of the Law on Election of Representatives for candidate lists to obtain national minority status,<sup>44</sup> the REC granted nationally minority status to the following party lists:

- the Party for a Democratic Action - Ardita Sinani, and
- the Green Party .

The REC denied national minority status to:

- the Russian Party - Slobodan Nikolic
- the Serbian-Russian movement, and
- the Republican Party - Republikanus part - Nikola Sandulovic

The parties denied national minority status appealed decisions with the Administrative Court, which overturned the REC's decisions, ruling that the submitters of these election tickets shall be granted national minority status.

For this problem, it is important to note that arbitrary perception of the status of a national minority party arose in the 2012 parliamentary elections, when candidate list None of the Above (NOPO) obtained the status of Vlach national minority. Then, the REC decided as the Administrative Court did in 2016 (in parliamentary elections) to grant national minority status. The abovementioned case was cited by the REC's president when reasoning the REC's decision to, in line with its competences stemming from the Law on Election of Representatives, prevent the abuse of unclear provisions for candidate lists to obtain the status of national minority solely to obtain the related privileges. Therefore, the REC explained, national minority status shall be

<sup>43</sup> Positive discrimination of national minority parties was introduced with the Law on Election of Representatives in 2004, as at that time, no national minority party was represented in the National Assembly.

<sup>44</sup> Article 81, Paragraph 4, of the Law on Election of Representatives stipulated: "A decision on whether the submitter of an election will have the status of a national party or a coalition of such parties, shall be taken by the REC during verification of that election ticket, and at the proposal of the submitter of that election ticket, wherein an application for such status shall be included in registration documents."

granted only to parties who present evidence of activities undertaken to represent and promote the interests and rights of a national minority.

The REC's competence to grant or deny national minority status to candidate lists, as exhibited in this electoral process, is at odds with the Law on Political Parties, governing the registration of political parties, wherein also their status. The status of a national minority party in election is already envisaged under the abovementioned Law on Election of Representatives and Article 42 of the Instructions for carrying out of election,<sup>45</sup> which more narrowly define the procedure and qualifications for election tickets to obtain the status of national minority party and run as such in election. The issue of granting the status of national minority party to candidate lists should be interpreted independently from the Law on Political Parties, whose Article 3 more narrowly defines the term "national minority party."<sup>46</sup> While in the process of registering a political party, the ministry responsible, pursuant to the Law on Political Parties, accepts the proposal of a party on how it wishes to operate in political life, the REC's competences, envisaged under the Law on Election of Representatives, bring up questions as to how a national minority party is engaged in politics and what a national minority party actually represents in real political life.

The Administrative Court dismissed as invalid the REC's reasoning for denying national minority status to the submitters of certain party lists. The parties in question, along with registration documents, submitted applications for national minority status, also enclosing their charters and platforms, as well as evidence of their registration with the register of political parties. In addition, and while bearing in mind that the right of national minorities to protect their rights and interests in the entire territory of the Republic of Serbia are guaranteed under the Constitution of the Republic of Serbia, the court is of the opinion that a political party registered as a national minority party by the act of registration, and in accordance with the party charter and platform, can stand for election as a national minority party, as laid down in Article 81, Paragraphs 3 and 4 of the Law on Election of Representatives. According to the opinion of the Administrative Court taken at the 63rd Session of All the Judges, held on April 7, 2016, a political party on a verified election ticket, which is enrolled in the register of political parties as a national minority party, that is, a coalition of such parties, is to be granted national minority status to stand for election, if so proposed by that party.

In these cases, the court upheld appeals, overturning REC's decisions and ruling that the submitters of election tickets verified for parliamentary elections shall have national minority status.<sup>47</sup>

The status of national minority party for parties running in elections is important as national minority parties and coalitions of such parties participate in the distribution of mandates even if lacking 5% of the votes cast (so-called natural threshold). In relation to that, one should also bear in mind that under the Law on Political Parties, 1,000 signatures of adult and able to work citizens of the Republic of Serbia are required to register a national minority party, while a political party is required 10,000 signatures to register.

<sup>45</sup> Article 42, Paragraph 3 of the Instructions for carrying out of election for representatives, called for April 24, 2016: "A decision on whether the submitter of an election will have the status of a national party or a coalition of such parties, shall be taken by the REC during verification of that election ticket, and after having viewed chart and program and political activities of the filling party or a coalition of parties."

<http://www.REC.parlament.gov.rs/latinica/izbori-za-narodne-poslanike-2016-dokumenta.php>

<sup>46</sup> Article 3 of the Law on Political Parties: "A national minority party, in the context of this law, is a party whose activities, aside from the properties of all other political parties, are particularly undertaken to represent and promote a national minority and to protect and advance the rights of members of that national minority in line with the Constitution, the law and international good practice, and as defined by the Founding Chart, platform and statute of that political party."

<sup>47</sup> Example: the United Russian Party registered to stand for local elections in Nova Crnja as a national minority party of the Russians. The local commission denied national minority status, after which the JRS appealed the decision with the Administrative Court, which ruled in favor of the JRS and accordingly the municipal election commission verified the election ticket.



Taking these two facts into account, a fewer number of supporting signatures required to register and a fewer number of votes collected to enter the parliament, can lead to the abuse of provisions for election tickets to obtain the status of national minority solely to obtain seats in the National Assembly.

Considering all the abovementioned, it is necessary to amend relevant provisions (of the Law on Political Party) to establish more precise qualifications for obtaining the status of a national minority party, or the Law on Election of Representatives to divest the REC of its competence to determine the position of candidate lists seeking to obtain national minority status in order to preclude similar cases in future elections.

### ROMA NATIONAL MINORITY - PASSIVE SUFFRAGE

Two Roma lists were present in this electoral process. One was *Roma List of Serbia*, submitted by the Coalition of the Democratic Union of Roma, the United Roma Party - Jekutni Partija Romani and the Union of Roma of Serbia. The other ticket was *Male and Female Citizens of Serbia*, submitted by the coalition of the Roma Party and Bunjevci, Citizens of Serbia. Both party lists handed in their registration documents on the last day for the submission of election tickets, April 8. At its 95th session, the REC confirmed ticket *Roma List of Serbia*, granting this election ticket the status of a coalition of national minority parties.

At its 99th session, the REC deliberated a draft conclusion on correcting omissions in registration documents of ticket *Male and Female Citizens of Serbia*. Under the adopted conclusion, the ticket had to provide evidence of suffrage for two candidates and 9,014 notarized supporting signatures. This large number of lacking certified supporting signatures was the result of the REC's decision to reject as invalid all supporting signatures, which had been certified right before the signing of the Agreement on election coalition in early parliamentary elections, on April 7, 2016. Subsequently, party list *Male and Female Citizens of Serbia*, provided the requested evidence of suffrage as well as 2,250 notarized supporting signatures. However, inspection of registration documents detected 650 disputed supporting signatures, stamped by a seal of the Basic Court in Zrenjanin, precisely, its court branch office in Secanj. In further correspondence with the court in Zrenjanin, it was established that court records contained written records only for several tens of supporting signatures, and no written record for other 650 supporting signatures.<sup>48</sup> The REC reported its findings to the police and the relevant prosecutor's office and at its 106th session unanimously decided to reject this party list.

### ROMA NATIONAL MINORITY - ACTIVE SUFFRAGE

According to findings of the CRTA-GnS observation missions, the Roma national minority members were exposed to pressure by various political options looking for so-called "certain votes." This sort of pressure was recorded by the mission's long-term observers and was also covered by certain media outlets. Such reports concerned all sorts of treating, including provision and humanitarian aid packages distributed in Roma settlements, promises made of their debts being written-off and threats made of dismissals and power cuts in the Roma settlements, all to induce them to go to the polls. As the observation mission could not validate or substantiate these reports, they shall be considered to be only allegations.

The very fact that the Roma parties did not run in the elections, further encouraged various political stakeholders to exert pressure on Roma national minority members. Various unlawful activities were employed to pressure Roma national minority members to vote in a particular way. On election day, the observation mission recorded a case of a female Roma in Pancevo standing outside a polling station and

<sup>48</sup> A written record, in this case, refers to a certified copy which the court retains as prescribed by the law. In this case, there is no written record of any court notarization in court records.

holding a list of some 100 Roma voters. The NN female was checking the list against members of the Roma community as they were coming out of polls. This case was reported to the police, but activity continued. This indirect pressure on voters is envisaged under the Law on Election of Representatives and the Criminal Code, which is by the latter punishable with a jail term from three months to three years.<sup>49</sup>

In addition, the observation mission obtained information that two polling stations in Novi Sad, in predominantly Roma-populated areas, were closed shortly after the noon, as all eligible voters in these polls had already cast ballots. According to information by the mission's long-term observer in the Novi Sad's settlements of Banglades and Sangaj, Roma national minority members received RSD 2,000 each to vote in a particular way. The same allegations were received from the central Banat region, where aside from the Roma, treating of other vulnerable groups of citizens was also present.

Information on whether any of the abovementioned cases has been reviewed with due process is not available to the CRTA-GnS observation mission.

## WORK OF LOWER ELECTION COMMISSIONS (MUNICIPAL & CITY)

### OVERVIEW

Lower election commissions (municipal & city) mostly acted in accordance with the law. The CRTA-GnS observation mission noted several cases of noticeable confusion and unfamiliarity with the procedures relating to:

- Membership in the extended composition of PBs.<sup>50</sup> Namely, parties running in coalitions at the national level can select only one member to represent the coalition in the extended composition, under the condition that they run independently in the local vote.
- Each municipal and city election commission has its own rules and procedures for observing their work.
- There is no uniform accreditation procedure for citizen observers. Certain municipal and city election commissions interpreted accreditation rules in such a way that observers accredited for observing parliamentary election are automatically accredited for observing local elections.
- On the other hand, as election day drew closer, communication and coordination between election administrators in municipalities and cities and the REC improved.

### TRANSPARENCY & ACCREDITATION PROCESS

Although election administration is generally willing to cooperate with observers, observing election administrators is not sufficiently regulated for the absence of clear procedures for observing the work of lower commissions (municipal and city). Only associations whose objectives and goals relate to elections can be accredited for observing the work of the REC and lower election commissions. Such a restrictive rule largely limits the interested public in observing an electoral process.

Accreditation procedures for observing the work of lower election commissions are not uniform, with three different observation accreditation solutions envisaged by guidelines for lower election commissions:

<sup>49</sup> Articles 155 and 156 of the Criminal Code.

<sup>50</sup> At the REC's 112th session on April 18, it was said that effort should be invested to inform permanent members of municipal and city election commissions of the rules for appointing extended members, particularly in case of different coalitions running in early parliamentary and local elections

- A clearly defined procedure for accreditation of observers;
- Transparency is ensured through news conferences and presence of reporters at lower election commissions' meetings, while observers are denied access to these meetings, which is seen as a "drawback." This solution means that accreditation of media representatives is possible and is being realized, but not that of observers.
- Observers accredited for observing the REC's work automatically receive accreditation for observing the work of lower election commissions (such was the situation in Kraljevo<sup>51</sup> and Novi Sad)

Observers at the local level were not always timely notified of commissions' next sessions. Considering that commissions were not themselves always sure about their meeting time, it was not rare to have sessions announced only 15 minutes in advance. Such tardiness commissions sought to justify with their expert and technical services being understaffed. In most cases, minutes from sessions were available online, on the commissions' websites. In smaller municipalities, the information on the work of commissions was obtained indirectly (such was the case in Ada, Velika Plana, Smederevska Palanka).

In 88% of regions observed, municipal and city elections commissions kept the public informed about their work.

### WORK CAPACITY OF LOWER ELECTION COMMISSIONS (MUNICIPAL & CITY)

As for working conditions, infrastructure and resources necessary for their work, municipal and city election commissions faced problems with office space and other resources. In smaller settlements (such as Zitiste and Nova Crnja for example), election commissions lacked technical and material means required for their normal work. According to observers, however, capacities of commissions grew better with the nearing of election day, allowing for a conclusion that 90% of commissions had sufficient capacities and resources to operate appropriately.

### EXAMPLES OF GOOD PRACTICE

In this electoral process, there were few cases of positive influence which led to changing legal practice and introduction of regulations for public access to sessions of lower election commissions (municipal and city), as was the case with the City of Kragujevac. In this case, accreditation application of CRTA-GnS' observer was initially refused. However, following official correspondence with the observation mission's legal team, the city election commission, at its first next session, adopted a conclusion on the procedure for accreditation of observers along with an application form.

Another good example was the municipal commission of Belgrade's municipality of Savski Venac. Initially, the commission requested from observers to supply citizenship certificates, which cannot be justified with the

<sup>51</sup> The Kraljevo election commission refused to accredit a CRTA-GnS observer citing formal reasons. The observer was first refused on the account of not having the official seal of the sending organization. When the missing documentation was submitted, the observer was reprimanded for not submitting it in an electronic form, although this was done during the initial application. It should be said that the Kraljevo election commission, in this case, was guided by the REC's Instructions for carrying out of elections for representatives (Article 74), and not its own guidelines, which clearly regulate the accreditation procedure (Article 38). Nowhere does it say in the said article that the documents must be submitted electronically. The CRTA-GnS mission sees such treatment as unlawful and contrary to international good practice for free and fair elections. This way we want also to refer to the ruling of the Administrative Court UZ 8/08 and UZ 11/08, in which the said court expressed its opinion that bodies carrying out elections do not have discretionary power to determine who is qualified for observing an electoral process, but that they may make sure the conditions have been met and, accordingly, issue an accreditation.

need to confirm their identity. Following correspondence with the observation mission's legal team and referring to the practice of the Administrative Court, the Savski Venac election commission changed this practice.

## CAMPAIGN MESSAGES & TECHNIQUES

In campaigning, visible differences were observed in intensity and techniques used until mid-April (hereinafter first campaign period) and in the final two weeks before the elections on April 24 (hereinafter second campaign period).

In the first period, long-term observers registered low-key campaigning for early parliamentary elections.

Political parties mainly campaigned through stalls across Serbia, almost in all cities and municipalities, while using least the techniques requiring most financial and human resources, such as debates, canvassing, text messages and campaign advertising.



PICTURE 2 – MOST COMMON COMMUNICATION CHANNEL WITH VOTERS - BOOTH

From the very start, the Serbian Progressive Party (SNS) was most active and remained so throughout campaigning. The SNS and its coalition partners applied all tools to reach voters, mainly through public gatherings and rallies, door-to-door campaigning, posters, billboards, stalls, social networks, and advertising on TV channels, online and in print media, both nationally and locally. Such campaigning was almost equally present throughout Serbia.

Next by campaign intensity and visibility, but considerably lagging behind the SNS, was the Democratic Party (DS) and its coalition partners. They mainly reached voters through social networks, posters, billboards and stalls. The number of the DS public gatherings, rallies and other major public events was half of those organized by the SNS. This election ticket organized a few stump speeches and debates and campaigned door-to-door in several districts of Serbia.



By campaign intensity, the SNS and the DS-led camp were followed by coalition list Ivica Dacic - Socialist Party of Serbia (SPS), United Serbia (JS) - Dragan Markovic Palma, party lists Boris Tadic, Cedomir Jovanovic - Alliance for a Better Serbia - Liberal Democratic Party, League of Social Democrats of Vojvodina, Social Democratic Party, and coalition Dveri - Democratic Party of Serbia - Sanda Raskovic Ivic - Bosko Obradovic, whose campaigns stood equal by intensity.

The SPS-JS coalition mainly campaigned through public gatherings, rallies and social networks. The SDS-LDP-LSV coalition based its campaign on social networks, billboards and posters.

The Dveri-DSS coalition was mainly present on social networks. One third of its campaigning involved public gatherings, stump speeches and debates.

Party list Dr Vojislav Seselj - Serbian Radical Party was relatively inactive in the beginning of the election campaign, mainly using billboards and posters to reach voters.

National minority party lists Vajdasági Magyar Szövetség-Pásztor Istvan - the Alliance of Vojvodina Hungarians - Istvan Pastor, Muamer Zukorlic - Bosniak Democratic Community of Sandzak and Party of Democratic of Sandzak (SDA Sandzak - Dr Sulejman Ugljanin) predominantly campaigned in Vojvodina and Sandzak using public gatherings, posters, billboards and information stalls to recruit voters.

Party list For Free Serbia - Zavetnici - Milica Djurdjevic, the last officially verified election ticket, was least visible in campaigning.

In the second campaign period, long-term observers registered considerably stepped up activities of political parties. Information stalls remained the most used tool for recruiting voters, while political parties increased the number of public gatherings and their presence in print media. They predominantly campaigned through social networks, the Internet, billboards, posters and public gatherings, while SMS messaging and debates were used least.

In direct communication with voters, party leaders focused on local elections. At that point, the campaign was already picking up, with the use of social networks also on the rise.

The final phase of the campaign saw increased involvement of youth wings of political parties who employed more creative techniques to recruit younger voters.

Viewed individually, the SNS by far conducted the most intensive



PICTURE 3 – ASPHALT PAVING

campaign across Serbia, using all campaign tools but debates. It is important to note that the SNS had a recognizable campaigning pattern, particularly in Belgrade, where intense works on arranging public areas were under way, which the SNS presented as its support to citizens initiatives and petitions.

One third less intense campaigning than the SNS's was that of the DSS/Dveri, the DS and the SPS.

The final ten days also saw minor parties campaigning. Various communication tools, predominantly online channels, were used by Serbia's Left, Enough Is Enough, Zavetnici and the New Party (as a member of the DS-led coalition).

## CAMPAIGN MAIN TOPICS

The election campaign lacked concrete policies, clear campaign messages and publically available election platforms. What could be seen and heard were mainly party leader-focused campaigning, which left hardly any room for debates or dialogue.

Long-term observers of the CRTA-GnS observation mission, deployed throughout Serbia, reported about campaign messages that could be heard in direct communication with voters. It was a unique opportunity to compare the messages conveyed at the local level with those that could be read, heard or seen in major media coverage. This part of the report deals with campaign messages of the parties, which based on all relevant opinion polls, stood good chances of crossing the required 5% threshold (which eventually proved correct). Those are the coalitions gathered around the Serbian Progressive Party (SNS), the Socialist Party of Serbia (SPS), the Democratic Party (DS), the DSS-Dveri coalition, the coalition of the Social Democratic Party (SDP), the Liberal Democratic Party (LDP) and the League of Social Democrats of Vojvodina (LSV), and the Serbian Radical Party (SRS), and to the end of campaigning, Enough Is Enough.

Based on what was heard during the campaign, it can be concluded that all parties used textbook examples of campaign messages shaped after opinion polls, which showed that high unemployment rate, low salaries and poverty remained central to voters.

General impression of messages communicated at the local level is that they were not distinctive enough and bore much resemblance to campaigning at the national level.

## SERBIAN PROGRESSIVE PARTY (SNS)

Both locally and nationally, the SNS communicated several "leitmotifs" as the pillars of its campaign: discontinuation of the country's further downfall with strong negative comments on the previous regimes, creation of possibilities for a recovery, with continued hard work in a joint effort "of all of us," heading to a better future, step by step, led by Aleksandar Vucic as the focal point of the SNS.

They insisted on their achievements - new factories and infrastructure reconstruction projects, (very visible at local level) and the number of created jobs. The SNS invested strong effort into creating the impression that what has



PICTURE 4 – SNS RALLY

been done is an irreversible process, a path Serbia has definitely chosen and which will take the country to a better future in the EU. Messages, as a rule, expressed gratitude to pensioners "the oldest among us" who "have sacrificed" for the well being of all.

Also visible was a blurred distinction between state and party activities in campaigning which made it difficult for voters to separate one from another.

All in all, the SNS messages communicated at all levels focused on awakening hope in a better future and raising general morale of citizens that the country led by Aleksandar Vucic is in the stage of a dynamic economic development and that it will be tangibly better in a foreseeable time.

Four years in power, a strong PR team along with noticeable financial resources invested in this campaign, made the SNS's campaign stand out by all elements - versatility, organizational level, scope, quantity of promotional handouts and use of communication channels.

### SOCIALIST PARTY OF SERBIA (SPS) & UNITED SERBIA (JS)

They used simple language adjusted to common people. The Socialists presented themselves as the last social stronghold for all vulnerable groups, insisted on the care for the elderly, workers and pensioners. In the background of their messages lied a pronounced national element, love and care for Serbia - the guardians of the weak and the unprotected, the guardians of Serbia.



PICTURE 5 – SPS - JS RALLY

The Socialists referred to themselves as the last stronghold for the vulnerable groups in Serbia, disregarding the fact that they were part of the cabinet that introduced austerity measures which have affected exactly the vulnerable - workers, pensioners and the poor. They insisted on being the only true left-wing party in Serbia, referring to their "genuine" origin by bringing to their mass rallies descendants of Tito and Slobodan Milosevic. They are the champions of restoring the Serbian dignity. They used extremely simple language, adjusted to common people, pledged to defend the Serbhood and Kosovo and were in parallel equally devoted to the EU and tighter ties with Russia. Their messages did not contain much of concrete promises, but they highlighted their expert staff whom Serbia still needs to develop. This was especially visible at local stump speeches, where local experts spoke to citizens. Local issues were mainly covered by "the ideal Serbian mayor" Dragan Palma Markovic. His mantra that Serbia could not be happy if only Belgrade and Jagodina were successful and that if he managed in Jagodina, then a new cabinet with him and the Socialists will turn underdeveloped towns throughout Serbia into development centers, was mentioned at all meetings and in public appearances of coalition members. A crucial moment in their campaign was a massive rally in Belgrade's Kombank Arena, with impressive footage of this event dominating in their promotional clips. Like in all recent campaigns, the central figure was SPS leader Ivica Dacic. Having compared reports by the mission's observers, it is obvious that the scope and versatility of the SPS campaign lagged behind that of the SNS.



