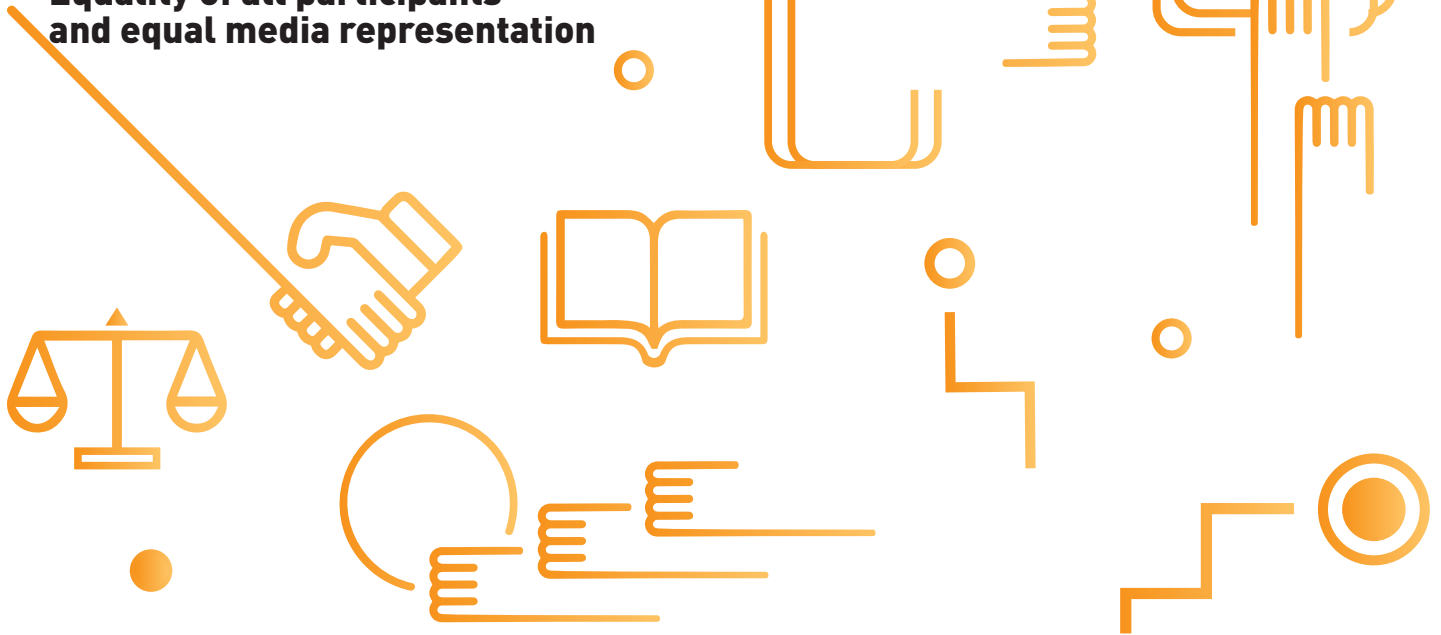


# CRTA RECOMMENDATIONS FOR THE IMPROVEMENT OF THE ELECTORAL CONDITIONS

## PART TWO:

### Equality of all participants and equal media representation



The CRTA systematically monitored the extraordinary parliamentary elections of 2016, presidential elections in 2017 and elections to the City Assembly of Belgrade in 2018 and made recommendations in the area of equality of all participants and equal media representation.

Equality of participants in the election race depends not only on the unequal resources they have, which is the topic we addressed in **the first part of recommendations** for the improvement of the electoral conditions, but also on the institutional advantages that the election rules give to different participants, as well as the uneven coverage of candidates or representatives of the lists in media.

**Rules regulating the conduct of elections should guarantee equal conditions for all electoral contestants, including their equal representation in the media.**

In order to ensure full equality of participants, it is necessary to change the rules favouring some participants at all stages of the electoral process, from the very campaign start, to the rules governing the representation of stakeholders in polling stations on the Election Day.

Voters have the right to be informed about the elective offer and the conduct of electoral stakeholders, so that they can make a decision for whom to vote. It is necessary to guarantee equal representation in the media to all electoral lists and candidates who participate in the election process. In order to ensure this right, it is necessary to provide functional control mechanisms and ways of informing the public about the results of such control.

