CRTA RECOMMENDATIONS FOR THE IMPROVEMENT OF THE ELECTORAL CONDITIONS

PART THREE:
Transparency of the Process and Confidence of the Voters

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 that would improve the transparency of the electoral process and confidence of the voters.

Citizens' mistrust in the election process is growing year by year.

In order to reinstate the citizens' confidence in the electoral process and in institutions implementing the elections, it is vital to improve transparency and openness of the entire electoral process.

The citizens' confidence might be reinstated if competent institutions, above all the Republic Electoral Commission, timely published all data relevant to the electoral process. Besides, the way in which institutions act upon citizens' reports on irregularities during the elections should be improved.

Serious deficiencies in the voters' register, its administration and updates significantly affect the confidence of citizens in the electoral process. Only one quarter of Serbian citizens believe that the voters' register contains updated and accurate data. An open dialogue between all institutions should be engaged with the aim of revising, updating and improving the quality of data in the voters' register, with the participation of the interested public.

The large majority of citizens believe that an independent control of the regularity of the election process is needed. Independent observers can further contribute to the confidence of citizens in the electoral process, but to be fully effective, their position should gain its place in the electoral legislation, which has not been the case so far and depended on the arbitrary judgement of electoral commissions.

In order to reinstate the citizens' confidence and improve the transparency of the elections, the CRTA has brought forward 17 recommendations. All of them are available on the **Citizens on Watch** website.

It is necessary to change the previous practice of election commissions in order to increase transparency of the process. Upon receipt of the Minutes on the Work of Polling committees from all polling stations, the **Minutes should be published** on the websites of the election commissions. The published minutes should be searchable by polling station. The REC sessions should be **broadcast live,** whereby, on websites of electoral commissions there should be **preliminary and final election results** by polling stations, **transcripts from plenary sessions and working bodies meetings,** as well as all additional materials and documents in a format appropriate for further use. The Law on the Election of Members of Parliament and the Law on Local Elections should be supplemented so that the electoral commissions are authorised to **examine the bags with electoral material** when it has been previously determined that there are serious errors in Minutes on the Work of Polling Station Committees.

The voters' register should be updated. This process should be led by a working group which would consist of all relevant stakeholders with the aim of improving the mechanism for **regular and comprehensive updating and revision of the voters' register**. A better coordination between **registrar's offices and offices in charge of the voters' register** is needed. **The oversight over persons who handle the voters' register** should be improved, which implies changes in the previous practice of the Administrative Inspectorate in order to establish a regular and extraordinary administrative oversight over the work of employees who participate in the process of updating the voters' register. Furthermore, there should be a consistent application of punitive regulations towards a responsible person in charge of updating the voters' register in case the it is not accurate and up-to-date. All information on keeping and updating of the voters; register should be **published on the website** of the Ministry of Public Administration and Local Self-Government.

The voters should be entitled to gain an **insight into the voters' register excerpt and other documents** in order in order to dispel doubts whether persons who were not enrolled in the voters' register, who were enrolled but who are deceased, or who did not live for years in the territory of the Republic of Serbia actually voted. Finally, it is necessary to **simplify procedures for citizens to update the information in the voters' register.** In that sense, the Ministry of the Public Administration and Local Self-Government and local self-government units should publish the form for registration in the voters' register on their websites and should enable citizens to electronically submit the form with the copy of the valid identification document. Additionally, the **delivery** of notifications for voting **should be defined more clearly**.

In order to reinstate the citizens' confidence in the institutions in charge of control of the implementation of the elections, we suggest a supplement to the Law on Electronic Media by introducing the obligation to **regularly report about fulfilment of indicators of successful work** of the REM Council, which would provide the National Assembly with reasoned grounds for the work assessment of the REM. Finally, the amendments to the Anti-Corruption Agency Act and to the Law on Electronic Media would stipulate **short deadlines for acting on complaints filed by the citizens,** which would make the control of the pre-election campaign more efficient and restore the confidence in these institutions.

The status and position of observers should be regulated via amendments to the Law on the Election of the Members of Parliament and the Law on Local Elections, in accordance with international standards. Such amendments to the laws would exhaustively enumerate their authorisations and the number of observers who can monitor the work of one electoral body would be limited. The notion of short-term and long-term observers would be demarcated. Besides, it is necessary to speed up and time limit the **process of fulfilment of the conditions for monitoring the elections** and the process allocation of accreditations to the observers. **The validity period of issued accreditations should be clearly defined and extended**, so that monitoring of the work of the electoral bodies be allowed until the expiration of all procedures for the protection of the electoral rights.

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 the Interior, the Administrative Court, the Republic Electoral Commission and local electoral commissions, local self-government units, the Administrative Inspectorate, the Anti-Corruption Agency and the Regulatory Authority for Electronic Media.

In order to substantiate these recommendations, it is necessary to amend the Law on the Election of Members of Parliament, the Law on the Election of the President, the Anti-Corruption Agency Act, the Law on Electronic Media, the Instructions for the Conduct of the Voting, the Instructions for the Implementation of the Law on the Unique Voters' register and other by-laws.

All the aforesaid recommendations have been repeated in previously outlined sets of recommendations. Apart from the announcement given in 2019 by the Ministry of Public Administration and Local Self-Government that the voters' register would be updated, none of these recommendations has not yet been applied in its entirety.

In order to improve the electoral conditions and restore the citizens' confidence in the elections, it is necessary to improve transparency in all phases of the electoral process and perform a thorough revision of the voters' register.

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 |

CRTA

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