## DEMOCRATIC PARTY

In this campaign, the Democratic Party (DS) presented itself as a party of new solutions. The DS also referred to them as a civilization stronghold against "the primitive and autocratic SNS," insisting that "only a vote for the DS is not a vote for the SNS." "A vote for the DS is a vote for a fair Serbia and against the SNS." The DS campaign personally targeted Vucic, contesting the achievements boasted in the SNS campaign. They demanded the truth about all affairs involving the ruling structures over the past four years.



PICTURE 6 – DS RALLY

They insisted on full transparency of political decisions at all levels, and that its camp still has the largest number of experts in their ranks who are ready to pull the country out of the mud in the best possible way. They advocated dignity of human life, insisting that Serbia and its citizens are humiliated under the current regime. In their messages, they stressed that austerity measures, which were required, do not target the right people. It is the state which should be economizing, not citizens. They claimed to have a platform which envisages investments and relies on own resources rather than giving away resources of great potential and profitability. The prerequisite of the DS policy was to restore pensions and public sector wages to the level before austerity measures were introduced - "to give back what has been taken away."

As regards local policies, aside from decentralization, they also insisted on the achievements in the areas where they were in power. They often mentioned the municipalities where the DS have lost power in the previous period, underlining the downfall of everything the Democrats have initiated in those municipalities and what "the incompetent Progressives have neglected and let go down the drain."

The DS also used endorsements from prominent public figures, mainly intellectuals and cultural figures, artists and athletes, who signed an open letter declaring: "No one has the right to stay aside and we endorse the Democratic Party as the only party capable of resisting the atmosphere of ignorance, fear, non-democracy and uncultured conduct" – was the punch line of the endorsement, which mainly summed up the DS campaign strategy.

## SERBIAN RADICAL PARTY (SRS)

Extremely nationally inclined, using language that would often turn into hate speech and overwhelmed with harsh words and low jokes, especially at the expense of Serbia's neighbors and their political leaders. The SRS was focused on recruiting for a rebellion against Vucic's regime. In their messages, they voiced a clear 'no' to the EU. They advocated social justice, free healthcare, crackdown on corruption and crime and urgent resolution of problems in the fields of science, culture and healthcare. The SRS pledged there will be no quitting until they assume power



PICTURE 7 – SRS RALLY



in Serbia, until they stop Serbia's Euroatlantic integration and integrate Serbia with the Russian Federation, which could help keep Kosovo under Serbia's roof.

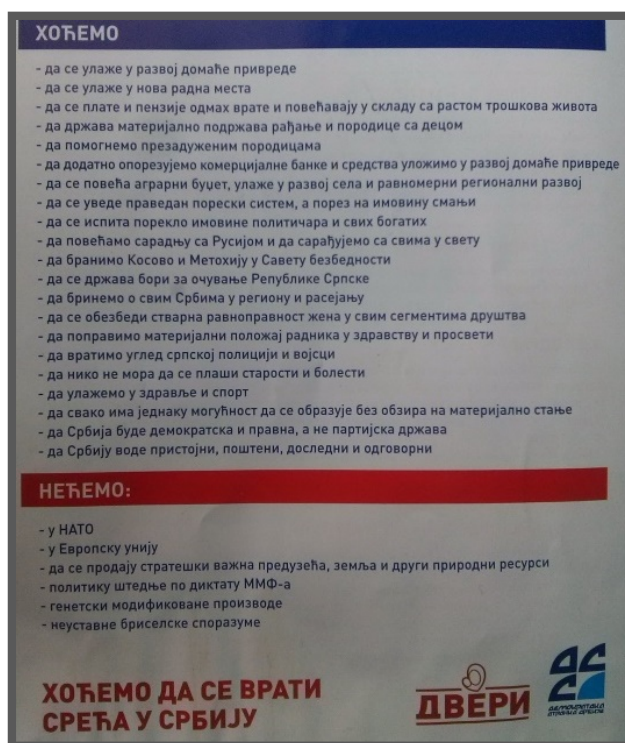
They maintained a rigid and entrenched anti-NATO and anti-EU stance labeling them as "Serbia's enemies." In parallel, they were focused on cooperation with Russia and China, both in economic and military domains. They staged harsh criticism of all in power, but with nuances – "Nikolic is a traitor for the gains, while Vucic still stands as a possible partner if he abandons the EU path." Pro-EU individuals belonging to "a different Serbia" were proclaimed traitors and seen behind the bars. They highlighted their consistency: "We are the only ones who never lied to you," pledging to have a program of economic recovery founded on the development of domestic production in cooperation with Russia and China and relying on eastern markets. The SRS focused on local resources, primarily the tourism potential and branding of homemade products. The SRS's promises mainly concerned the preservation of everything national and domestic, especially domestic production.

The SRS pledged that people "will live better as we will not be selling us in exchange for a membership in the EU, but we will rather focus on Serbia and what suits Serbia as a state, and we will have the backing of Russia and that is the direction we should take." The SRS also underlined its local advantages and looked back on the period of their rule in Belgrade's municipality of Zemun, recalling all its achievements.

## DEMOCRATIC PARTY OF SERBIA (DSS) - DVERI MOVEMENT

In its public appearances, the coalition tried to soften its image of radical nationalists and those who a priori reject most of European values.

This coalition's priorities included strengthening relations with the Diaspora, fostering Serbia's economy without foreign capital and foreign ownership and preservation of the Serbian identity through education, science and culture. They also insisted on discontinuing the country's EU accession, severing cooperation with the International Monetary Fund (IMF) and nullifying agreements achieved in the Brussels-brokered Belgrade-Pristina dialogue. Bring pensions to the level before the introduction of austerity measures, create jobs in healthcare and empower women. Military neutrality. They considered themselves the only true opposition. Insisted on the introduction of measures for boosting population growth and improved position of a family.



PICTURE 8 – DSS-DVERI HANDOUTS

At the local level, the parties often campaigned separately without many locally-focused messages. They were extremely present on social networks.

## SOCIAL DEMOCRATIC PARTY (SDP), LIBERAL DEMOCRATIC PARTY (LDP), LEAGUE OF SOCIAL DEMOCRATS OF VOJVODINA (LSV)

They had a rather personalized campaign leaning on the three parties' leaders. They emphasized their credits and experience in spreading the EU values in Serbia, drew a sharp line with Vucic as a poor student, autocrat, and a non-democratic leader. They maintained that democracy is what Serbia is lacking. They insisted on changing the policy on education, as it being vital for Serbia's development.

For parliamentary elections, they ran as a coalition, while the League of Social Democrats of Vojvodina ran independently in the provincial vote. Similarly to the DS, they used a TV clip featuring prominent cultural and NGO sector figures who have endorsed the coalition and used simple messages written in black and white to confront their values and stands with the SNS policy.



PICTURE 9 – SDS-LDP-LSV RALLY

## ENOUGH IS ENOUGH

A citizen movement which voiced the harshest accusations at the expense of the SNS-led camp. Abiding by its struggle against participacy, this movement acknowledged no achievement of the ruling coalition. Having taken up a unique position in the political arena "alone against all," they decided to run independently in the elections. "Are you for their state or our country of Serbia," was the punch line of their campaign. This radical approach made them many enemies in Serbia's political arena, but they stuck firmly to their policy.



PICTURE 10 – ENOUGH IS ENOUGH RALLY

Their messages were uniform and extremely consistent, even rigid: "Firstly, the party system which is destroying all the country's resources must be dismantled," "sack party cadre," "introduce order in Serbia's business environment," "establish full scrutiny of public administration's work" "slash payroll contributions and taxes so that domestic economy could start breathing," "introduce a uniform system of social protection."

Considering that it is a movement dealing with "systemic solutions," its communication at local level was not really local - only a radical change of the system creates the possibility for making changes also at the local level.

## NEGATIVE CAMPAIGNING

Negative campaigning was used to discredit other contestants, rather than focusing on own election platforms.

Negative campaigning against certain parties and/or candidates was not widespread, but could be described as isolated cases. Negative campaigning was registered with the Serbian Radical Party (SRS), the Democratic Party of Serbia (DSS)-Dveri coalition, the Serbian Progressive Party (SNS), the Democratic Party (DS) and to lesser extend with the Socialist Party of Serbia (SPS). The largest number of negative campaigning instances was registered in Belgrade and the districts of South Backa, Pcinj and Kolubara. By the number of party members who used negative campaigning, the SRS came first. Negative campaigning mainly targeted the SNS and the DS.

## PRESSURE IN ELECTORAL PROCESS

Treating and vote-buying are primarily regulated under Article 156 of the Criminal Code. Penalties for these criminal offences include a fine or a prison sentence of up to three years, while cases of aggravated criminal offence (if committed by a polling board member) are punishable by a jail term from three months to five years.

The abovementioned criminal offences were often brought in the election campaign. During the campaign, the observation mission received various reports about pressure, physical violence and intimidation of voters or political party and its activists by another party, its activists or voters. Unfortunately, given the nature of these offences, which take place behind closed doors, and also the absence of eyewitnesses and presence of fear, there is no evidence to confirm that these offences were widespread. However, regardless of the authenticity of claims about the number and methods of pressure and corruption in the electoral process, what raises concerns is the number of cases reported. On the other hand, what is missing is the response of relevant institutions, which should look into the the allegations of election-related crime and take due process. The absence of official response, which should either uphold or dismiss the allegations of vote-buying and intimidation, added to the atmosphere of public insecurity and distrust in the electoral process and in the work of institutions in charge of ensuring that the elections are held under fair and democratic conditions.

The largest number of tangible vote-buying occurred through the distribution of aid packages. Various packages were handed out, such as those containing concentrated animal feed, meat, food products, beverages and fuel gift cards. Based on the reports the observation mission received and findings of its observers, such activities were mainly conducted on behalf of then ruling parties - the SNS and the SPS.

Pressure and treating mainly targeted the most vulnerable groups of citizens. Reports of vote-buying in the Roma settlements were widespread across the country. Also, there were reports of the so-called "pyramidal system" of vote-buying in several municipalities in Serbia, buying personal identification documents from the Roma, etc.

## PHYSICAL VIOLENCE & INTIMIDATION

In direct contact with long-term observers, citizens declined to speak (to be recorded or any form of documented interviews) about such cases due to the overall environment and for feeling unsafe to share their information.

Intimidation and pressure in this report are addressed in the context of losing jobs in public companies over support to a party which is not a member of the ruling coalition and even jobs in privately-run firms which are close to the ruling parties, both nationally and locally.

In the monitored period, the observation mission also received information about cases of violence in campaigning. In order to get a better grip of the scale of such events, the observation mission requested from the Interior Ministry access to the information of public importance about the number of reported election-related crime in the Republic of Serbia from February 18 to March 18, 2014, and from March 4 to April 15, 2016.

In their answer, the police listed the reported criminal offences: endangering safety (Article 138 of the Criminal Code), destroying and damaging property belonging to another (Article 212); violent conduct (Article 344), unlawful obtaining of personal data (Article 146), violation of the right to stand for election (Article 154); bribery at elections (Article 156.); appropriation of property belonging to another (Article 211).

Table 1 shows that the number of criminal offences committed during the pre-election period in 2016 was larger than in the same period in 2015. Criminal offences of endangering safety and violent conduct committed in the pre-election period in 2016 rose by nearly 100% from the pre-election period in 2014.

CRIMINAL OFFENCE	Feb 18 - March 18 2014
PREVENTING THE FREEDOM OF ASSOCIATION IN POLITICAL, TRADE UNION AND OTHER MATTERS	1

CRIMINAL OFFENCE	March 4 - April 15 2016
VIOLATION OF THE RIGHT TO STAND FOR ELECTION (Novi Pazar)	1
BRIBERY AT ELECTIONS (Zrenjanjin)	1

CRIMINAL OFFENCE	Feb. 18 - March 18 2014	March 4 - April 15 2016	March 4 - April 4 2016
ENDANGERING SAFETY	147	281	211
DESTROYING OR DAMAGING PROPERTY BELONGING TO ANOTHER	50	73	55
VIOLENT CONDUCT	69	150	112

TABLE - CRIMINAL OFFENCES COMMITTED IN 2014 AND 2016 PRE-ELECTION PERIODS



In regard to the group of criminal offences of violations of suffrage rights (Table 2 & 3), it can be seen that the number of reported criminal offences is rather small, precisely one per criminal offence.

## INCIDENTS REGISTERED IN PRE-ELECTION PERIOD

### BELGRADE MUNICIPALITY OF ZVEZDARA

In the Belgrade municipality of **Zvezdara**, on Sunday, March 27, 2016, a group of people **assaulted with broken bottles DS officials** Natasa Vuckovic, Balsa Bozovic and Dragan Sutanovac and a DS activist, who was injured in the brawl.<sup>52</sup> Police took in four persons suspected of involvement in the attack. According to a police statement, the case has been forwarded to the relevant prosecutor's office, which will file a criminal report .



PICTURE 11 – ASSAULT ON DS OFFICIALS IN ZVEZDARA (BELGRADE MUNICIPALITY)

### MLADENOVAC

While removing posters in public areas in the Belgrade municipality of **Mladenovac** at 10:32 pm on April 3, **DS activist Predrag Perucic** was physically attacked by SNS activists (whose posters were being taken down). According to the information obtained by CRTA-GnS observers, the SNS activists reported the incident to the police claiming threats were made by Predrag Perucic. Acting upon the report, the police apprehended Perucic who was remanded, but was released the following day. On an anonymous report made on the same day, the police searched Perucic's house, discovering "a trophy pistol" and a larger quantity of ammunition, for which he was ruled a 30-day detention.

<sup>52</sup> A video of incident at the Djeram green market in Belgrade.

<http://www.istinomer.rs/2016izbori/aktuelnosti/video/406/Napad%20na%20DS:%20Razbijenom%20fla%C5%A1om%20na%20neistomi%C5%A1ljenike%20>

## KRUSEVAC

**A female candidate for local alderman and Democratic youth wing leader in Krusevac were attacked** by four men who identified themselves as SNS members. Handouts were seized while the Democratic youth wing leader was inflicted minor bodily injuries.

**DSS activists, while plastering posters, were attacked** by unknown persons armed with baseball bats, who were making verbal threats and shouting: "You can't place them here, our boss is coming!"

DS youth wing activists were attacked in Krusevac, around 8 pm on April 7 by four men, who identified themselves as SNS members. According to unconfirmed information, one of the attackers was a bodyguard of former defense minister Bratislav Gasic. The four men physically attacked the DS activists, inflicting them minor bodily harm and seizing a backpack with handouts.<sup>53</sup>

## KRALJEVO

**Two activists of group of citizens Local Front in Kraljevo were demanded** to present their ID cards and were halted by the police for writing over SNS posters: "The invincible city, you are not welcome here." The police did not make an official note of the incident, but did confiscate the spray paint.

**A SNS information stall was kicked down** by unknown persons in Kragujevac. The police made an official report on the incident.



PICTURE 12 – DEMOLISHED SNS STALL IN KRAGUJEVAC

## OBRENOVAC

The forgery of supporting signatures was not characteristic only for parliamentary elections, but also for local. The observation mission received considerable amount of information about "dual" supporting signatures for party lists running in local elections. There were cases that the same person, in a short period of time, signed for election tickets of two different political parties and that both were certified by a relevant body, whereas that person actually signed for only one.

This case was registered in Belgrade's municipality of Obrenovac, involving a citizen who complained to the Obrenovac municipal election commission on April 8, 2016.<sup>54</sup> To the complaint, the voter attached copies of his signed supporting statements, which clearly show:

- both supporting statements contained the same name and last name of the citizen;
- both supporting statements were certified by relevant bodies (one by a local self-government body and "duplicate" by the Basic Court in Obrenovac);

<sup>53</sup> This criminal offence is envisaged under Article 122 of the Criminal Code, and is punishable by a jail term of up to one year. Several days following the assault, the DS held a news conference in Krusevac, stressing that they have been informed by the police that the attackers have been identified, but that there is still no information from the relevant prosecutor's office.

<sup>54</sup> The statements in question were given in support of the Serbian Radical Party and the Socialist Party of Serbia.

- personal data of the person who signed supporting statements were noncorresponding, in this concrete case, ID card registration numbers differed.

The municipal election commission considered the complaint at its session on April 8, 2016. Based on minutes from the meeting, it is clear that the commission took the opinion that "the election commission and expert staff of the city municipal administration are not competent to conduct expertise of handwriting, signature or certification of the statement contested by the voter, which was certified by the Basic Court in Obrenovac.

Considering the massive number of counterfeit and forged supporting signatures of eligible voters in this electoral process, we encourage relevant bodies to look into this concrete case and establish how it was possible that two supporting statements containing identical data, but the ID card registration number, were certified by two different institutions, and also to establish whether there exist elements for criminal accountability.

## BOR

On a video, authenticity of which has not been verified, Bor Mayor Zivorad Petrovic threatened to sack public sector employees who do not attend a Serbian Progressive Party (SNS) rally, which represents a violation of several provisions of the Criminal Code and the Labor Law.<sup>55</sup>

## JAŠA TOMIĆ

During the election campaign, the CRTA-GnS was informed about vote-buying in the village of Jasa Tomic. On election day, April 24, the police, upon receiving a report, arrested a person who organized vote-buying outside of the premises of Male and Female Citizens of Serbia party, which constitutes a criminal offence, envisaged under Article 156 of the Criminal Code - bribery at elections.<sup>56</sup> Police officers in Secanj apprehended this person and held him/her in custody for 48 hours and filed a criminal report with the public Prosecutor's office in Zrenjanin<sup>57</sup> on April 25, 2016. The CRTA-GnS mission has been informed that the prosecutor's office on June 14, 2016, brought criminal charges before the Basic Court in Zrenjanin against the person identified

<sup>55</sup> This threat with dismissal, reportedly made by the Bor mayor, provides for pressing criminal charges of coercion, envisaged under Article 135 of the Criminal Code.

A person who induces another, under force or threat, to coerce that person to act, or not act in manner (he) otherwise would not, will be sanctioned with a jail term of up to three years.

Also, the Bor mayor committed the criminal offence of abuse of office, which is sanctioned under Article 359 of the Criminal Code.

A public official, who takes undue advantage of incumbency or by failing to discharge official duty procures any gain for them personally or some other physical person or legal entity, or inflicts damage or harm to another person or commits serious violations of the rights of another person, will be sanctioned by a jail term from six months to five years.

If established that this threat was made with the intent to compel public sector employees to vote in a particular way, the mayor could also face charges of violations of Article 155 of the Criminal Code, pertaining to the right to vote.

A person who induces another, under force or threat, to vote or not vote or vote in a particular way, or to abstain from voting, will be sanctioned with a jail term from three months to three years.

Such a threat constitutes a breach of the Law on Public Enterprises, with Article 70 being explicit that it is prohibited to use property, activities, name or visual identity of a public company in any activity related to political parties and election campaigns, as is any other use of public companies for political purposes.

In case a public sector employee is dismissed for not attending a political party rally, the responsible persons in those companies have breached Article 179 of the Labor Law, which is punishable by a fine ranging from RSD 800,000 to RSD 2 million.

<sup>56</sup> This criminal offence is punishable by a jail term of up to three years.

<sup>57</sup> The CRTA-GnS mission also obtained a statement in writing from the Zrenjanin police about the mentioned event.

only by the initials D.N. from Neuzina, for breaches of Article 156 of the Criminal Code - bribery at elections.<sup>58</sup> Before election day, on April 23, 2016, D.N. reportedly went to the nearby village of Jasa Tomic, offering to people RSD 1,000 in exchange for their vote for a party, of which he is a member.

## NOVI SAD

The CRTA-GnS mission has obtained information about alleged vote-buying in the predominantly Roma-populated Novi Sad's settlement of Banglades. According to unconfirmed reports, residents of this settlement received RSD 2,000 each to vote in a particular way. These allegations can be supported with the reports that a polling station in this settlement was closed as early as around the noon on election day as all registered voters had already cast ballots. The early closing of a polling station was also registered in Sangaj, another predominantly Roma-populated settlement in Novi Sad.

## HATE SPEECH

The use of hate speech in campaigning<sup>59</sup> was registered in several isolated cases by a number of political parties. The victims of hate speech were mainly political parties and their leaders and the former regime, but also members of ethnic and sexual minorities and representatives of the neighboring countries and NGOs.

The SRS was the party which most used hate speech in campaigning, targeting another party, sexual and/or gender minorities, foreign nationals, politicians of other countries, the NGO sector, NATO and the Hague tribunal (ICTY).

On several occasions, the Dveri-DSS coalition also used hate speech in its campaign, against sexual and/or gender minorities, the NGO sector and politicians of other countries.

Hate speech was also used by the SNS against other parties, targeting mainly representatives of the previous regime and its representatives and also some media outlets.