So that the citizens could get acquainted not only with programmes of political stakeholders during the campaign but also with the financing of their campaigns, it is necessary to improve transparency of the process during the very campaign.

The Regulatory Body for Electronic Media and the Anti-Corruption Agency, as well as the National Assembly, play the major role in ensuring equality of all participants and equal media coverage. In order to achieve better electoral conditions in these areas, it is necessary for the control bodies to further dedicate themselves and fully realise authorities they have. It does not suffice to react upon citizens' complaints; they should proactively act and engage proceedings at their own initiative.

The CRTA brought forwards eight recommendations aiming to improve the electoral conditions in the area of equality of all participants. Five of them were repeated from the last electoral cycle in 2017 and three were introduced after the 2018 elections. These recommendations are available on the **Citizens on Watch** website.

## Recommendation for the improvement of equality of all participants in the electoral process

The amendments and supplements to the Law on Local Elections and of the Law on the Election of Members of Parliament should **separate the process of electoral lists submission and collection of supporters' signatures from the campaign itself**. The campaign should officially start only when the collective electoral list is adopted. An additional amendment to the Law on Local Elections should introduce the obligation that the **holder of the list for local elections must be also a candidate** in those elections.

The amendments and supplements to the Law on Local Elections and of the Law on the Election of Members of Parliament should foresee the **composition of polling committees**, so that political stakeholders that already have representatives in the permanent composition of a polling committee cannot have representatives in the extended composition of a polling committee.

The Regulatory Authority for Electronic Media (REM) should change its practice and **periodically issue written reports about monitoring and analysis of the work of electronic media**. Besides findings regarding the equal representation of candidates i.e. electoral lists in campaigning, the reports must contain comprehensive findings about the work of media comprising manners of informing of citizens about the elections. The REM ought to publish the final Report on the work of electronic media during the electoral campaign one month after the final results announcement.

The REM should also change its practice and respond directly to the complainant to every complaint indicating a violation of a general interest by sending a Report on receipt of the complaint and **reason its position on the filed complaint**. In all its reasonings, notices or decisions, **the REM should state the report prepared by a professional service for oversight and analysis**, that directly performs the oversight of broadcasters' programmes. All decisions brought by the REM upon citizens' complaints should be publicly announced and available on the internet presentation of this institution.

The amendments to the Law on Financing of Political Activities should introduce the obligation that **political entities submit provisional periodical financial statements during the election campaign period** instead of a final financial statement upon completion of the elections, as it is the case now. The Anti-Corruption Agency should publish these provisional periodical financial statements on its web presentation, as it does now with final statements.

Equality of all participants also relates to observers. The amendments to the Law on the Election of members of Parliament should **broaden the circle of associations that can be accredited to observe the elections** and enable all citizens of age and work ability having the citizenship of the Republic of Serbia to be accredited as national observers.

In order to substantiate these recommendations, it is necessary to amend the Law on the Election of Members of Parliament, the Law on Local Elections, the Law on Financing of Political Activities, the Rulebook on methods of imposing of measures to media service providers, as well as to change the present practice of the Regulatory Authority for Electronic Media.

In order to implement these recommendations, it is necessary to include: the National Assembly of the Republic of Serbia, the Ministry of Justice, the Ministry of Public Administration and Local Self-Government, the Ministry of Culture and Informa-

tion, the Anti-Corruption Agency and the Regulatory Authority for Electronic Media.

None of the recommendations from this area has not yet been applied, nor appeared in the draft laws that are underway.

***By adopting of these recommendations for the improvement of equality in the electoral process and an even representation in media, together with recommendations for prevention of the abuse of public resources, conditions under which political entities participate in the electoral race would be enhanced.***

### THE CRTA RECOMMENDATIONS FOR THE IMPROVEMENT OF ELECTORAL CONDITIONS:

Prevention of the abuse of public resources

**Equality of all participants and equal media representation**

Transparency of the process and confidence of the voters

Legal security and protection on the electoral right

Capacity and efficiency of the electoral administration