Also, the DS used hate speech against the Slovak national minority on one occasion.

## USE OF ADMINISTRATIVE RESOURCES IN CAMPAIGNING

The use of administrative resources for the ruling party needs is a common breach of election law and rules and is customary in a number of countries worldwide. From March 24 to April 23, 2016, the observation mission long-term observers also looked into potential misuse of administrative resources for campaigning. The observers particularly monitored:

- agitation for a certain political party;
- engagement in campaigning during working hours;

<sup>58</sup> [http://www.jasatomic.org/davao-po-hiljadarku-za-glasove/?utm\\_source=Viber&utm\\_medium=Chat&utm\\_campaign=Private](http://www.jasatomic.org/davao-po-hiljadarku-za-glasove/?utm_source=Viber&utm_medium=Chat&utm_campaign=Private)

<sup>59</sup> Hate speech is any speech that contains messages of hatred or intolerance against a racial, national, ethnic or religious community or its members. Also, hate speech is any speech that constitutes incitement to hatred or intolerance on the basis of gender or sexual orientation, as well as intolerance of different political and other opinion and of different ethnic and social background.



- offering financial or logistics support to a certain political party;
- campaigning in state-owned companies, institutions or universities;
- welfare initiatives and other forms of aid/grants to recruit voters from the targeted group to vote in a particular way;

Article 2 of the Law on the Anti-Corruption Agency prescribes that "an official cannot use administrative resources or gatherings he/she participates in or meetings he/she holds in official capacity, for promoting political parties, that is, political entities."

As prescribed by the Law on Financing Political Activities in the Republic of Serbia, it is prohibited to finance political entities from: public institutions, public enterprises, businesses and entrepreneurs providing services of general interest; institutions and companies with state ownership; other organizations of public authority; labor unions; associations and other non-profit organizations; churches and religious communities; lottery operators; importers, exporters and producers of commodities subject to excise tax. Article 70 of the Law on Public Enterprises in the part referring to the use of resources and activities for political purposes specifies: "It is prohibited to use property, activities, name or visual identity of a public enterprise in any activity related to political parties and election campaigning, as is any other use of public enterprises for political purposes. A public enterprise with no competition in the market in the activity of general interest cannot advertise without prior approval of its founder." Also, financing of political entities by legal entities or physical persons who carry out activity of general interest, under an agreement with the bodies of the Republic of Serbia, the autonomous province and local self-governments, or public services founded by them, is prohibited during contractual relationship and two years of its expiration.

The misuse of administrative resources is punishable by a fine ranging from RSD 200,000 to RSD 2 million.<sup>60</sup>



PICTURE 13 – BELGRADE MAYOR FEATURED IN POLITICAL PARTY'S PROMOTIONAL CLIP

Regardless of the above-mentioned legal framework in place, it is obvious that representatives of state bodies and local authorities campaigned for their respective political parties. A large number of such cases registered by the observation mission shows that officials took undue advantage of incumbency to engage in campaigning. The misuse of administrative resources primarily involved utilization of state symbols for party

<sup>60</sup> The Law on Financing Political Activities, Article 39.

purposes, launch of new welfare initiatives, provision of various services free of charge and rewards, and promotion of works carried out by public utility companies for political or campaign purposes.<sup>61</sup>

Such initiatives in campaigning were often said to be requested by citizens, that is, that the authorities were only fulfilling citizen requests. However, there was no petition or any other proof to substantiate the claims

that it was actually the citizens who had requested such initiatives.



PICTURE 14 – BLOOD PRESSURE & BLOOD SUGAR TESTING

The misuse of administrative resources unlevelled the playing field for contestants, giving undue advantage to then ruling parties, which is contrary to both, national legislation and international election standards and good practice.<sup>62</sup>

The Anti-Corruption Agency oversees the use of administrative resources in campaigning, but the agency's response mechanism, cannot be described as fully effective and efficient with regard to the outcome - the number of cases processed. The definition of "the use of administrative resources," applied by the Anti-Corruption Agency<sup>63</sup> is insufficient when compared with that formulated under international standards and good practice.<sup>64</sup> In addition, as prescribed by Article 29 of the Law on Financing Political Activities, "a political

<sup>61</sup> <https://www.facebook.com/events/1001744036572446/>,  
<http://vrcar.sns.org.rs/sites/vrcar.sns.org.rs/files/images/novosti/katalog-sns-vrcar-v2.pdf>,  
<https://www.facebook.com/events/1001744036572446>

<sup>62</sup> The Law on Financing Political Activities, Article 21.

<sup>63</sup> The Anti-Corruption Agency, *Report on campaign finance in first half of 2014*: "Most cases actually involve some sort of "collective" activity of a political entity and a public official, an institution and a public enterprise. Regardless of whether an event has been announced by a political entity or is "a coincidental meeting," this obvious bond between the authorities and a political entity for the purpose of promoting a political entity is not punishable under the Law on Financing Political Activities. Still, the question arises as to how certain activities of public enterprises and local self-government bodies can be justified and what benefits they produced in the campaign period, and also the related question concerning the expenditures and the use of administrative resources for conducting various activities during an election campaign,"  
<http://www.acas.rs/finansiranje-politickih-subjekata/?pismo=lat>

<sup>64</sup> Report on Misuse of Administrative Resources During Electoral Processes by European Commission for Democracy Throughout Law defines administrative resources as follows: "...human, financial, material, *in natura* and other immaterial resources enjoyed by both incumbents and civil servants in elections, deriving from their control over public sector stuff, finances and allocations, access to public facilities as well as resources enjoyed in the form of prestige or public presence

entity engaged in an election campaign is obliged to provide a campaign finance report to the agency, within 30 days of the announcement of the final election results." The law does not envisage election campaign monitoring or response to potential misuse, which considerably impacts the efficiency of the agency's work. Furthermore, there is no accessible information on whether the agency has filed any report on the misuse of administrative resources, and if yes, what the outcome is. According to a Transparency Serbia's report on election campaign observation, "a large number of allegations of the misuse of administrative resources in the previous elections were left undressed...The Prosecutor's office has not provided any information about investigation conducted to look into such reports in the previous elections, it has not instructed citizens on how to identify and report on potential misuse, nor has encouraged them to do so, which, according to Transparency Serbia, is necessary."<sup>65</sup>

The Law on Election of Representatives also prescribes an additional oversight mechanism,<sup>66</sup> which has never been applied in an electoral process. At the very beginning of the electoral process, the Electronic Media Regulatory Authority (REM)<sup>67</sup> requested that a supervisory board be formed. The request was submitted to parliament speaker Maja Gojkovic. The following day, Gojkovic sent a letter to parliamentary groups, instructing them to nominate candidates for a supervisory board. Nominations were submitted only by two parliamentary groups - the Socialist Party of Serbia (the United Serbia backed the SPS' candidates) and the Democratic Party. Neither the Government of Serbia, nor the parliamentary groups of the SVM, the SPO-DHSS, the SDA-PDD, the SDS-ZSS-ZS, the PUPS, the NS, the SDPS, the LSV and the SNS nominated any candidate, thereby breaching the Law on Election of Representatives and leaving yet another electoral process without a supervisory board.<sup>68</sup>

In previous year, there were also requests seeking the formation of a supervisory board, but there was no readiness to do so. For example, in April 2008, ahead of the parliamentary elections in May, the REC adopted a decision in a collegial manner to initiate the formation of a supervisory board with the Serbian Government and the National Assembly, but the initiative was not taken into consideration as then parliament was already dissolved. Also, in late November 2006 and ahead of the parliamentary elections in January 2007, the REC sought from the government to undertake urgent measures toward the setting up of a supervisory board. The government said that a supervisory board will be formed and that it will nominate its candidates for the board. However, a supervisory board yet again remained a mere proposal.

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that stem from their position as elected or public officers and which may turn into political endorsements or other forms of support", CDL-AD(2013)033, [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2013\)033-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2013)033-e)

<sup>65</sup> Transparency Serbia, Monitoring (campaign finance) in parliamentary, provincial and elections, summary, May 2016, <http://www.transparentnost.org.rs/index.php/sr/inicijative-i-analize-ts#a2016>

<sup>66</sup> The Law on Election of Representatives envisages that oversight of conduct of political parties, candidates and the media in carrying out of election is preformed by a supervisory board. In addition, the law envisages that a supervisory board comprises ten members, half of whom are appointed by the National Assembly of the Republic of Serbia at the proposal by the Government of the Republic of Serbia, and the other half by parliamentary groups in the National Assembly of the Republic of Serbia from the ranks of prominent public figures, under the condition that they are not members of any political party standing for election. A supervisory board chairperson is appointed among and by the board members by secret ballot. In addition, Article 100 of the law lays down the competences and operations of a supervisory board. Provisions of the law envisaging the formation of a supervisory board have been disregarded since 2000, when it was last formed.

<sup>67</sup> <http://www.politika.rs/sr/clanak/349833/Politika/Ne-moc-nadzornog-odbora>.

<sup>68</sup> [http://www.transparentnost.org.rs/images/dokumenti\\_uz\\_vesti/Funkcionerska\\_kampanja\\_2016\\_izve%C5%A1taj\\_maj\\_2016.pdf](http://www.transparentnost.org.rs/images/dokumenti_uz_vesti/Funkcionerska_kampanja_2016_izve%C5%A1taj_maj_2016.pdf)

## CAMPAIGN SILENCE

Campaign silence is primarily regulated under Article 5, Paragraph 3 of the Law on Election of Representatives, which prescribes the following: campaigning through mass media and public gatherings and political forecasting is prohibited 48 hours prior to election day and on election day until the closing of polls.

In addition, Article 4, Paragraph 4 of the Rulebook on Obligations of Media Service Providers during Election Campaigns stipulates that election silence shall be observed. It is prohibited to air election-related program 48 prior to and on election day until the closing of polls. Article 4, Paragraph 5 of the rulebook envisages the exceptions in the election silence period. Exemptions to the Paragraph 4 stipulate that media service providers can distribute information related to the ongoing elections (i.e. data on voter turnout, atmosphere at polls, electoral assembly sessions and similar).

Citizen reports of breaches in the campaign silence period mainly concerned activities that do not constitute a breach in the blackout period (distribution of leaflets in postal boxes, SMS messaging, door-door campaigning, telephone calls and plastering posters).

## MEDIA COVERAGE

Having regard to the significant role media play in an election campaign, it is of extreme importance that all contestants enjoy equal media coverage to ensure that citizens are informed about all political choices.

From March 26 to April 24, the CRTA-GnS observation mission monitored editorials and front pages of eight daily and three weekly newspapers and within the field of broadcast media, it focused on morning programs of two nationwide broadcasters, the national Radio Television of Serbia (RTS) and TV Pink, and regional cable channel N1. The mission analyzed the segments of morning programs which were directly or indirectly related to the elections.

A methodology applied locally, was different from that at the national level, which monitored airtime provided to all contestants. At the local level, long-term observers monitored whether contestants have complained on denied or unequal coverage of some media outlets and potential bonds between local media outlets and certain political parties or candidates.

## NATIONWIDE MEDIA MONITORING

Within the field of print media, observers monitored front pages and editorials of eight dailies (Politika, Danas, Vecernje Novosti, Blic, Alo, Informer, Kurir and Telegraf) and three weeklies (NIN, Vreme and Nedeljnik).

**Front pages of daily & weekly newspapers** is what first catches the eye of readers, but also of those who do not read the newspapers, as they cannot but notice them at corner shops or in the hands of other people in cafes and restaurants, etc. People featured on front pages, with the very appearance send across the message of their presence, importance and respectability. On the other hand, potential unbalanced presence of politicians on cover pages is a message in itself.

The 29-day monitoring front pages of dailies and weeklies primarily showed unbalanced appearance of major political stakeholders. Of a total of 223 front pages monitored, 35 were not election-related nor did they feature any politician. Of the remaining 188 front pages, SNS leader Aleksandar Vucic appeared on 74, or 33% of front pages monitored, and 39% of those featuring politicians.

With election day nearing, Vucic's presence on front pages was increasing. In the first week of monitoring, Aleksandar Vucic was featured on 17 front pages, during the second week, 11, while during the final two weeks he appeared on 44 front pages, an increase of 36% from the first two weeks.

In most cases, Aleksandar Vucic was not featured on front pages as the SNS leader. Even in cases when his statements were related to the elections, he was presented either as outgoing prime minister or by his personal name. It is why Vucic's appearances in the capacity of outgoing prime minister (ground-breaking ceremonies for various infrastructure projects and similar) should be interpreted as his appearances in campaigning.

In a single week, Serbia's candidate for the position of UN secretary-general, Vuk Jeremic, made 7 front pages, of which only two did not feature Aleksandar Vucic, with Jeremic's candidacy presented as a victory or nothing but a good move by Vucic.

In the blackout period, Aleksandar Vucic appeared on two more front pages (not included in the abovementioned figures). In these cases, he was featured in the capacity of outgoing prime minister: one time to voice his opposition to alleged Croatia's ultimatums to Serbia on its EU accession path, and the other time to demand that the name of the person who had murdered singer Jelena Marjanovic be unveiled the day after the elections.

Ivica Dacic was featured on a total of 27 front pages, but not in the capacity of outgoing foreign minister, but Socialist Party of Serbia (SPS) leader. Most of his front pages concerned a falling-out with the SNS. In the week prior to the breakout of the conflict, Dacic was featured on two front pages, and during the week of intense strife, 11.

Serbian Radical Party (SRS) leader Vojislav Seselj also made a large number of front pages, but mainly in the week when the Hague-based International Criminal Tribunal for the Former Yugoslavia (ICTY) announced it has decided to provisionally release him. In that week, he appeared on 16 front pages, and on a total of eight over the next three weeks.

With the election campaign progressing and the number of new construction sites growing, Belgrade Mayor Sinisa Mali started to make front pages, a total of six.

Other outgoing cabinet ministers made an insignificant number of front pages, one or two, excluding outgoing construction, transportation and infrastructure minister Zorana Mihajlovic, who was featured eight times on front pages.

Opposition leaders also rarely appeared on front pages, but Democratic Party leader Bojan Pajtic, who made 14 front pages. On four, he was featured in a neutral light (media quoting his statements), and on 10 in a negative context, while he was never featured in a positive light. Very few front pages were made by other opposition leaders: Serbia's Left leader Borko Stefanovic and Democratic Party of Serbia (DSS) leader Sanda Raskovic - Ivic, four each, DS official Dragan Sutanovac, six, Enough Is Enough leader Sasa Radulovic, five and Dveri movement leader Bosko Obradovic, three.

It is important to note that during the monitored period, the largest number of front pages featured no politician, but a singer murdered in Belgrade. This case absorbed the attention of the newspapers, which raises concerns about true reasons behind such media coverage, that is, whether there was the intention to divert public attention from the elections and the real problems of citizens.

**Editorials in dailies & weeklies** have always been considered as an important indicator of a media outlet's editorial policy, particularly in an election campaign. It is this opinion piece which reveals the general policy of



a media outlet and its potential political allegiance. Also, topics addressed by editorials may subtly involve readers in the discourse promoted by that media outlet.

During the entire election campaign, one third of editorials and editorial comments directly or indirectly concerned the elections, with 55 of 147 analyzed editorials, dealing with election-related topics.

In most cases, these topics did not address the matters of immediate concern of citizens - electoral process, choices, messages, promises and similar, rather focusing on election combinatorics, and assumptions about potential impact of the current affairs on the outcome.

The monitored editorials mainly dealt with the provisional release of Vojislav Seselj from the Hague detention unit, his relations with Aleksandar Vucic and his possible seat in a future cabinet, while one addressed the announcement by Interior Minister Nebojsa Stefanovic that polls will be supervised by the police (most probably by plainclothes police officers). Several editorials addressed forged supporting signatures and alleged involvement of singer Maja Nikolic in this affair, while the attention was also paid to assaults on party members on the street and the conduct of DS leader Bojan Pajtic. Only one editorial tackled the statement by Aleksandar Vucic saying that he could be defeated in the elections, despite all relevant public polls indicating a landslide victory of his camp. This editorial, published in daily Danas, expressed the opinion that by saying so, Vucic actually wanted to recruit voters to go to the polls and vote for him.

Of eight monitored dailies, only Informer openly championed the policy of then caretaker government and Aleksandar Vucic - both in its editorials and election-related articles. As for monitored weeklies, all three were rather critical of Aleksandar Vucic, with Nedeljnik taking the most direct stance.

Rather neutral print media coverage, coupled with little interest of their columnists and editors in the electoral process, speak in favor of the theory that the outcome was anticipated by the many and that these elections were not perceived as something that could bring about dramatic changes in Serbia.

**Morning programs** over the past few years have grown in popularity with TV viewership and statements made in this TV programs are often repeated in the news programs throughout the day, communicated through social networks and cited in print media. On the other hand, these programs do not fall under "prime time programs," which is often under close scrutiny of media monitoring, which is why content promoted and subtle messages communicated in this sort of program are missed by conventional media monitoring.

Although morning programs, particularly segments devoted to flipping through daily press, traditionally provide for guests, in most cases journalist and publicists, to present critical views and make comments freely, it was not the case in this election campaign. In this context, a difference was observed between RTS and TV Pink on one, and TV N1 on the other side: while TV N1 opened up its studio for all contestants, journalists of all media outlets and comments on the elections and campaigning, RTS and TV Pink were carefully choosing their guests, focusing the attention on topics unrelated to the elections.

As the campaign was progressing, TV Pink was inviting a fewer number of journalists to flip through the dailies in its morning program, while RTS mainly hosted in-house journalists. During the first two weeks of campaigning, while journalists were still guests in this program, this trend could be predicted.

From March 26 to April 11, of 16 guests on TV Pink, only four were journalists. In the same period, of 17 guests who appeared on RTS, 12 were journalists, but mainly from media outlets not dealing with politics. Other guests included analysts who are perceived as "pro-government" or shyly neutral.

TV N1 was more open to hosting various guests, including Zeljko Bodrozic, editor of Kikinda weekly Kikindske Novine, who has for long received no invitation from any nationwide TV channel due to his political stands.

Accordingly, topics addressed in morning programs concerned the current affairs, keeping a safe distance from the elections. Even when guests were figures relevant to comment on election-related topics, the discussion would be redirected to another topic.<sup>69</sup>

In the final two weeks of campaigning, TV N1 and TV Pink provided special airtime to contestants to present their platforms. These programs also showed differences in the approach to guests: while journalists of TV N1 were sharp and critical with all guests, TV Pink's journalists openly sided with then ruling coalition,<sup>70</sup> while being rather critical of few guests from the opposition ranks.

In the pre-election period, CRTA-GnS observers registered complaints of political parties on unequal media coverage, both nationally and locally. Complaints were mainly filed by opposition parties. Such complaints were not characteristic for a certain region, but were rather widespread and came from all across Serbia.

Complaints on unequal media coverage were registered at the national level, but also in the municipalities of Belgrade, and the districts of Central Banat, Podunavlje, Branicevo, South Backa and Rasina.<sup>71</sup>

Bonds between local media outlets and certain political parties or candidates were registered in municipalities of nine districts. Such cases cannot be attributed to a particular region as they were registered in all parts of Serbia. As regards the ownership structures in local media outlets, most are brought in connection with the SNS, the SPS, the DS, the SRS and the LSV.<sup>72</sup>

<sup>69</sup> For example, when RTS' guests were editors of respected newspapers specializing in economic and business, topics addressed included: 1. Gas and oil price cuts, employment with foreign investors, (free zones), talks in Kragujevac about a new Fiat model; 2. The government accepts a Chinese company's offer for the Smederevo steel maker Zelezara, the Panama papers, shorter working hours, Athens-IMF-WikiLeaks, bailout for Greece. There was no word about pensions, public sector layoffs, consumer basket price index, living standard, loans or other topics directly affecting citizens. Apart from the Smederevo steel maker, none of the topics addressed actually concerned the elections.

<sup>70</sup> Airtime TV Pink provided to **Aleksandar Vucic was considerably longer than to other contestants (even broadcast time was changed), while the host's questions were formulated only to promote him.**

<sup>71</sup> The Democratic Party, the Social Democratic Party and the Dveri movement complained on unequal airtime on all nationwide TV channels; The Democratic Party also complained to the Electronic Media Regulatory Authority (REM), insisting that the Serbian Progressive Party (SNS) enjoyed more media coverage in disproportion to other political parties, primarily the opposition parties; A representative of party list Enough Is Enough - Sasa Radulovic claimed that he has written to RTS requesting commercial time, but has never received an answer; The Serbian Radical Party (SRS) complained that the Radio Television Vojvodina has no coverage of their campaigning; The Green Party in Lazarevac was dissatisfied with the airtime which TV channels are obliged to provide for all, on an equal basis; The League of Social Democrats of Vojvodina and Enough Is Enough complained on the Zrenjanin weekly Zrenjanin over unequal treatment and unequal coverage; The Socialist Party of Serbia (SPS) Aleksinac chapter complained about partisan media coverage of the ruling Movement for Zupa (program titled "Zupska Hronika (Zupa's chronicles)" aired on local RT Krusevac ); At a protest rally in Krusevac on April 15, 2016, local chapters of opposition parties - the DS, the SRS, the Dveri, Serbia's Left and the People's Movement of Serbia complained that there was not enough or any airtime available at local TV channels; Enough Is Enough complained that it could not obtain commercial time on Novi Becej portal Novobecejski Informator.

<sup>72</sup> Zrenjanin television channel KTV General Manager Danica Radic was found to be a relative of SRS candidate Danijel Radic; At the helm of Novi Becej portal Novobecejski Informator is Nevena Subotic, a member of the LSV; The owner of local TV Pancevo is brought in connection with the SNS; Smederevo local channel, Nezavisna RTV Super, which broadcasts online and through cable operators, promoted DS candidate Andreja Pavlovic; Nase Novine, local newspaper in Smederevo ruled by the SNS, received considerable funds from the city budget and promoted the SNS and the mayor; The owner of radio station Boom 93 is brought in connection with the DS; Portal KGinfo.rs is owned by Nikola Urosevic who is brought in connection with the local coalition of the Serbian Renewal Movement (SPO) and the Liberal Democratic Party (LDP); RTK is owned by Radoica Milosavljevic, who is favoring the SNS. He also owns another eight local media outlets; The Nis TV Zona is owned by Bratislav Gasic, a member of the SNS Presidency; RTV Spektri in Bujanovac is brought in connection with the Party of Democratic Action of Nagip Arifi; Novi Sad's TV MOST is brought in connection with the SPS. The editor-in-chief of



## ELECTION DAY - APRIL 24

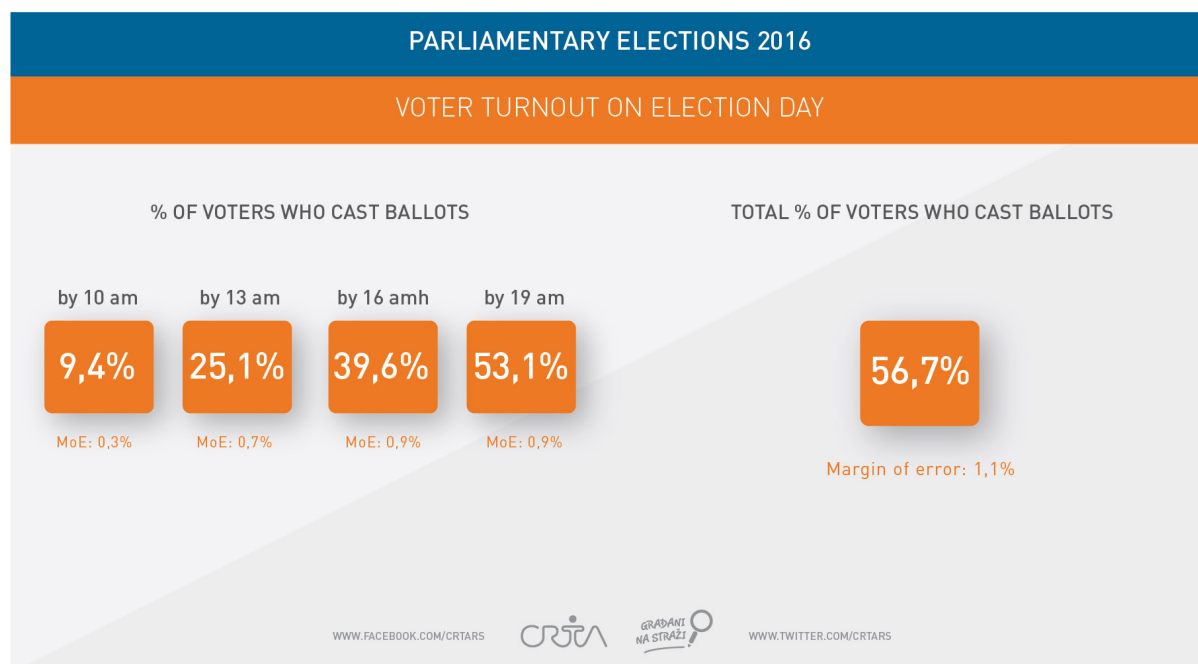
On election day, the mission observed the quality of voting process at 450 polling stations. Observers monitored crucial aspects of voting procedures in relation to the opening of polls, voting process, the closing of polling stations and vote counting. Observers were present at polls from the preparations to open polls until polling boards announced results for their respective polls, which ensured inclusive and comprehensive observing of election day at polls.

Based on information collected from observers, voting procedures on polling day in Serbia proceeded without major problems. However, a series of incidents, omissions and irregularities were reported at 4% of polls, which, by previous experience, could not have impacted the integrity of the outcome. However, such irregularities, bearing in mind official preliminary results released by the REC,<sup>73</sup> by their nature and volume could have affected the parties which were close of reaching the threshold. These irregularities exhibit serious and concerning disrespect of the legal framework governing the electoral process in Serbia.

## VOTER TURNOUT &amp; RESULTS BY CRTA-GNS

According to the REC's decision on determining and pronouncing the final number of eligible voters in the Republic of Serbia, adopted at its 115th session on April 22, 2016, the final number of eligible voters for the entire territory of the Republic of Serbia as of April 21, 2016, was 6,739,441 voters at 8,377 polling stations.

Based on the results from 450 polling stations in the early parliamentary elections, held on April 24, 2016, the turnout was 56.7%, with the margin of error +/- 0.9%, or 188,206 voters more than in the 2014 elections.



Odzaci info center is brought in connection with the SNS; The editor of RTV Pancevo is the chief of the SNS' Pancevo chapter information committee; The editor of portal pancevo.mojkraj.rs was a candidate on the Social Democratic Party (SDS) party list for local elections in Pancevo; Top person at Nova Televizija Novi Becej is a member of the LSV; In the Srem district, most local media outlets are connected with the authorities as they are funded by public companies: weeklies Sremske Novine and M Novine, portal Mitrovica.info and TV channel Sremska TV.

<sup>73</sup> [http://www.REC.parlament.gov.rs/doc/izbori-2016/Tabela1\\_privremena\\_bez\\_mandata.pdf](http://www.REC.parlament.gov.rs/doc/izbori-2016/Tabela1_privremena_bez_mandata.pdf)

Voter turnout in elections held from 2000 to 2012 did not report much fluctuation, with an average of 3,948,221 voters. In 2014, 3,590,717 voters cast ballots, 350,000 fewer than in 2000.

The number of invalid ballots, thereby the number of "protest or white votes," was 2,993 fewer than in 2014, consequently resulting in 191,199 more valid ballots than in the 2014 elections.<sup>74</sup>

## OPENING OF POLLS

The opening of polls in the early parliamentary elections in Serbia proceeded mainly in accordance with the law, with irregularities registered at several polls.

Of total polls, 82% opened on time, 7% before and 11% after the scheduled opening hour. Late opening of polls was recorded in Belgrade and southern Serbia, and early opening in western and central Serbia.

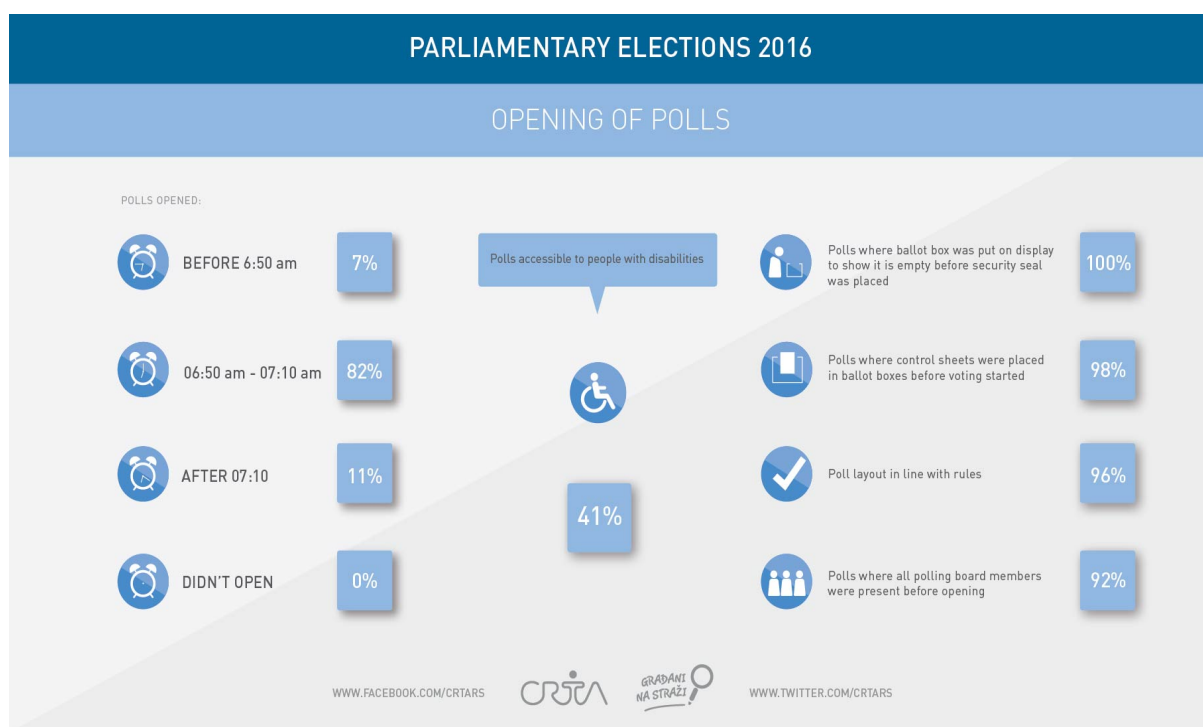
At almost all polls (99,8%), the ballot boxes were empty before security seal was placed, control sheets were not placed in the boxes before security seals were placed in 2%, mainly in southern Serbia, while layout was improper at 4% of polls. Also, PB protocols at 4% of polls did not contain all PB activities, mainly in eastern Serbia. At 8% of polls, not all PB permanent members were present at the opening, mainly in eastern and western parts of Serbia.

Serious irregularities during the opening, such as inappropriate layout and uncounted ballots before the opening, were registered at 1% of the polling stations. Also, there were reports of campaigning within 50 meters of polls.

59% of polls is not accessible to persons with disabilities.

All the abovementioned irregularities concerned isolated cases and cannot be described as a trend.

<sup>74</sup> Protest or white votes were calculated as a difference between the number of invalid ballots per an election and the arithmetic mean of the number of invalid ballots in 2003 and 2007, when the number of such ballots was the smallest (the arithmetic mean of invalid ballots in elections when their number was smallest, was taken as a realistic number of voters who without particular intention make their ballot invalid).



## VOTING PROCESS

At 96% of polling stations, voting procedures were conducted in accordance with established procedures for carrying out of election and guidelines for polling boards. Also, almost all voters who needed assistance to vote were provided so by polling boards. Apart from two isolated cases of persons being temporarily removed from the premises, CRTA-GnS observers did not report any other problems with accessing or observing polls.

However, on election day, a whole range of incidents, omissions and irregularities was registered, which exhibit flagrant violations of the inalienable right to vote and the principle "one voter - one vote," as well as of voter identification procedures. **At 4% of polls, observers recorded serious irregularities**, such as casting ballots without prior identification of voters, casting ballots by voters who have already voted elsewhere, (invisible ink mark on voters' hands), UV lamps to check against multiple voting were not used, taking pictures of ballots and campaigning within 50 meters of polls.

At 3.8% of polls, a considerable number of voters were allowed to cast ballots without presenting valid personal identification documents. Similar cases were reported in an additional 6% of polls, but to a lesser extent. These cases were mainly registered in eastern and southern parts of Serbia.

At 3.3% of polls, some voters were allowed to cast ballots although not registered in voter lists. The number of such cases was equally present throughout Serbia.

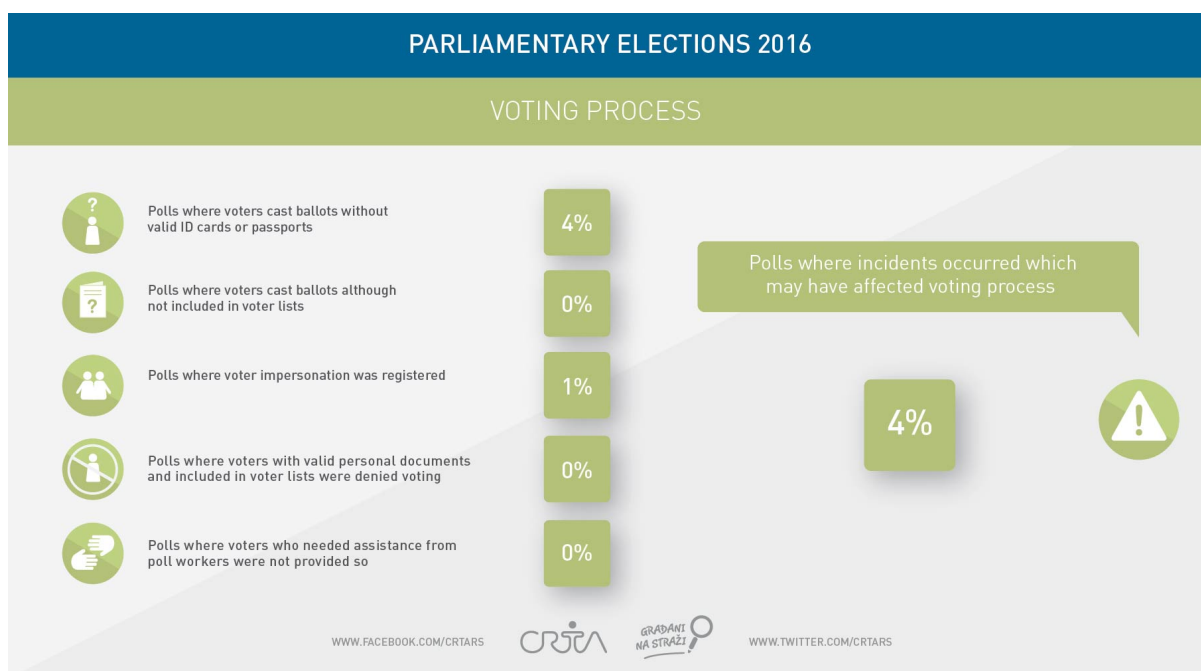
There were also a few cases that voters with valid personal identification documents and included in voter lists were not allowed to cast ballots. However, the number of these cases cannot be considered as statistically relevant data.

At 39% of polls, some voters were not included in voter lists. In addition, on election day, the observation mission was addressed by a large of citizens claiming that they could not vote as they were missing from voter

lists and insisting that before arriving at their respective polls they have confirmed their enrollment in the voter register (through an electronic database available on the Public Administration and Local Self-Government Ministry's website). Subsequently, the observation mission looked into these reports through its network of observers at polls. Based on the information from observers, at 20% of polls, voters claimed that before arriving at polls they had confirmed their enrollment in the voter register through an electronic database available on the website of the Public Administration and Local Self-Government Ministry, but were not included in voter lists. A total number of such cases registered by observers concerned 0.32% of voters registered in the voter register. This problem implies serious deficiencies in the voter register, its administration and updating.

Also registered were cases of party activists appearing near polls, holding lists of voters to in collaboration with polling boards cross-check whether their core voters have cast ballots. In addition, mobile teams registered cases of political parties sending their representatives to home addresses of some citizens to check whether they have voted. There was a case of a female person, who identified herself as a member of the Roma party, standing outside a poll and holding a list of some 100 persons, checking who has voted. PB members called the police.

There was also a case of a stolen ballot and an attempt to vote using a fake ballot.



## CLOSING OF POLLS & VOTE COUNTING

The closing of polls in the early parliamentary elections in Serbia proceeded generally in accordance with the law, without major irregularities.

At 14% of polls, voters stayed after 8 pm, but only at 8% of polls, voters were allowed to cast ballots after 8 pm.

At 2% of polls, mainly in eastern Serbia, unauthorized persons were present at one time. Also, at 2% of polls, complaints were filed to polling boards.

The mission's observers did not register the presence of the police at polls, or any other major problems during the closing of polls.

### ARRIVAL OF OPPOSITION LEADERS ON REC'S PREMISES

After polls closed at 8 pm, the REC, as previously planned, should have released first preliminary results at 10 pm. As the REC released no information more than four hours into the closing of polls, concerns raised among opposition parties about the integrity of the elections. Consequently, at the initiative of the Democratic Party (DS), opposition parties decided to hold an urgent meeting shortly before the midnight. As no results were still being released by the REC, while results for local elections have been counted and announced for certain polls, opposition leaders decided to go the REC's premises and oversee vote counting process.<sup>[75]</sup> Finally, half past midnight, the REC released preliminary results, but only for 27.25% of polls. This delayed release of preliminary results, the REC president explained with the REC's decision not to go public with results before it has votes counted for at least 30% of polls, adding that vote counting was extremely slow as the elections were held at several levels in parallel.<sup>[76]</sup>

After all problems with vote counting, during election night and early morning on April 25, the REC held another five news conferences to communicate preliminary results. Opposition representatives were enabled to watch tabulation process live via the Statistics Office web application, in the National Assembly hall. At its last news conference, held at 11 am on April 25, the REC had votes counted for 97.46% of polls. After the news conference, the REC held a session, at which most political parties demanded scrutiny of election materials and PB protocols. The REC enabled scrutiny.<sup>[77]</sup> Another reason to doubt the integrity of the elections, as cited by opposition representatives, was that on April 25, the screen put up in the National Assembly hall, displayed that the REC has counted votes from 98.56% of polls, while according to a statement on April 26, the REC has counted votes from 98.04% of polls. The Statistics Office representatives reasoned this error with a difference that existed between the web application which displayed results in the National Assembly's hall and the data contained in the office's report, which was based on tabulation of PB result protocols.<sup>78</sup>

### ELECTION DAY INCIDENTS

The CRTA-GnS observation mission was receiving from its observers at polls information about incidents - breaches of voting procedure. Below is a list of most relevant/important election day incidents. All facts listed below were personally observed and recorded by the mission's accredited observers and verified in interviews with the observation mission election team.

#### 1. Polling station: 4, Backa Palanka, Elementary school Desanka Maksimovic

Type of incident: Undue influence, vote-buying, breaches of the secrecy of the vote, inadequate layout

Description: A person spent a whole day in a car, in close proximity of the poll. That person was observing who was going to the polls. On several occasions, without an invitation or authorization, the person would enter the polling station, calling his controllers, and the polling board chairperson and approaching voting screens while voters were balloting, which was not recorded or complained on. In addition, around 7 pm, the same person drove an elderly person, saying that he was her chaperone, signed the voter list instead of her, voted

<sup>75</sup> Source N1: <http://archive.is/Ei24L>

<sup>76</sup> The REC said that at 10 pm it had votes counted only from 12% of polls (source: REC: <http://archive.is/De1Ct>)

<sup>77</sup> Source N1: <http://archive.is/9y7Wt>

<sup>78</sup> Source N1: <http://archive.is/8uHsG>

instead of her and placed the ballot in the box instead of her. On several occasions, more than one voter was behind voting screen. The polling board vice chairwoman told the mission's observer that she personally saw polling members indicating to voters who to vote for while handing them ballots, and that she also witnessed vote buying. She said that she will not sign to authorize the protocol and will list all these irregularities. The observer also overheard voters talking how one person gave RSD 2,000 to another to vote in a particular way. The conversation and statement about vote buying were reported to the PB members, but they did not react.<sup>79</sup>

## 2. Polling station: 176, Novi Sad, Technical school Mileva Maric Ajnstajn

Type of incident: Photographing ballot papers

Description: According to a CRTA-GnS accredited observer, ballots were photographed behind voting screens. Although this was repeated on several occasions, the polling board members did not react.

## 3. Polling station: 103, Novi Sad, Elementary school Ivan Gundulic

Type of incident: Taking pictures of ballot papers

Description: According to a CRTA-GnS accredited observer, one voter photographed his/her ballot paper behind voting screen. Having noticed this, the polling board members reacted, after which the voter started protesting and arguing and the polling board called the police. This irregularity was included in the PB protocol.

## 4. Polling station: 4, Merosina, New School, Balajnac

Type of incident: Voter(s) not identified

Description: According to a CRTA-GnS accredited observer, the polling board members did not use UV lamp or invisible ink, nor did they request from voters to present their personal identification documents to verify their identity. Multiple voting was also registered. This constitutes a breach of Article 157 of the Criminal Code, which is punishable with a jail term of up to two years.<sup>80</sup>

## 5. Polling station: 19, Loznica, Culture Hall, Gornja Sipulja

Type of incident: Voter(s) not identified

Description: According to a CRTA-GnS accredited observer, the polling board members did not use UV lamp, nor did they request from voters to present their personal identification documents to verify their identity.

<sup>79</sup> The described event contains elements of the criminal offence of "bribery at elections," Article 156, Paragraphs 1 and 2 of the Criminal Code: *(1) A person who offers, gives or promises a reward, bounty or any other inducement to another to vote or not vote or vote in a particular way, or to abstain from voting, will face criminal penalties, including a fine or a jail term of up to three years.*

*(2) Penalties prescribed under Paragraph 1 of this article, will be applicable also to a person who requests or receives a reward or any other inducement to vote or not vote or vote in a particular way, or to abstain from voting.*

<sup>80</sup> "A person who in an election or in a referendum votes as someone else or votes more than once (multiple voting) at a polling station, or uses more than one ballot paper, will face criminal penalties, including a fine or up to one year in prison." A PB member who enables another person to commit a criminal offence laid down in Paragraph 1 of this Article will face criminal penalties, including a fine or a jail term of up to two years. Also, these activities may lead to discrepancies in PB result protocols and eventually to calling for repeat voting.

**6. Polling stations: 24, Malo Crnice, Elementary school, Toponica**

Type of incident: Voter(s) not identified

Description: According to a CRTA-GnS accredited observer, the polling board members did not use UV lamp, nor did they request from voters to present their personal identification documents to verify their identity.

**7. Polling station: 89, Zemun, Elementary school Bosko Palkovljevic Pinki**

Type of incident: Voting procedure irregularities

Description: According to a CRTA-GnS accredited observer, six types of irregularities were registered, including voting without personal identification documents, which voters are required by the law to present to be able to cast ballots (valid personal ID card, passport, driver's license) and use of cell phones by the polling board members.

**8. Polling station: 63, Pancevo, Elementary school Jovan Jovanovic Zmaj**

Type of incident: Undue influence

Description: According to a CRTA-GnS accredited observer, a female was noticed outside of the poll, holding a list of some 100 names, checking against who has voted. She presented herself as a member of the Roma community. The polling board members called the police. After being warned, she moved away to a nearby park, but continued the activity. This form of undue influence represents a breach of the Law on Election of Representatives. In such cases, the law is very clear considering that voting is a private matter, stipulating that the polling board shall be disbanded and repeat voting ordered at that polling station (Article 55). Also, such activity may lead to a potential breach of Articles 155 and 156 of the Criminal Code, which is punishable by a jail term of up to three years.<sup>81</sup>

**9. Polling stations: 28, Obrenovac, New elementary school, Baric**

Type of incident: Ballot theft and attempted voting using fake ballot

Description: According to a CRTA-GnS accredited observer, a voter attempted to cast a fake ballot, but was thwarted; a ballot paper had been stolen from another voter. The person in question fled the polling premise.<sup>82</sup> The polling board did not react.

**10. Polling station: 24, Golubac, Culture Hall, Branicevo**

Type of incident: Voter(s) not identified

<sup>81</sup> A person who induces another, under force or threat, to vote or not vote or vote in a particular way, or to abstain from voting, will be sanctioned with a jail term from three months to three years. A person who offers, gives or promises a reward, bounty or any other inducement to a voter in order to induce the latter to vote or not vote or vote in a particular way, or to abstain from voting will face criminal penalties, including a fine or a jail term of up to three years. Penalties prescribed under Paragraph 1 of this Article will be applicable also to a person who requests or receives a bounty or any other inducement to vote or not vote or vote in a particular way, or to abstain from voting.

<sup>82</sup> The described situation contains elements of the criminal offence of counterfeiting personal documents, which is punishable under Article 355 of the Criminal Procedure Code. (1) "One who counterfeits or alters a valid identification document with the intention to use that document as valid or to use counterfeit or altered document as valid or procures it for further use, will face a jail term of up to three years. (2) If the act contained in Paragraph 1 of this Article concerns a public document, will and testament, bill of exchange, check or order book official or any other book that has to be kept under the law, the perpetrator will face a prison sentence from three months to five years."



Description: According to a CRTA-GnS accredited observer, 9 incidents were recorded at this polling station: taking picture of the ballot box, breaches of the secrecy of the vote, polling board members did non-use of invisible ink and insufficiently used UV lamp check to verify voters' identity. Without the use of UV lamp and invisible ink to verify the identity of voters it cannot be checked against multiple voting, which may lead to a breach of Article 157 of the Criminal Code, which is punishable with up to two years in prison.<sup>83</sup>

#### 11. Polling station: 44, Uzice, Local community premises, Bela Zemlja

Type of incident: PB member is in conflict of interest - PB member is concurrently candidate in local elections

Description: According to a CRTA-GnS accredited observer, a member of the polling board at this polling station was concurrently a candidate in local elections. Article 12 of the Law on Local Elections prescribes that office of election administration officials and their deputies ceases once they decide to stand for election. Considering that Article 11 of the Law on Local Elections stipulates that election administration consists of election commissions and polling boards, in this case, a candidate in local elections must not be a member of a polling board. However, considering the fact that these elections were held on several levels in parallel, it is possible that the person in question was a member of the polling board permanent composition, set up in accordance with the Law on Election of Representatives.

This possible correlation between different competences of polling boards and candidacies in elections at various levels is not envisaged under the said laws. It is why this situation is possible, but one should bear in mind potential influence a polling board member could have on other polling board members and also that it is not possible to have judicial and executive powers unseparated.

#### 12. Polling station: 15, Srbobran, Elementary school Jovan Jovanovic Zmaj

Type of incident: Unknown persons request insight into who has voted and voter list

Description: According to a CRTA-GnS accredited observer, two persons appeared at the polling station, presenting themselves as members of permanent and extended members of another polling board. They demanded inspection of the voter list and were giving some instructions to the polling board members. This situation involves the presence of unauthorized persons inside polling premises. In this case, Article 58 of the Law on Election of Representatives clearly stipulates that if a person with no rights or duties related to the conduct of election stays longer inside the polling premise, a complaint may be filed to the REC, which shall in due process decide on whether to order repeat voting at that polling station.

#### 13. Polling station: 45, Zrenjanin

Type of incident: Control sheet missing in ballot box for parliamentary elections

Description: According to a CRTA-GnS accredited observer, two control sheets were placed in the ballot box for local elections. It was established that two control sheets were by mistake inserted in the ballot box for local elections, which left the ballot box for parliamentary elections with no control sheet. The failure to insert a control sheet in the appropriate ballot box constitutes a breach of Article 67 of the Law on Election of Representatives. In the event of a breach of Article 67 of this Law, repeat voting shall be ordered at that polling station.

<sup>83</sup> A person who in an election or in a referendum votes as someone else or votes more than once (multiple voting) at a polling station, or uses more than one ballot paper, will face criminal penalties, including a fine or up to one year in prison." A PB member who procures to another to commit the criminal offence laid down in Paragraph 1 of this article will face criminal penalties, including a fine or a jail term of up to two years. Also, the absence of these activities may lead to discrepancies in PB result protocols and eventually to calling for repeat voting.

**14. Polling station: 84, Novi Sad**

Type of incident: Undue influence

Description: According to a CRTA-GnS accredited observer, two vehicles with Belgrade plates and two persons near the polling station were spotted. Quickly, the number increased five-fold. Ten persons took position in the hall and outside of the polling premise with the intention to keep track of who has voted... One of them was slightly intoxicated. Two incidents occurred at this polling station. By keeping track of who has voted, one may exert indirect pressure on undecided voters or run checking of "certain votes." These unlawful activities are set out primarily in Articles 155 and 156 of the Criminal Code, and are punishable with a jail term of up to three years.

**15. Polling station: 16, Zemun**

Type of incident: Taking picture of ballot paper

Description: According to a CRTA-GnS accredited observer, a picture was taken with a cell phone behind voting screen. Under Article 55 of the Law on Election of Representatives it is prohibited to use pagers, cell phones and other communication devices. The use of cell phones and other communication devices, as well as cameras and video cameras is also prohibited under guidelines for polling boards.

**16. Polling station: 6, Sabac**

Type of incident: Undue influence

Description: According to a CRTA-GnS accredited observer, people holding lists and orange folders, spent the whole day around or outside the polling premise, checking in which way voters voted. The observer registered eight incidents at this polling station. The severest incident involved the presence of unknown persons holding lists in the vicinity of the polling premise. This sort of pressure on voters constitutes a breach of the Law on Election of Representatives. In such cases, the law is very clear considering that voting is a private matter, stipulating that the polling board shall be disbanded and repeat voting ordered at the polling station (Article 55). Also, keeping track of voters can potentially lead to breaches of Articles 155 and 156 of the Criminal Code, which are punishable with a jail term of up to three years.<sup>84</sup>

**17. Polling station: 56, Smederevo**

Type of incident: Voter(s) not identified

Description: According to a CRTA-GnS accredited observer, four incidents were registered at this polling station. Two incidents concerned breaches of the secrecy of the vote and two voting without verification of voter identity. As prescribed by the Law on Election of Representatives and guidelines for polling boards (Article 68 of this Law), a voter may cast ballots only after his/her identity has been verified by presenting a valid identification document containing a unique personal identification number (JMBG) and personal photo. Once the identity is verified, a polling board circles the voter's registration number in the voter list and gives instructions for voting. If a polling board allows a voter to proceed with voting without prior verification of the identity, it may allow for voter impersonation and multiple voting. Such abuse of voting procedures is contained in Article 157 of the Criminal Code, envisaging criminal penalties, including a fine or a prison

<sup>84</sup> A person who induces another, under force or threat, to compel that person to vote or not vote or vote in a particular way, or to abstain from voting will be sanctioned with a jail term from three months to three years.

sentence of up to one year.<sup>85</sup> A breach of the secrecy of the vote is a ground enough to disband a polling board and order repeat voting at that polling station, as prescribed in Article 69 of the Law on Election of Representatives.<sup>86</sup>

#### 18. Polling station: 17, Belgrade municipality of Vozdovac, Gerontology center

Type of incident: Inaccuracies in PB result protocols

Description: According to a CRTA-GnS accredited observer, two incidents were recorded at this polling station. During vote counting, it was detected that the number of signatures on the voter list was not reconciled with the number of the ballots cast (the number of ballots in the ballot box exceeded the number of signatures on the voter list). Owing to this, it can be concluded that severe irregularities occurred at this polling station over which, in case a complaint is filed, the REC would have to annul elections. This situation is envisaged under Article 74 of the Law on Election of Representatives.<sup>87</sup>

#### 19. Polling station: 18, Nis, Palilula

Type of incident: Number of irregularities in voting process

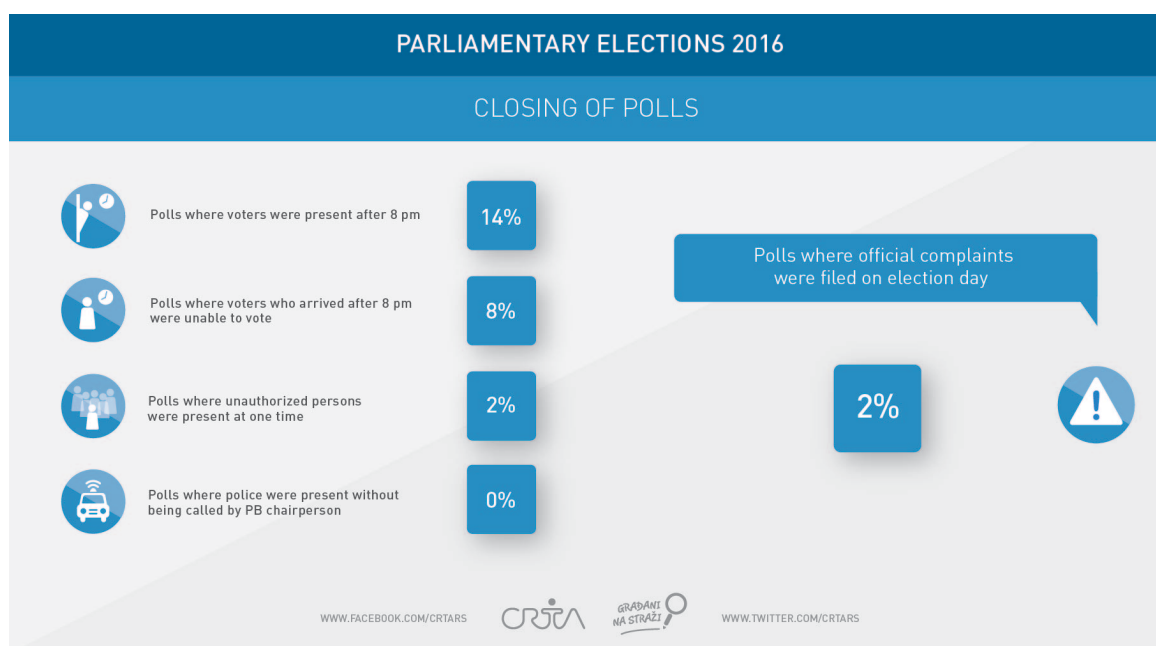
Description: According to a CRTA-GnS accredited observer, the polling board did not verify identity of several voters before allowing them to proceed with voting. Also, the instance of voters being driven to the polling station was registered. As prescribed by the Law on Election of Representatives and guidelines for polling boards (Article 68 of this law), no voter may cast ballot before his/her identity has been verified by presenting a valid identification document containing a unique personal identification number (JMBG) and personal photo. Once the identity is verified, a polling board circles the voter's registration number in the voter list and gives instruction for voting. If a polling board allows a voter to proceed with voting without prior verification of the identity, it may allow for voter impersonation and multiple voting. This abuse of voting procedures is contained in Article 157 of the Criminal Code and envisages criminal penalties, including a fine or a prison sentence of up to one year. By keeping track of voters outside a polling station, one may run checking of "certain voters" or exert pressure on persons who have not voted yet or are just about to vote. In this case, the law is clear considering that voting is a private matter and in case of a breach of this right, a polling board shall be disbanded and repeat voting ordered at that polling station, as prescribed in Article 55. Also, keeping track of voters may lead to potential breaches of Articles 155 and 156 of the Criminal Code, which are punishable with a jail term of up to three years.

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<sup>85</sup> (1) A person who in an election or in a referendum votes as someone else or votes more than once (multiple voting) at a polling station, or uses more than one ballot paper, will face criminal penalties, including a fine or a jail term of up to one year." (2) A polling board member who enables another to commit a criminal offence laid down in Paragraph 1 of this article will face criminal penalties, including a fine or a jail term of up to two years.

<sup>86</sup> Polling board members are obliged to particularly ensure the secrecy of the vote and that voters are not disturbed while balloting. In case of a breach of provisions contained in Paragraph 1 to 3 of the article, the REC shall disband a polling board, set up a new polling board and order repeat voting.

<sup>87</sup> "If the number of ballots in the ballot box exceeds the number of signatures on the voter list, a polling board shall be disbanded and repeat voting ordered in that polling station."



## PERIOD BETWEEN ELECTION DAY AND REPEAT VOTING

### REC'S WORK - OVERVIEW

In the monitored period, the observation mission attended nine REC's sessions held between election day and repeat voting. The observation mission focused on important electoral activities: inspection of election materials and PB protocols, decisions taken on inaccuracies detected in PB protocols, the announcement of preliminary vote results, decisions taken on calling for repeat voting at 15 polling stations and complaint handling process. The most important moments in this part of the electoral process were the following:

1. Decisions taken on detected inaccuracies in PB protocols and consequent verification or annulment of elections;
2. Process of handling 60 complaints concerning PB' work during voting process.

In this period, the REC mainly conducted procedural activities required for holding repeat voting,<sup>88</sup> took decisions on numerous complaints and on polling stations where PB protocols contained inaccuracies. Also, the REC deliberated 32 complaints, 5 of which were submitted by election tickets, 2 by candidates in parliamentary elections and 25 by voters. The number of complaints lodged by voters should be added up to a large number of complaints from the REC's 119th session. Owing to tight deadlines, materials, that is otherwise prepared for REC's sessions was missing, which is why it was impossible to determine the exact number of complaints.<sup>89</sup>

<sup>88</sup> Taking a decision on the shape, design, color coding and content of the ballot paper and control sheet for repeat voting in election for representatives to the National Assembly, a decision on the number of ballot papers for repeat voting in election of representatives to the National Assembly, a decision on the formation of polling boards and appointment of polling board chairpersons and members and their deputies in permanent and extended composition for conducting repeat voting in election of representatives.

<sup>89</sup> Debates and arguments heard in complaint handling processes did not measure up with the REC's earlier work as it was left at discretion of its coordinators to propose which complaint from their respective districts should be upheld and which rejected. Apart from the absence of materials and adequate reasoning of complaints, the REC members were surprised to

## COMPLIANCE WITH LAW & INTEGRITY OF ELECTORAL PROCESS

As regards decision-making in the monitored period, the CRTA-GnS election observation mission is of the opinion that the REC generally acted in accordance with the established rules. The REC honored the right to complain and legal opinions taken by higher instance (the Administrative Court). Within the field of compliance with the law, it is necessary to pinpoint certain deficiencies and offer possible solutions.

1. First deficiency concerns the absence of appropriate mechanism for the REC to act upon irregularities ex officio, including annulling poll results. According to the Administrative Court's opinion, the REC does not have authority ex officio to act upon irregularities, including annulling poll results without a complaint being filed. In this electoral process, inaccuracies and "heavy" errors were detected in 148 PB protocols, which the REC should have addressed by inspecting election materials and accordingly verify or annul voting at those polls. Therefore it should be established by law that the REC has authority ex officio to inspect PB protocols and accordingly decide on verification or annulment of elections, and also to compose its own result protocol.

2. It is necessary to more clearly define criteria for annulling or verification of poll results. Under existing practice, coordinators have discretionary power to independently verify heavy inaccuracies in PB protocols.<sup>90</sup> Precise criteria and conditions for taking such actions should be clearly defined by law in order to ensure the REC's consistency in addressing irregularities.

Most of REC's decisions were adopted in a collegial manner. Only one time the REC<sup>91</sup> did not adopt the material prepared by the REC expert service ahead of sessions, while all other draft conclusions and decisions prepared ahead of sessions were adopted.

## LEGAL REDRESS FOR VIOLATIONS OF SUFFRAGE RIGHTS

In the observed period, the Administrative Court acted upon 79 appeals seeking legal redress for violations of suffrage rights. Appeals filed with the Administrative Court concerned the following::

1. Regulations/actions of municipal election commissions - 70 appeals;
2. Regulations/actions of city election commissions - 8 appeals;
3. Regulations/actions of the REC - 1 appeal.

Most appeals concerned regulations/actions of the Bela Palanka municipal election commission. The only case involving the REC appealed its decision to reject a complaint concerning alleged vote-buying at 30 polling stations in Pecinci. The Administrative Court dismissed this appeal as groundless.

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learn about such a massive number of complaints. This confusion was due to the information from the REC's session held the day before, at which the REC's president said that there were only 2 complaints on the work of polling boards, whereas, according to the REC's president, the number reached some 60 the next day.

<sup>90</sup> In the previous electoral process, verification of PB protocols was solely the duty of REC's coordinators, whose signatures automatically meant verification of inaccuracies in PB protocols. Given the uncertainty of reaching the threshold requirement for few party lists, the REC decided that decisions on verification or annulment of voting at 148 disputed polling stations will be taken at its session, by all its members.

<sup>91</sup> At its 118th session, the REC deliberated a complaint filed by Milica Stakovic from Belgrade which concerned PB No. 59, in the Belgrade municipality of Cukarica. The REC expert service and president proposed that the complaint be upheld. However, amid the confusion with the threshold requirement and the information about an additional 60 complaints pending consideration, the majority decided to reject the complaint.

## VERIFICATION & ANNULING OF POLL RESULTS

At its 120th session, the REC deliberated 164 PB protocols pending verification over "heavy" errors. To make complaint handling process easier, the Statistics Office prepared a table listing all such situations, marking them with either plus or minus signs, to indicate where reconstruction can be carried out and to suggest to the REC members what can be done concerning each one of them. What the REC could do was to either verify or annul PB result protocols. However, the REC should have acted and deliberated these PB result protocols, considering that in line with the opinion of then composition of the Supreme Court, the REC did not have authority ex officio to annul poll results without a complaint filed. In accordance with this, the REC had only two options for tabulation of 164 PB result protocols - to annul or verify election at those polls. The Statistics Office's recommendation was that in case of "heavy" errors in PB result protocols (102 polling stations), i.e. in case of discrepancies between the number of ballots in the ballot box and the number of valid and invalid ballots altogether, they should be reconciled by increasing the number of invalid ballots to make the total match. Accordingly, the REC decided to inspect the sacks containing ballots from all polling stations with "heavy" errors to precisely determine the existing discrepancies. In view of these new circumstances, new commissions comprising at least three REC members were set up to recount and reconstruct results from these polling stations. At its 121st session, the REC deliberated 99 polls where ballots had been recounted by its members and reconstructed PB result protocols accordingly. Eventually, the REC decided to verify voting at 88 polling stations, whereas 11 PB result protocols were annulled.

Such activities of the REC are questionable (although not prohibited or regulated by any law) for the fact that by inspecting the sacks and conducting vote recount, the REC not only performed the job of PBs, but actually annulled the significance of all the rules for PBs pertaining to result protocols and reconciliation of data contained in them. Also, the law does not explicitly allow for the REC to inspect the sacks and make its own result protocols. By acting so, the REC actually assumed the competences of PBs. Particularly problematic was that the sacks inspected were not sealed, i.e. the seals were removed when the sacks arrived on the REC's premises and before the parties began inspecting them. This means that the sacks' content was not necessarily the same as it was at polls.

## WORK OF LOWER ELECTION COMMISSIONS (MUNICIPAL & CITY)

For the post-election period, the CRTA-GnS mission gives two examples of the work of local election administration, which involved different and unclear interpretations and new legal situations resulting from their actions or failure to act. These two cases are singled out because they involve the PBs which administered both, the early parliamentary and local elections, whereas the irregularities detected pertained only to the local vote.

Events that occurred on election day in the municipality of Bela Palanka and the Nis municipalities of Medijana and Pantelejš are a cause of serious concern as they exhibit the weaknesses and deficiencies of election rules as well as deficiencies in and abuse of procedures by municipal and city election commissions. Decisions taken by the Bela Palanka municipal election commission and the Nis city election commission substantially influenced the election will of citizens, i.e. the exercise of suffrage rights in general. These two cases are important because the CRTA-GnS mission provides a qualitative overview of the work of election commissions, and these two cases exhibit the whole range of problems with voting verification.

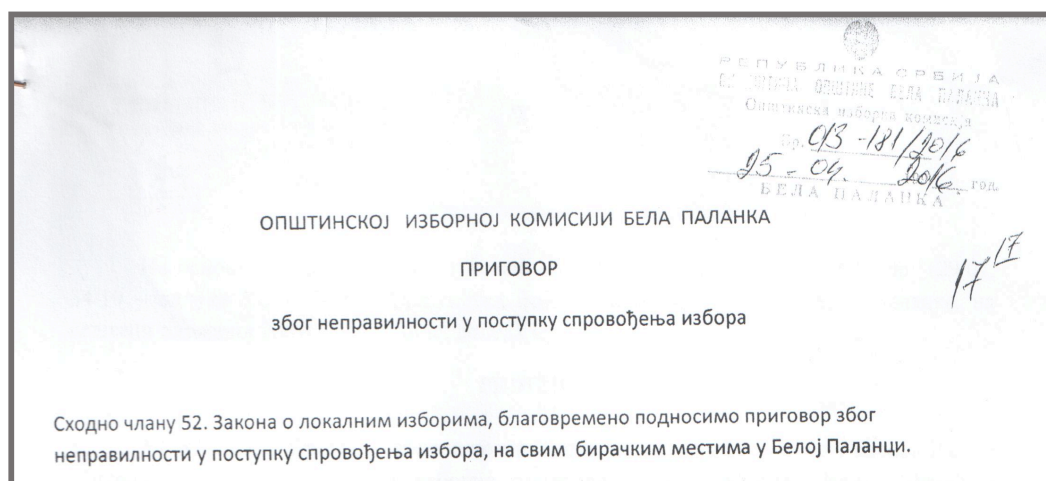
### BELA PALANKA CASE

A decision taken by the Bela Palanka municipal commission on April 27, 2016, upheld a complaint by Rade Mitrović (election ticket Ivica Đaćić-Socialist Party of Serbia proxy for local elections). The complaint, filed on



April 25, 2016, concerned irregularities in voting process. As a result, voting at all polling stations in the municipality of Bela Palanka shall be annulled, all PBs in permanent and expanded composition disbanded and repeat voting scheduled by the Bela Palanka municipal election commission once the decision has taken effect. The reasoning for annulling voting stated the following:

At all polling stations where procedures for voters unable to visit the polls, defined under guidelines for PBs (Articles 26, 27 and 28), were not honored. Namely, because a large number of voters unable to visit the polls, when balloting, were not alone on the premise, but were, at many polls, in the presence of healthcare assistants. A PB failed to deliver to such people two certificates of the election right (to vote outside the polling place), which these voters were supposed to sign and then place in official envelopes to be sealed in front of them. Only one certificate was signed, that be for the early parliamentary vote, while the municipal election commission then copied that certificate and used it for the purpose of local elections.



P 15 – RADE MITROVIC'S COMPLAINT BASED ON WHICH VOTING IN THE ENTIRE MUNICIPALITY OF BELA PALANKA WAS ANNULLED

The CRTA-GnS legal team believes this to be an obvious obstruction of the voting process at the local level, and a derogation of the voters' will, because of the following:

1. Not a single claim contained in the complaint was supported by evidence;
2. The names of voters whose electoral rights were reportedly breached are not known;
3. PB protocols contained no objection of PB chairperson or members;
4. The complaint is not clear on whether the voters unable to visit the polls, cast ballots at polls, or elsewhere.

Moreover, Article 28 of guidelines for PBs stipulates that in the absence of a signed certificate on the election right (to vote outside the polling station), it shall be considered that no voting has taken place and such data shall be entered in PB result protocols. Also, the same article stipulates that if a voter balloting outside the polling station is unable to fill a ballot paper themselves (due to impaired vision, blindness, other disability or illiteracy), they may appoint a proxy in the same way the blind, disabled, or illiterate people use assistance to vote at polls.

Acting upon the appeal against the questionable decision of the municipal election commission, the Administrative Court on April 28, 2016 took a decision requesting from the filing party to redo the complaint so as to state who the plaintiff is. After the plaintiff complied on April 29, 2016 by naming specific individuals, the court ruled that the named individuals do not fall into the category of persons who, under the Law on

Local Elections, are eligible to have their suffrage protected. On April 30, 2016, the court denied the appeal, by which the disputed decision on annulling voting became effective.

Following the court's ruling, the Bela Palanka municipal election commission on May 3, 2016 passed a decision on not scheduling a new round of repeat elections at all polling stations for May 8, 2016. The next day, on May 4, 2016, the Bela Palanka municipal election commission passed a decision on scheduling new elections at all polling stations for May 8, 2016. Both decisions were appealed with the Administrative Court, which dismissed them both.

However, as elections were not held on May 8, conditions were met for the introduction of an interim administration, which was formed on July 15, 2016, based on a decision of the Ministry of Public Administration and Local Self-Government. The electoral process in Bela Palanka clearly shows that political interests played a crucial role in obstructing elections in this municipality and annulling the will of the voters. The complaint contained no legal grounds, nor could have the alleged irregularities, not substantiated by firm evidence, been the ground for annulling voting at 37 polling stations.

A repeat local vote in Bela Palanka was held on September 18, once again accompanied by political tensions and boycotted by a significant number of opposition parties. The Serbian Progressive Party (SNS) collected 74% of votes, or 24 mandates, while the Socialist Party of Serbia-United Serbia coalition won 5 mandates. These two lists are the only parties with representatives in the local assembly.

#### NIS CASE

At its 37th session, the Nis city election commission passed a decision annulling local elections at 20 polling stations, with repeat voting held on April 30. In the reasoning, the Nis city election commission quoted serious breaches of the Law on Local Elections. This curt explanation, along with the fact that the Nis city election commission released preliminary results only a day after election day, raises concerns about the work of PBs, given that the same PBs supervised the ballot boxes for both, municipal and early parliamentary elections. A total of 25,858 voters<sup>92</sup> were eligible to cast their ballots in repeat voting. The number of replacement ballots was 78. Aside from repeat voting in election of aldermen to the Nis City Assembly, repeat voting in election of representatives to the National Assembly was held at five polling stations on May 4. A series of repeat voting continued with repeat elections of aldermen to the Medijana municipal assembly, held on May 7, while repeat voting was also held at polling station No. 2 in the city municipality of Pantelej, on May 13.<sup>93</sup>

By a decision of the city municipality of Medijana No. 013-424/2016 of April 26, 2016, a complaint filed by the Russian Party seeking annulling voting in the municipality of Medijana was rejected. In the complaint, the Russian Party said that ballot papers printed for the election of aldermen to the Medijana municipal assembly on April 24, had an incorrect name of the party ticket, which represents a breach of Article 30, Paragraph 2 of the Law on Local Elections. The party also said that the ticket only had the name of the party – the Russian Party – but lacked the name of Dr. Miroslav Milosavljevic, as the first candidate on the party list, which constituted a part of the ticket's full, official name. In its response, the Medijana municipal election

<sup>92</sup> This number was determined by the decision of the Ministry of Public Administration and Local Self-Government No. 208-00-23/2016-28/33-112 of April 8, 2016, on the number of voters enrolled in the unified voter register for the territory of the City of Nis for polling stations where vote was to be repeated.

<sup>93</sup> With such a large number of repeat voting, Nis went through five blackout periods since the beginning of the electoral process (the first was declared for the April 24 vote, the second for repeat voting at 20 polling stations on April 30, the third for the May 4 repeat parliamentary vote, and the final for repeat voting in two city municipalities). Voters in Medijana who were casting their ballots at polling station No. 4 in elementary school Dusan Radovic hold a special record of this year's elections in Serbia having had the right to vote as many as four times.

commission confirmed that this was indeed so, but that made no significant impact on voters, considering that only one Russian party was running in elections in that municipality, and therefore it could not have been confused with any other party list of a similar name. Also, the commission said that every polling station also displayed the joint list of all election tickets, which contained full name of the Russian Party election ticket, providing any voter who might have had any dilemmas to easily learn all the details from the publicly displayed list. Further, the commission stated that none of 48 PB protocols contained any single complaint on the incomplete name of the filing party's ticket.

Not accepting the decision taken by the Medijana municipal election commission, the Russian Party decided to take the matter before the Administrative Court. The Administrative Court, by its ruling No. UZ251/16, adopted the party's appeal, overturning the decision taken by the Medijana municipal election commission. The court went a step further and, acting in full jurisdiction, decided not only to accept the Russian Party's appeal, but to, based on it, annul election of aldermen to the Medijana municipality. In its ruling, the court also ordered repeat voting in these elections at all polling stations in the Medijana municipality.<sup>94</sup>

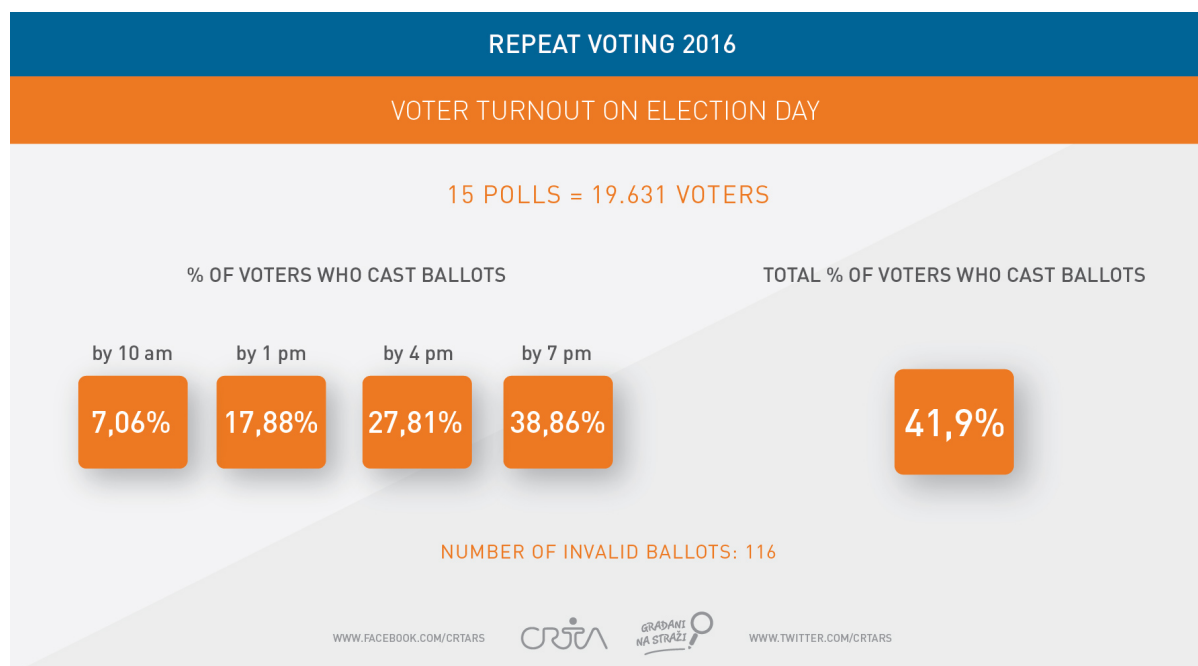
#### REPEAT VOTING AT 15 POLLING STATIONS - MAY 4

Pursuant to the REC's decision to order repeat early parliamentary elections at polls where elections were annulled, taken at its 122nd session, repeat voting was held at 15 polling stations on May 4, 2016. Repeat voting was conducted at two polls in Belgrade (PS 22 New Belgrade, PS 48 Palilula), five in Nis (PS 4 Medijana, PS 28 Palilula, PS 13, PS 16, PS 23 Panteleji), two in Vranje (PS 24 and PS 65), two in Jagodina (PS 29 and PS 57), and one each in Backa Topola (PS 9), Sremski Karlovci (PS 5), Kladovo (PS 24) and Uzice (PS 86). A total of 19,631 citizens were eligible to vote at 15 polls.

<sup>94</sup> This Administrative Court's ruling is important also because of the deadlines prescribed by Article 52, Paragraph 2 of the Law on Local Elections, which says that: "A complaint shall be lodged within 24 hours from the day of the decision taken, or action performed or omission made." Accordingly, the complaint the Russian Party filed with the Medijana municipal election commission should have been dismissed as tardy. As regards repeat voting in Medijana, the ballot paper was determined and published in accordance with regulations, while the irregularity cited by the Russian Party did not occur in voting process, thereby both, the complaint and the subsequent appeal should have been dismissed as tardy. The opinion of the Administrative Court introduced legal uncertainty to the electoral process by opening the possibility for arbitrary interpretation of certain deadlines.

## VOTER TURNOUT & RESULTS

Based on the results from all 15 polling stations where repeat early parliamentary elections were held on May 4, 2016, the voter turnout was 41.9%, or 8,227 eligible voters.



There number of invalid ballots - 116.

Election ticket Aleksandar Vucic - Serbia Wins, collected the largest number of ballots, 4,292, ahead of coalition Dveri-Democratic Party of Serbia (DSS), 1,996, the Socialist Party of Serbia (SPS) led coalition, 623, Enough Is Enough - Sasa Radulovic, 328, the Serbian Radical Party (SRS), 242, coalition Liberal Democratic Party (LDP) - Social Democratic Party (SDS) - League of Social Democrats of Vojvodina (LSV) 241, and party list Fair for Serbia - Democratic Party, 195 votes.

Results projected by the CRTA-GnS mission, supplemented by the results of repeat elections at 15 polling stations, based on a random representative sample from 450 polling stations on May 4, 2016, are as follows:

PARLIAMENTARY ELECTIONS 2016				
PRELIMINARY RESULTS CRTA-GnS vs. RIK				
TURNOUT	56.70%	1.10%	-0.42%	56.28%
	CRTA - GNS PRELIMINARY RESULTS	MARGIN OF ERROR	DIFFERENCE CRTA-GnS i RIK	RIK PRELIMINARY RESULTS
1. ALEKSANDAR VUČIĆ- SRBIJA POBEĐUJE	48.40%	1,22%	-0.14%	48,26%
2. ZA PRAVEDNU SRBIJU- DEMOKRATSKA STRANKA	6.18%	0,43%	-0.12%	6.06%
3. IVICA DAČIĆ - SPS, JS- DRAGAN MARKOVIĆ PALMA	10.77%	0,53%	0.20%	10.97%
4. DR. VOJISLAV ŠEŠELJ- SRPSKA RADIKALNA STRANKA	8.05%	0,34%	0.06%	8.11%
5. DVERI - DSS - S. RAŠKOVIĆ IVIĆ - B. OBRADOVIĆ	5.15%	0,35%	-0.15%	5.00%
6. SAVEZ VOJVODANSKIH MAĐARA - I. PASTOR	1.48%	0.52%	0.03%	1.51%
7. BORIS TADIĆ, Č. JOVANOVIĆ - SAVEZ ZA BOLJU SRBIJU - LDP, LSV, SDS	5.04%	0.30%	0.00%	5.04%
8. MUAMER ZUKORLIĆ - BDZS	0.70%	0.44%	0.12%	0.82%
9. SDA SANDŽAKA - DR SULEJMAN UGLJANIN	0.73%	0.44%	-0.01%	0.72%
10. ZA SLOBODNU SRBIJU - ZAVETNICI - MILICA ĐURĐEVIĆ	0.73%	0,06%	0.01%	0.74%
11. GRUPA GRAĐANA ZA PREPOROD SRBIJE - PROF. DR. SLOBODAN KOMAZEC	0.37%	0.04%	-0.02%	0.35%
12. RUSKA STRANKA - SLOBODAN NIKOLIĆ	0.41%	0.05%	-0.05%	0.36 %
13. Republikanska stranka - Nikola Sandulović	0.12%	0.03%	0.00%	0.12%
14. SRPSKO RUSKI POKRET- SLOBODAN DIMITRIJEVIĆ	0.24%	0.03%	0.03%	0.27%
15. BORKO STEFANOVIĆ- SRBIJA ZA SVE NAS	0.93%	0.09%	0.02%	0.95%
16. DIJALOG- MLADIŠA STAVOM- STANKO DEBELJKOVIĆ	0.19%	0.21%	0.02%	0.21%
17. DOSTA JE BILO- Saša Radulović	6.09%	0.59%	-0.04%	6.05%
18. PARTIJA ZA DEMOKRATSKO DELOVANJE - ARDITA SINANI	0.19%	0.21%	0.23%	0.42%
19. ZELENA STRANKA	0.64%	0.06%	0.00%	0.64%
20. U INAT- SLOŽNO ZA SRBIJU- NARODNI SAVEZ	0.43%	0.05%	0.04%	0.47%

## VOTING PROCESS AT POLLS WHERE REPEAT VOTING WAS HELD

The opening of 15 polling stations where repeat voting was conducted proceeded in accordance with prescribed procedures.

Polls opened on time. Only polling station 16 Pantelej in Nis, opened early, little before 7 am. At all 15 polls, the ballot box was empty before a control sheet was inserted and security seal placed.

All polls had proper layout. All PB permanent members were present at the opening of polls.

## VOTING PROCESS

Voting proceed in accordance with the law, with certain irregularities registered at four polling stations, where a few people were allowed to vote without valid personal identification documents. Also, at polling station Pantelej in Nis, one person told the PB that he has been induced to vote in a particular way shortly before entering the polling premise.

## CLOSING OF POLLING STATIONS

The closing of 15 polling stations, where repeat voting was held, proceeded in accordance with the law.

An incident was reported at polling station New Belgrade, No. 22, during vote counting. The PB chairman declined to sign the result protocol, making threats to other board members who wished to complete the protocol without the chairman's signature. The PB chairman insisted that unknown persons, activists of Enough Is Enough, were around the polling station throughout the day, exerting pressure on voters. Such irregularities were not registered by CRTA-GnS' observer during the day or by other PB members, nor did the PB chairman pointed to any irregularity during the day.

The result protocol could not be completed as other PB members did not have a solution to this situation, while in parallel they dismissed the PB chairman's claims that irregularities occurred during the voting process. Insisting that other PB members were trying to steal election materials, the PB chairman called the police, who came and interviewed all those involved.

The situation was resolved with the arrival of two REC's coordinators from Belgrade, who offered the necessary instructions to the PB members and chairman, after which the PB chairman entered his objection in the result protocol, which along with other election materials was handed to the REC.

Owing to this incident, in the evening on May 4, the REC released preliminary results based on the votes counted at 99.99% of polls, excluding polling station New Belgrade No. 22. Ballots from this polling station certainly could not have affected the outcome of the early parliamentary vote in Serbia. At the poll in question, party list DSS - Dveri won the largest number of votes, 322, ahead of ticket Aleksandar Vucic - Serbia Wins, 264. On May 5, the REC deliberated a citizen complaint concerning irregularities at polling station New Belgrade No. 22 (description: representatives and activists of candidate list Enough Is Enough were inducing others to vote for election ticket DSS/Dveri), rejecting the complaint, whereby conditions were met to pronounce the final results of election of representatives to the National Assembly. The citizen who lodged the complaint did not appeal the decision with the Administrative Court.



## AFTER MAY 4

## REC'S WORK - OVERVIEW

In this period, the observation mission attended only one REC's session before its mandate expired. At that, 125th session, the mission observed the following actions: determining the total results of early parliamentary elections; process of handling complaints concerning irregularities at polling station No. 22 in New Belgrade, a proposal of a REC member that inspection be allowed of the sack with ballots from polling station No. 9 in Lesak, the municipality of Leposavic, and debates voting results in Kosovo and Metohija and the unified voter register. The most important part of this segment of the electoral process was the adoption of the report on the final results of early parliamentary elections. Also, the REC deliberated one complaint concerning irregularities at polling station No. 22, in New Belgrade, and rejected it as unfounded.

## COMPLIANCE WITH LAW &amp; INTEGRITY OF ELECTORAL PROCESS

As regarding decision-making process in the observed period, the observation mission is of the opinion that REC's activities deviated to an extent from the law. This opinion stems from the fact that at the session held on May 5, the REC adopted a report on the final results and accordingly discharged its extended members, while not knowing whether there will be further complaints or how many concerning repeat voting. One should not forget that before repeat voting, one election ticket had only several tens of votes above the threshold, while another party was short of the threshold requirement by a single vote.

## INQUIRY PANEL FOR ELECTORAL PROCESS IRREGULARITIES

After the election process was over and the final election results announced by the REC, certain parties which ran in the elections decided to through an institutional mechanism seek to determine whether potential irregularities occurred in the electoral process. The Serbian Progressive Party (SNS) and the Democratic Party of Serbia (DSS) - Dveri coalition submitted to the National Assembly two different proposals on setting up a panel, which would be tasked with determining potential irregularities in the electoral process.

SNS MP Aleksandar Martinovic on June 6, 2016, submitted to the National Assembly a proposal on the forming of an inquiry panel to determine the facts and circumstances related events during and after the electoral process, pressure on state bodies and attempts to rig the will of the people. MPs of the DSS - Dveri coalition on July 2, 2016, submitted to the National Assembly a proposal on setting up an inquiry panel to determine the facts and circumstances pertaining to the events during the 2016 electoral process, from the day of the scheduling of elections until the announcement of the final results. Until early October 2016, the National Assembly did not discuss these proposals.

## PARLIAMENTARY ELECTIONS 2016

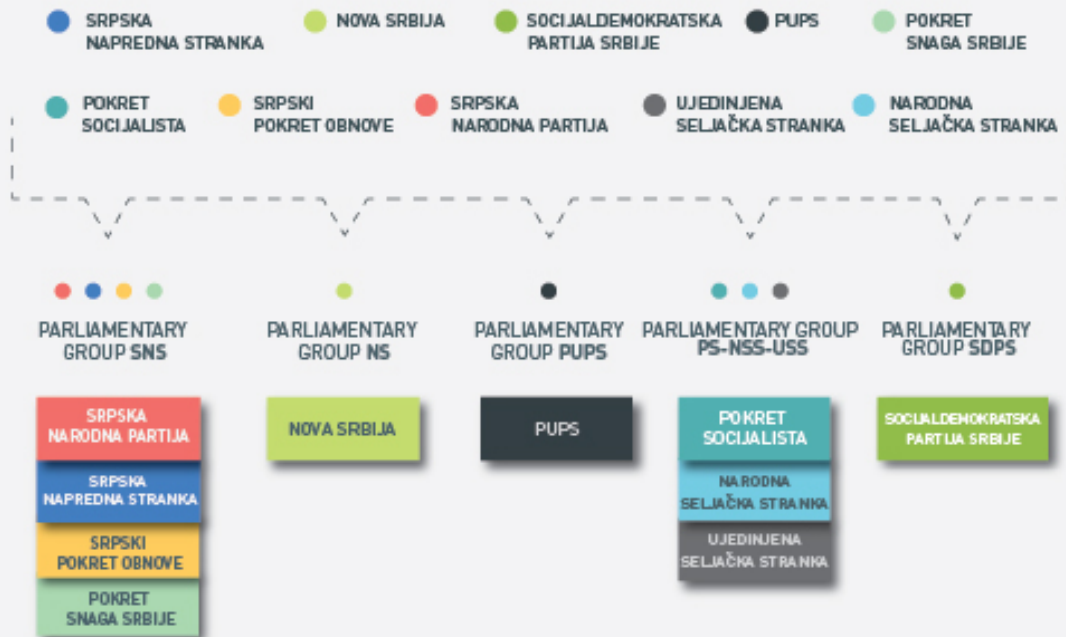
## FINAL RESULTS CRTA-GnS vs. RIK

TURNOUT	56.70%	1.10%	-0.42%	56.28%
	CRTA - GNS PRELIMINARY RESULTS	MARGIN OF ERROR	DIFFERENCE CRTA-GnS i RIK	RIK PRELIMINARY RESULTS
1. ALEKSANDAR VUČIĆ - SRBIJA POBEĐUJE	48.49%	1,18%	-0.24%	48,25%
2. ZA PRAVEDNU SRBIJU- DEMOKRATSKA STRANKA	6.17%	0,44%	-0.15%	6.02%
3. IVICA DAČIĆ - SPS, JS- DRAGAN MARKOVIĆ PALMA	10.78%	0,53%	0.17%	10.95%
4. DR. VOJISLAV ŠEŠELJ- SRPSKA RADIKALNA STRANKA	8.04%	0,32%	0.06%	8.10%
5. DVERI - DSS - S. RAŠKOVIĆ IVIĆ - B. OBRADOVIĆ	5.12%	0,36%	-0.08%	5.04%
6. SAVEZ VOJVODANSKIH MAĐARA - I. PASTOR	1.48%	0.51%	0.02%	1.50%
7. BORIS TADIĆ, Č. JOVANOVIĆ - SAVEZ ZA BOLJU SRBIJU - LDP, LSV, SDS	5.04%	0.31%	-0.02%	5.02%
8. MUAMER ZUKORLIĆ - BDZS	0.70%	0.42%	0.16%	0.86%
9. SDA SANDŽAKA - DR SULEJMAN UGLJANIN	0.74%	0.43%	0.06%	0.80%
10. ZA SLOBODNU SRBIJU - ZAVETNICI - MILICA ĐURĐEVIĆ	0.72%	0,07%	0.01%	0.73%
11. GRUPA GRAĐANA ZA PREPOROD SRBIJE - PROF. DR. SLOBODAN KOMAZEC	0.37%	0.04%	-0.01%	0.35%
12. RUSKA STRANKA - SLOBODAN NIKOLIĆ	0.41%	0.05%	-0.04%	0.36 %
13. Republička stranka - Nikola Sandulović	0.12%	0.03%	0.00%	0.12%
14. SRPSKO RUSKI POKRET- SLOBODAN DIMITRIJEVIĆ	0.24%	0.03%	0.02%	0.27%
15. BORKO STEFANOVIĆ- SRBIJA ZA SVE NAS	0.92%	0.08%	0.02%	0.94%
16. DIALOG- MLADIŠA STAVOM- STANKO DEBELJKOVIĆ	0.19%	0.03%	0.01%	0.20%
17. DOSTA JE BILO- Saša Radulović	6.06%	0.57%	-0.04%	6.02%
18. PARTIJA ZA DEMOKRATSKO DELOVANJE - ARDITA SINANI	0.19%	0.24%	0.24%	0.43%
19. ZELENA STRANKA	0.64%	0.07%	-0.01%	0.63%
20. U INAT- SLOŽNO ZA SRBIJU- NARODNI SAVEZ	0.43%	0.05%	0.03%	0.46%

## ELECTORAL LISTS AND PARLIAMENTARY GROUPS

### Eleventh Parliamentary Convocation

#### ELECTORAL LIST ALEKSANDAR VUČIĆ - SRBIJA POBEĐUJE



#### ELECTORAL LIST IVICA DAČIĆ - SPS / JS / Dragan Marković Palma



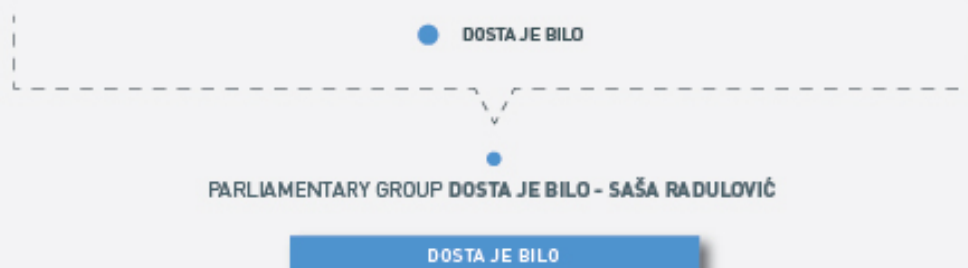
## ELECTORAL LIST DR. VOJISLAV ŠEŠELJ - SRPSKA RADIKALNA STRANKA



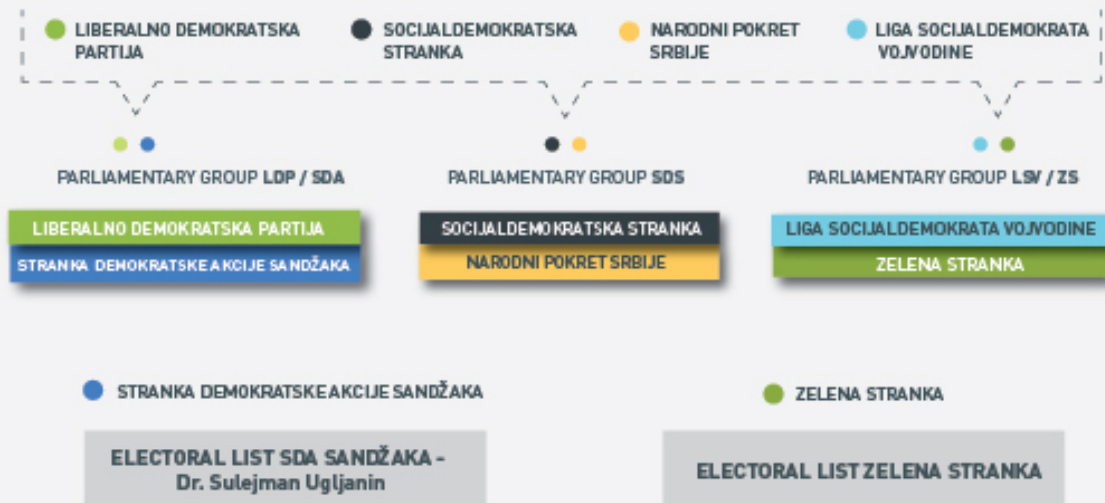
## ELECTORAL LIST ZA PRAVEDNU SRBIJU - DEMOKRATSKA STRANKA (NOVA, DSHV, ZZS)



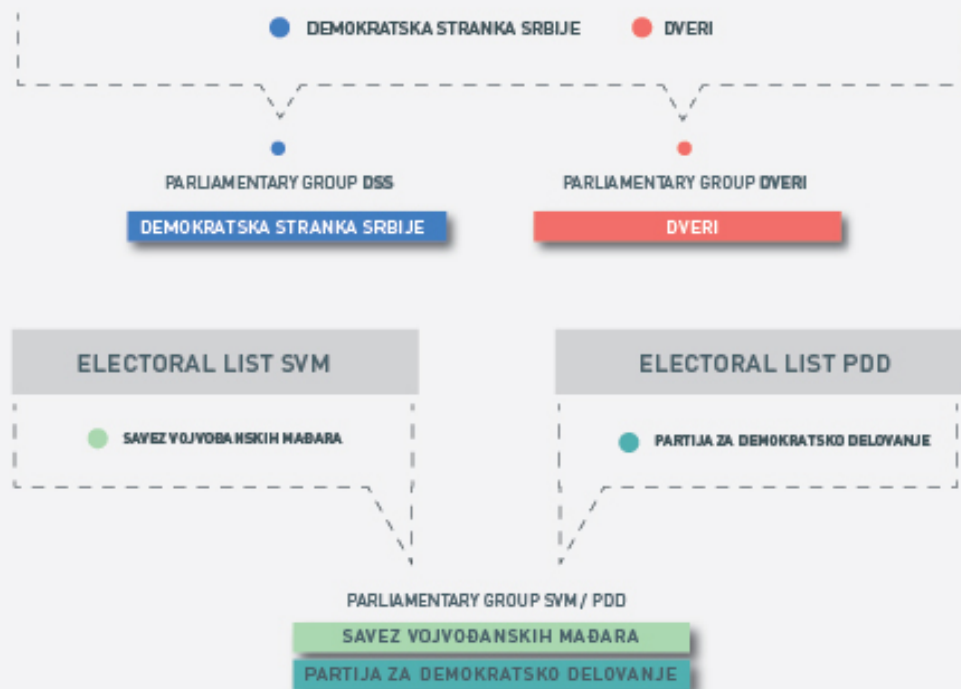
## ELECTORAL LIST DOSTA JE BILO - SAŠA RADULOVIĆ



## ELECTORAL LIST BORIS TADIĆ - ČEDOMIR JOVANOVIĆ SAVEZ ZA BOLJU SRBIJU - LDP / LSV / SDS



## ELECTORAL LIST DSS / DVERI

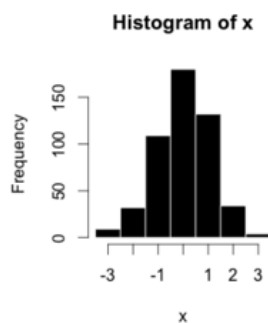


## ELECTION FORENSICS

In order to verify the final election results, i.e. determine whether official results reflect the will of voters and taking into account the percentage of polling stations with irregularities affecting the outcome (4%), the CRTA-Citizens on Watch mission conducted a statistical analysis of the final election results by polling stations.

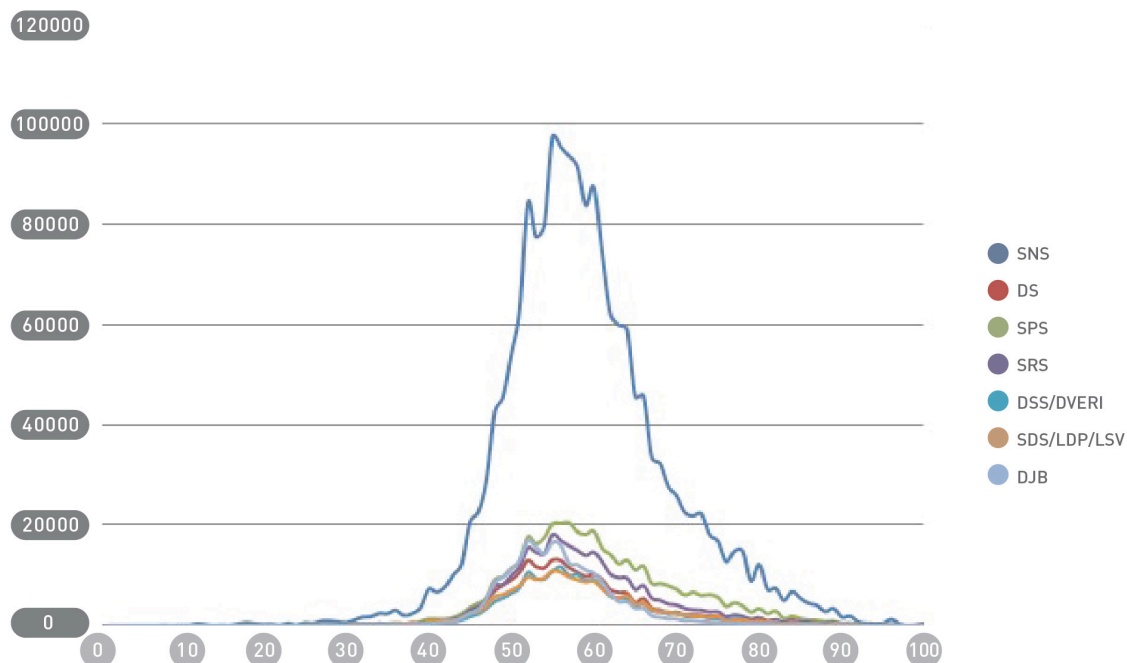
In data verification, histograms of the normal distribution of numerical data values grouped in equal-length intervals was used.<sup>95</sup>

Example:



Histograms have been used in many countries to check statistical values against official election results by polling stations. This method was recently applied to analyze the parliamentary elections in the Russian Federation, held on September 18, 2016.

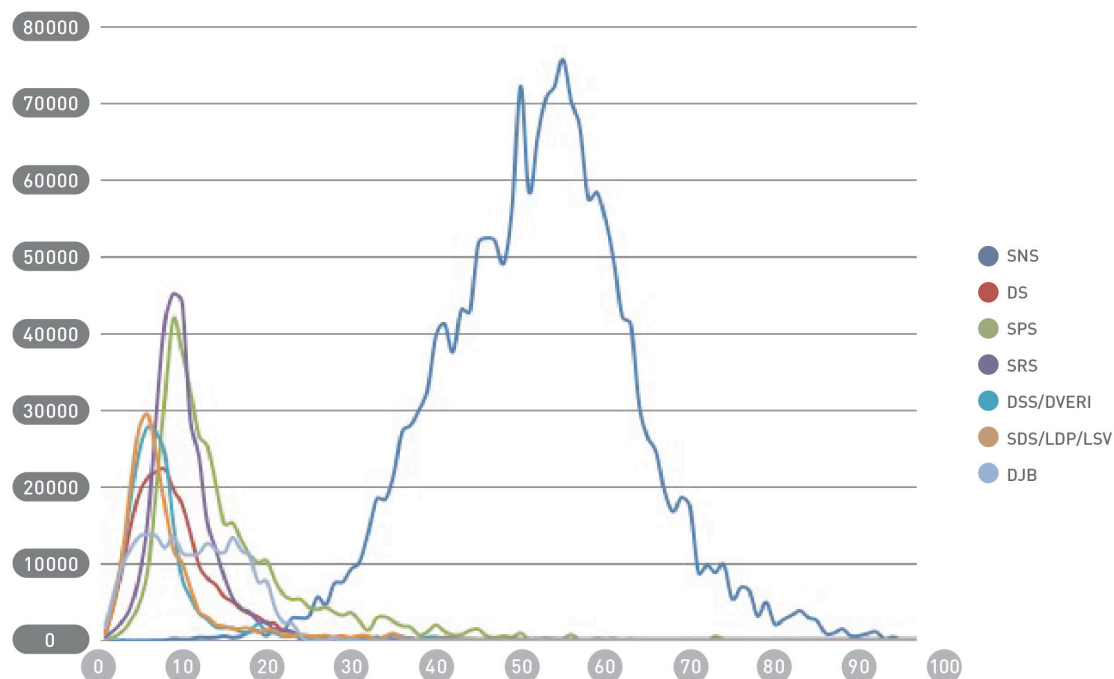
### APRIL 24 RESULTS DISPLAYED IN HISTOGRAM



<sup>95</sup> <https://en.wikipedia.org/wiki/Histogram>



Based on a histogram of absolute votes won by a contestant grouped in equal-length intervals of a **1% turnout**, it can be concluded that the normal distribution was not disturbed.



Based on a histogram of absolute votes won by a contestant grouped in equal-length intervals of **percentages won pre polling station**, it can be concluded that the normal distribution was not disturbed.

**Given that neither histogram disturbs the normal distribution, it can be concluded that the statistical analysis of the early parliamentary elections results affirms the conclusions of the CRTA-Citizens on Watch Election Observation Mission that despite irregularities, the results largely reflect the will of the voters.**

## RECOMMENDATIONS

### REGULATE VOTER REGISTER

#### DEFINE METHOD FOR DISTRIBUTION OF POLL CARDS

In regard to frequent cases of poll cards being delivered to wrong addresses, the CRTA-GnS mission notes that it is due to an inaccurate voter register as well as the absence of a clearly defined method for the distribution of poll cards. It is the job of local governments to provide information about voting and deliver poll cards in line with voter lists. In practice, it is possible that some voters do not receive poll cards or that cards addressed to them are delivered at wrong addresses. Voters are not required to present their poll cards to be able to cast ballots, but are required to present an identification document containing their photo and unique personal identification number (JMBG) so that polling boards can verify their identity. This method of poll card distribution does not meet the requirements prescribed by the law for other forms of proceedings/procedures (the Civil Procedure Law and the Criminal Procedure Code).

**It is exactly why it is needed to define a method for distributing poll cards in line with existing procedural laws, as examples of good practice** (the Civil Procedure Law and the Criminal Procedure Code).

#### UPDATE VOTER REGISTER AND UPGRADE DATA CONTROL SYSTEM

On election day, the observation mission was addressed by a large number of citizens, complaining that they could not vote as they were missing from voter lists at their respective polling stations and insisting that they have previously confirmed their enrollment in the voter register through a database, available on the Public Administration and Local Self-Government Ministry's website. The observation mission, through its observers at polls, looked into these allegations. Based on the input from observers, at 20% of polls, voters claimed that before arriving at their respective polls they have confirmed their enrollment in the voter register (through an electronic database available on the Public Administration and Local Self-Government Ministry's website), but that their names were missing from voter lists at polling stations. Owing to personal effort of eligible voters, various discrepancies were discovered between data in the electronic database and voter lists at polls (non-corresponding data about polling stations, different last names of the same persons, inaccurate data that a person is eligible to vote whereas that person is missing from voter lists). A total number of such cases reported by CRTA-GnS observers involved only 0.32% of voters enrolled in the voter register, but 20% of polls in Serbia. This problem implies serious deficiencies in the voter register, its administration and updating.

With a view to primarily establish public confidence in the voter register and the entire electoral process, it is necessary to implement several important measures. **Oversight of the voter register should be improved and all institutions and stakeholders should engage in an open dialogue in order to improve the accuracy of data in the voter register.**

Further, **a full update of the voter register** is needed. This recommendation particularly refers to "**purging**" **the electronic database of wrong data** (spelling errors and similar), and conducting updates to **delete deceased voters from the database and enter accurate addresses of persons who are registered at more than one polling station in the database.**

**Adequate application of sanctioning provisions of the Law on the Unified Voter Register** is also important. Namely, Article 25 of this law envisages public liability of the responsible person at the institution in charge of voter register updates. **This sort of liability should also be established for citizens who fail to report changes**

of certain personal data contained in the unified voter register to relevant municipal administration or the ministry handling administrative matters.

**Relevant bodies should maintain coordination on the voter register related matters.** Coordination should be intensified during an election cycle. Bodies relevant for this coordination involve municipal and city administrations, representatives of the Interior Ministry's regional departments and representatives of the ministry handling administrative matters.

Finally, **the Law on the Unified Voter Register should be supplemented to enable display of voter lists for public scrutiny**, atop the existing right of citizens to inspect the voter register.

## ELECTION ADMINISTRATION

### ADOPT UNIFIED ELECTION LAW

Among the most remarkable characteristics of the 2016 electoral process are the absence of conformity between the legal framework and procedures and legal loopholes, particularly present in the provisions relating to the conduct of elections. Because of this and also for the fact that a number of recommendations concerns changes and supplements to the existing legislation (mainly to the Law on Election of Representatives), **it is needed to adopt a unified election law which would incorporate into a single code all election-related provisions currently contained in several laws.** In question are the Law on Election of Representatives, the Law on the Election of the President of the Republic, and the Law on Local Elections, and partially the Law on General Administrative Procedure, the Law on Political Parties, the Law on Financing Political Activities and the Law on the Anti-Corruption Agency.

### USE OF EXTRAORDINARY LEGAL REMEDIES IN ELECTORAL DISPUTE RESOLUTION

**Define conditions when it will be possible to use extraordinary legal remedies by institutions administering elections.** The CRTA-GnS observation mission believes that it is necessary to have in place clearly defined, restrictive conditions, when it will be possible to use extraordinary legal remedies. The official opinion of the Administrative Court is that the use of extraordinary legal remedies is not allowed in election dispute resolution. In order to prevent certain unlawful acts in future elections, we believe that it is necessary to establish restrictive conditions, when no other method is available, to make the use of extraordinary legal remedies possible for to remove previously established irregularities in electoral activities/processes, and thereby preclude cases where "unjust acts can create law" (Ex factis jus oritur). This electoral process exhibited the incapability of institutions to prevent certain forms of abuse, for which even the credibility of the entire electoral process could be disputed. Bearing in mind the aforementioned, **relevant institutions (the Administrative Court and the REC) should be allowed to, under certain restrictive conditions, use extraordinary legal remedies. The use of extraordinary legal remedies requires amendments to the Law on Election of Representatives, Article 97 of which explicitly prohibits the use of these remedies.**

### CLEARLY DEFINE NATIONAL MINORITY STATUS

It is needed to **more clearly define the status of a national minority party for parties running in election or change the registration requirements for the status of a national minority party.** Although the Law on Election of Representatives provides discretionary power to the REC to deny national minority status, the application of this provision is not meaningful as in judicial practice, as national minority status is granted to

any party (by the Administrative Court upon an appeal filed by a party) enrolled as a national minority party in the register of political parties with the Ministry of Public Administration and Local Self-Government.

## PROFESSIONALIZE REC

The conduct of the 2016 early parliamentary elections displayed a number of deficiencies and problems that require systemic changes at both, legislative and administrative levels. According to the existing legal framework, the REC is an “ad hoc” body made up of representatives of political parties (proportional to the number of seats held in the National Assembly of the Republic of Serbia). Transformation of the REC into a **permanent and independent body for administering elections, education of election administration staff and improvements to electoral procedures could considerably upgrade the quality of an electoral process.**

## PROFESSIONALIZE REC'S EXPERT SERVICE

Considering the frequency of elections held in the Republic of Serbia and also the volume and scope of work, **it is also necessary to professionalize the REC's expert service.** This electoral process showed that the REC's current expert service, comprising the National Assembly of the Republic of Serbia staff, was unfit to respond to challenges it faced. Further, it is needed to extend the description of qualifications required for REC's members (Article 33 of the Law on Election of Representatives) to include qualifications relating to professionalism, ethics and employment record in state institutions. Apart from the needed professionalization of the expert service, the **REC's human and technical resources both require a considerable boost.**

## REC'S AUTHORITY EX OFFICIO

After polls closed, the REC faced the challenge of inaccurate, that is, incomplete data from polls, in the form of illegible and obscure PB protocols, miscalculations, etc. At polls where the REC registered such irregularities, but where citizens filed no complaint (under the existing legal framework only citizens can submit complaints to poll results), the REC could not annul or rectify PB result protocols as it has no authority ex officio. In the abovementioned cases, the REC looked into irregularities in each PB protocol individually and accordingly took decisions on verification or “annulling” elections (annulling results means that results of all candidate tickets is - a null). That is how the REC found itself in the situation where, despite the existence of elements to annul and/or rectify decisions taken by PBs, it could not do so as no complaint was filed by citizens at the polls concerned. This situation arises from the fact that the REC may not act upon irregularities ex officio, including annulling or rectifying PB result protocols.

For all the abovementioned, **the REC should be able to act ex officio, including annulling elections, if irregularities affect the outcome and to order repeat voting.**

## REGULATE STATUS & POSITION OF OBSERVERS

**The status of observers, both short-term and long-term, should be established by law.** Under the existing legislation, the status and rights and obligations of observers are regulated only under the REC's Rules of Procedure. This document does not represent an adequate solution nor does it provide inclusive observing of the REC's work. Also, rules for certain number of lower election commissions neither envisage nor regulate the status of observers, which makes observing their work impossible.

It is also needed to change the legal framework to **provide one organization accredited for observing elections with two observers per polling station.** As election day lasts 16 hours, it is not possible to ensure

efficient and reliable observing of election having only one observer per polling station, without enabling observers to take shifts.

For to ensure more inclusive observing of elections, it is also important that accreditation of observers is not territory-based, that is, that observers are not bound to a particular polling station ("one observer" - assigned to one polling station ahead of elections"). It is necessary to change by-laws to enable observing on a nonterritorial basis.

**Extend accreditation for observing the REC's work to be valid until after the session at which mandates in the National Assembly are distributed.** Under the existing legal framework, accreditation for observing election administration expires with the pronouncement of the final election results. The observation mission believes that accreditations should be extended minimum to be valid for the session at which mandates are allocated to representatives in the National Assembly. The observation mission is of this opinion for potentially needed extended observing, which was the case in the this electoral process, when the final results were announced at the REC's 125th session, while the next session dealt with additional complaints filed by standing to sue parties. In such a situation, certain poll results can be disputed, and consequently the final results challenged. We believe that for the fact that the REC, from the announcement of the final results on, works exclusively in its permanent rather than extended composition, the presence of independent observers is of particular importance.

## EXTEND DEADLINES

**Extend deadlines for certain activities performed by the REC, particularly for verification and examination of registration documents of the submitters of candidate lists.** Under the Law on Election of Representatives, the REC confirms a candidate ticket right upon the submission of the ticket and related registration documents, and no later than 24 hours of the receipt. Considering that as many as 13 election tickets can be submitted in a single day, which was the case in the last electoral process, it is difficult to conduct thorough verification of registration documents and detect possible omissions that could impact the REC's deciding on confirming or denying candidate lists. This recommendation is of particular importance in the light of a large number of detected forged supporting signatures and seriously undermined public confidence in the integrity of the electoral process, which is why the deadline should be extended to 48 hours.

## CRIMINAL CODE

Considering a growing number of alleged election-related crimes (contained in chapter XV of the Criminal Code), the CRTA-GnS mission believes that **it would be necessary to facilitate collection of evidence to bodies investigating into election-related crime.** This can be achieved by incorporating election-related crime into the Criminal Procedure Code's provisions on the use of special rules of evidence, to allow for more efficient and effective investigation and identification of offenders by relevant bodies, that is, the police and the prosecutor's office.

## ELECTRONIC SUBMISSION OF COMPLAINTS

**It is necessary to amend election law to enable electronic (e-mail) submission of complaints and appeals to relevant bodies.** The Law on General Administrative Procedure does not envisage submitting proposals, supplements, appeals, complaints etc. in an electronic form. The CRTA-GnS mission is of the opinion that an exception should be established in election law to provide for consideration of electronically submitted complaints and objections. This means that **the Law on Election of Representative, the Law on Local Elections and the Law on the Election of the President of the Republic should envisage electronic submission of**

**complaints and possible appeals.** This exception is necessary primarily due to extremely short deadlines provided for legal redress for violations of suffrage rights. Consequently, certain standing to sue entities are frequently denied effective legal redress over missed deadlines as they are unable to submit documents in writing within short deadlines. Also, in an electoral process, deadlines for legal redress are often missed not due to subjective circumstance, but for objective reasons. Another argument for granting an exception is that relevant post offices/election commissions are not available in certain territories (i.e. Kosovo and Metohija). In such territories, eligible voters are denied their right to appeal as they have no other way to submit complaints to the REC within prescribed deadlines, but to personally travel to Belgrade.

## TIMELY PUBLISH ELECTION DATA AND COMMUNICATE IT TO PUBLIC

In order to ensure that public is informed in an inclusive and transparent manner and to facilitate more efficient control and observing of an electoral process, **it is necessary that the REC publishes election data timely and in an open, machine-readable format** (.xls or .doc formats). For example, the final poll results were published in an electronic form only past the deadline to file complaints. Also, for to increase public confidence in the electoral process, we believe it is important to start publishing **scanned PB result protocols**. Further, **minutes from all REC sessions should be published timely on its website, while live streaming of sessions should also be available.**

Bearing in mind the importance of an electoral process for the entire society, and that public interest runs high in campaigning and particularly high on election day until the announcement of final election results, **the REC should improve its communication with the public. First of all, the REC should appoint a spokesperson to regularly communicate with the public to provide credible and timely information, and also answer to media questions.** This would change the so far practice of communication with the public being dependable on the availability of the REC's president. Also, **the REC should have in place a developed public communication strategy,** with particular emphasis on crisis communication and should also **expand its communication channels to include new, social media.** We believe that in the last elections, slow response along with the absence of official information from the REC in crucial moments on election night, created room in media coverage for speculations that relied on unchecked and questionable results, which all added to the climate of deep distrust in the electoral process.

## OPEN DATA & ELECTORAL PROCESS

During the 2016 electoral process, institutions administering the electoral process, primarily the REC, sporadically published data in electronic formats, which highlights the absence of a binding standard for publishing data. In that context, the mission recommends that all election data be standardized in the format of open data. Election data is data generated in the REC's work during an electoral process as well as all data of relevant institutions engaged in an electoral process (i.e. the Anti-Corruption Agency, the REM, the Ministry of Public Administration and Local Self-Government).

Publishing data in an open format is among key prerequisites for transparency and responsibility of every institution. In other words, **it is necessary to ensure access to election data** as an important precondition for building trust in the work of institutions, that is, in an electoral process.



**CRTA-GnS champions the opening of election data in Serbia in line with international principles and good practice.**<sup>96</sup>

**Timely** - Election data should be made available as quickly as necessary for it to be useful;

**Granular** - Election data should be available at the finest possible level of granularity or detail (not in an aggregate or modified form);

**Available for free on the Internet** - Data should be free, without any monetary restrictions;

**Complete and in bulk** - Data should be complete and made available as a whole and that it is contained in a file so that the entire dataset can be obtained in one download;

**Analyzable** - Data should be available in a digital, machine-readable format which can be quickly and easily analyzed;

**Non-proprietary** - Data must be in a format over which no entity has exclusive control (i.e. doc, xls are proprietary formats owned by Microsoft);

**Non-discriminatory** - Data is not available only to certain group of people or organizations, but has no usage restrictions;

**License free** - Data is open for re-use and redistribution for any purpose;

**Permanently available** - Data should be available via a stable internet location for an indefinite period of time.

### IMPROVE WORK OF LOWER ELECTION COMMISSIONS (MUNICIPAL & CITY)

It is necessary to **rules of procedure for lower election commissions (municipal & city) to facilitate unhindered work to international and citizen observers, including their presence at sessions of these election commissions.** Most rules for these commissions ensure transparency through the presence of media representatives, so there is no need for a restrictive interpretation, by which stakeholders or individuals who have been accredited for observing the work of lower level commissions are denied presence at sessions of the very same commissions. The REC's Rules of Procedure can serve as a good model for ensuring transparency.

**Standardized training on electoral procedures for all polling board members, at least permanent members,** should be established by law. The existing training on electoral procedures for polling board members is envisaged under the Instruction for carrying out of election. We believe that this obligation should be prescribed by law for we learned in direct communication with the REC expert service that training had been conducted, but not adequately, and that in most cases it had involved only the distribution of guidelines for polling boards.

It is necessary to **amend the Law on Local Elections with regard to the deadline prescribed to appeal with the Administrative Court.** The Law on Local Elections envisages that an appeal can be filed within 24 hours of the receipt of a decision, while it is 48 hours under the Law on Election of Representatives. Considering that by both provisions, the court adjudicates within 48 hours, the mission sees no reason for parliamentary elections to be privileged or stand more important than local votes.

It is necessary to **extend the deadline for submitting election materials (ballots, PB protocols, etc.) to 18 hours.** The Law on Local Elections envisages only 8 hours to submit election materials, while it is 18 hours under the Law on Election of Representatives. This provision is particularly problematic when elections are held at several levels in parallel, as it was the case on April 24, in which case ballot papers cast in the parliamentary elections are counted before those cast in provincial and local votes. We believe that if same deadlines for submitting election materials are established for elections at all levels, it would to some extent

<sup>96</sup> These principles were set out by global Open Election Data Initiative: [www.openelectiondata.net/](http://www.openelectiondata.net/)

discourage the practice of polling boards counting ballots cast in elections at all levels in parallel (especially would prevent moving ballots from one ballot box to another)..

## PREVENT MISUSE OF ADMINISTRATIVE RESOURCES

National legislation pertaining to the use of state and public resources for campaigning should be aligned with international standards and Serbia's commitments. **It is necessary to precisely define basic terms and clearly regulate which activities officials may and may not engage in while campaigning to prevent indirect and partisan backing of contestants.**

**It is necessary to establish effective monitoring and timely response to the misuse of administrative resources in an electoral process** to ensure a level playing field among all contestants.

## MEDIA & ELECTION CAMPAIGN

Citizens have the right to be informed about all choices in an election to be able to vote knowledgeably. To that end, media coverage of election platforms, contestants and campaign events need to be timely, professional and accurate.

**It is necessary to enable (guarantee) equal media coverage, on a non-discriminatory basis, of all contestants.** Discrimination against election tickets or candidates involves: open favoring of one candidate list or candidate, denying airtime or media presence to election tickets or candidates, repeatedly providing airtime to same analysts who support one political option, unequal treatment of election tickets or candidates by reporters/hosts, avoiding topics considered "uncomfortable" or "undesired" by election tickets or candidates, etc.

Although Article 5 of the Law on Election of Representatives stipulates that "citizens have the right to, through public media services, be informed about election platforms and activities of the submitters of election tickets and other candidates," and that "public media services are obliged to ensure balanced coverage of all contestants," **it is necessary to introduce control mechanisms to ensure compliance with this rule, as well as to define methods of reporting about the results of control mechanisms.** However, four months after the elections, the REM's findings were not published.

Considering that the REM's work is supervised by the National Assembly of Serbia and its Culture and Information Committee, these bodies should take additional engagement to exercise their respective competences fully.

**The Electronic Media Regulatory Authority (REM) should act proactively in regulating equal media coverage of all contestants.** The REM should publish its report on monitoring election coverage of national broadcasters as soon as possible to remove all possible doubts in its impartiality and professionalism. The REM, as publically announced, monitored election coverage of nationwide broadcasters as well as regional and local TV stations during the election campaign, and we believe that it is of high public importance that these results be thoroughly analyzed and also compared with the findings of media monitoring conducted by non-governmental organizations.

**Special attention should be directed at media outlets with ownership structures connected with political structures, that is, individuals who are members of parties running in election.** Monitoring campaign coverage of these media outlets - particularly those privatized over the past few years, as part of privatization of once state-owned media, showed that they favored political parties connected with their ownership structures.

**The REM and the Culture and Information Ministry, as the bodies directly in charge of these media outlets, should be more proactive in exercising their respective competences, which primarily involve overseeing compliance with the laws prescribing professional reporting on an electoral process and equal media coverage of all contestants.**

**Media should provide an inclusive coverage of campaigning, all matters relevant to the quality of an electoral process, work of election administration, activities of contestants, problems and incidents in campaigning, election day and the pronouncement of election results.**

Compliance with this rule should be monitored by the REM, the Culture and Information Ministry, and the parliament's Culture and Information Committee, but also by the Press Council (as the first and only self-regulatory body, which brings together all relevant media associations and societies).

## TIMELINE FOR IMPLEMENTING RECOMMENDATIONS


ACHIEVABLE  
IN SHORT-TERM  
(6-9 MONTHS)


ACHIEVABLE  
IN MID-TERM  
(1-1.5 YEARS)


ACHIEVABLE  
IN LONG-TERM  
(2-3 YEARS)

Define a method for delivering poll cards in line with the existing procedural laws 


Improve voter register oversight 


Full update of the voter register 

Supplement the Law on the Unified Voter Register to enable display of voter lists for public scrutiny 


Adopt a single unified election law 


Prescribe by the law when it is possible to use extraordinary legal remedies 


More clearly prescribe by the law national minority status for parties in an election cycle or change party registration method 

Establish the RIK as a permanent and independent body 

Professionalize RIK's expert service 

The RIK should have authority ex officio to rectify or overturn decisions taken by polling boards, annul elections and order repeat voting 

Regulate by the law the status of observers both, short-term and long-term observers 

Change the legal framework to provide local organizations, accredited for election observation, with two observers per polling station, who could take shifts 

ACHIEVABLE  
IN **SHORT-TERM**  
(6-9 MONTHS)

ACHIEVABLE  
IN **MID-TERM**  
(1-1.5 YEARS)

ACHIEVABLE  
IN **LONG-TERM**  
(2-3 YEARS)

Change the legal framework to enable non-territory based election observation

Extend accreditations to observer for monitoring RIK's work to until after National Assembly's session at which mandates are allocated to MPs

Extend deadlines for certain activities performed by the RIK, especially for verification and control of registration documents of the submitters of election tickets

Facilitate collection of evidence to investigative bodies and investigation into criminal offenses involving suffrage

Enable electronic submission (e-mail) of complaints and appeals to relevant bodies - the RIK

The RIK should publish election data timely and in an open and machine-readable format, in line with international Open Data principles

Publish scanned polling boards' protocols, minutes from all RIK's sessions and provide live video streaming of RIK's sessions


The RIK should appoint a spokesperson


The RIK should develop public communication strategy, by expanding its communication channels to include new, social media


**ACHIEVABLE  
IN SHORT-TERM  
(6-9 MONTHS)**

**ACHIEVABLE  
IN MID-TERM  
(1-1.5 YEARS)**


**ACHIEVABLE  
IN LONG-TERM  
(2-3 YEARS)**


Change rules of procedure of lower level commissions (municipal, city) to enable unhindered work to citizen observers, including presence at sessions of those commissions 


Prescribe by the law conducting standardized training on electoral procedures for all polling board members 


Amend the Law on Local Elections in the part referring to the deadline for submitting appeals with the Administrative Court 


Extend the deadline for submitting election materials (ballots, polling boards' protocols, etc.) to 18h 

Clearly define basic terms and precisely regulate which activities officials may and may not engage in during campaigning, as well as control and sanctioning mechanisms 

Establish an efficient monitoring mechanism and ensure timely response to the misuse of state and public resources in campaigning 

Enable (guarantee) a level playing field among all contestants for media coverage 

The REM should be proactive in regulating the principle of level playing field among contestants in terms of media coverage 

The REM and the information ministry should take more active engagement in exercising their respective competences in the media domain during election campaigns 



## RECOMMENDATIONS BY OSCE/ODIHR - LIMITED ELECTION OBSERVATION MISSION

OSCE/ODIHR Limited Election Observation Mission issued a final report on July 29, 2016.<sup>97</sup> Recommendations contained in this report underline the need for professionalization of the State election commission (REC), including its permanent composition and administrative resources. Among the listed recommendations one stands particularly important - that the REC should have authority ex officio to annul elections if irregularities affect the outcome and to overturn and/or rectify decisions taken by polling boards.

It is further recommended that standards be introduced for PB result protocols and provided for safekeeping measure of electoral materials from the moment lower election commissions receive materials until it is handed to polling boards. As regards citizen participation, consideration could be given to displaying preliminary voter lists for public scrutiny, which is not possible under the existing legal framework (it is possible to scrutinize the voter register, but not voter lists, just before polling day).

A number of recommendations concern reconsideration of deadlines. The deadline for candidate registration could be reconsidered to allow for more thorough verification of registration documents, and the deadline to appeal decisions taken by the REC and polling boards (currently 24h) to ensure an effective legal redress. It is also necessary to provide an effective redress for election day irregularities and for challenging of the results, as that the existing dispute resolution mechanisms does not provide so.

Other recommendations concern election campaign finance (it is recommended that an expenditure ceiling be introduced and a requirement to submit interim financial reports), media (clearer and broader competences of the REM in sanctioning breaches of the law), and media (setting up a mechanism that would provide for sufficient funding and reduce their dependency upon the state budget).

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<sup>97</sup> <http://www.osce.org/sr/odihr/elections/serbia/259021?download=true>

## ABOUT CRTA

CRTA is a civil society organization, which together with citizens engages in an effort for **improved transparency and accountability of institutions and officials, through overview and scrutiny of their work.** While being a champion of **social responsibility principles**, CRTA develops various mechanisms for monitoring and evaluating openness of institutions and accountability of government officials, relying primarily on **new technologies and innovative technological solutions.** CRTA **researches and educates citizens and decision-makers about the concept of transparency and accountability and urges for the application of these principles as the fundamental values in a democratic society.**

The goal of the CRTA-GnS Election Observation Mission in the 2016 election campaign was to **efficiently observe and analyze the application of laws and international standards in preparing and conducting elections, inform citizens about the quality and level of democracy of the electoral process and events during the campaign and to ensure a swift response to potential breaches of electoral procedures and processes in local communities across Serbia.**

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