

REFERENDUM : 2022



Referendum Observation Report

Summary



January 16th 2022

CRTA:



REFERENDUM OBSERVATION

Summary of findings

The referendum where citizens of Serbia decided on the confirmation of the act for changing the Constitution of the Republic of Serbia in parts related to the judiciary was officially called on November 30, 2021, and held on January 16, 2022, at 8.189 polling stations for 6.510.323 citizens of Serbia with the right to vote and registered in the voters' list.

The referendum was organized within short deadlines, with changes of the law regulating the conduct of the referendum only several days before it was officially called, contrary to international democratic standards.¹ The period of the referendum campaign was marked by growing socio-political tensions, as well as the timing of the referendum, that was organized just few months before the regular presidential and Belgrade elections, and extraordinary parliamentary elections, announced for April 2022.

The analysis of the period of the campaign around the referendum shows that deciding on changes of the highest legislative act of the Republic of Serbia was shadowed by other political topics, both in media reporting and in activities of political actors who did not show much interest in the referendum issue. The main finding of the long-term observation of the referendum campaign across Serbia shows that the referendum process and the referendum question did not have the priority for the ruling political parties, whose activities at the same time dominated in this period, while the opposition parties focused on these issues more frequently, although with the limited reach.

The Republic Electoral Commission (REC) informed citizens about the referendum through messages that were distributed by mail and in the mass media, with an aim to offer the objective information about the referendum question, and thus fulfill its legal obligation. However, the REC failed to provide reasons for voting “against”, while some members of the expert community assess that the REC efforts had the limited reach, and did not have the potential to compensate for the lack of citizens' understanding of changes to the Constitution within the short timeframe.

The closure of the referendum campaign was conducted in the deeply unfavorable epidemiological situation caused by the spike in the number of coronavirus infections, which added the pressure on bodies authorized to conduct the referendum, primarily the REC, subcommittees (city and municipal electoral commissions) and polling boards.

Regarding the day of the vote, the CRTA's observation mission processed data collected from 300 randomly selected and representative polling stations², and concluded that the voters' turnout was 29,7

¹ *Code of Good Practice in Electoral Matters of the European Commission for Democracy through Law (Venice Commission)*

² *Random stratified sample of 300 polling stations, representative for polling stations on the territory of Serbia, without polls abroad, in prisons and correctional facilities, and polling stations for voters from Kosovo.*



percent (margin of error +/- 1 percent). A total of 57,3 percent (margin of error +/- 2,3 percent) of citizens voted “for” confirming the act on changing the Constitution, a total of 41,7 percent (margin of error +/- 2,4 percent) voted “against”, while invalid ballots numbered one percent (margin of error +/- 0,1 percent). Considering that temporary results of the REC, based on processed data from 99,9 percent of polling stations³, fall under the margin of error for results related to the observed sample, the CRTA's observation mission assesses that no irregularities occurred in calculation of the total voting results.

The CRTA's observation mission assesses that the day of the vote went mainly in accordance with the law, with the obvious lack of preparedness of electoral administration, primarily polling boards and local subcommittees, to organize and conduct the voting process within short deadlines and in the pandemic conditions. Serious breaches of voting rights and procedures, at the same time representing the criminal offences, that were recorded at 4 percent of polling stations, did not influence the final outcome of the referendum, considering their scope and intensity. However, the gravity of recorded breaches, their presence in previous elections and the lack of institutional reactions, illustrate the worrying state of electoral conditions in Serbia. The persistence of such breaches extremely worries considering the upcoming parliamentary, presidential and Belgrade elections, to be held in two months.

Due to the incomplete composition of polling boards, which was at specific points during the day registered at 30 percent of polling stations, division of tasks between polling board members could not be organized in accordance with established procedures. This led to the inadequate conditions for the conduct of the voting process, hampering the integrity of voting. In addition, the widespread presence of unauthorized persons at polling stations was recorded, while cases of pressure and intimidation of observers occurred as well. At one polling station with identified serious irregularities, the CRTA's observation mission registered the so called “ballot stuffing”, i.e. casting dozens of ballots into the ballot box, thus breaching the principle “one person, one vote”.

The day of the vote was also marked by the extraordinary decision of the REC regarding the voting of citizens from Kosovo. After being forbidden to vote at the territory of Kosovo by the Kosovo government just before the referendum day, the REC decided to allow this group of voters to vote at 45 polling stations in four municipalities in central Serbia, only 12 hours before the start of the vote. The CRTA's observers conducted limited monitoring of 23 polling stations, covering all four municipalities, thus ensuring enough information for the analysis of the voting process. Based on the observation of the work of electoral administration, CRTA assesses that this solution did not allow voters from Kosovo the equal exercise of the voting right, and that it largely compromised the voting process at these polling stations.

The CRTA's observation mission had timely and quality communication with the REC on the day of the referendum, regarding the observers' right to monitor the voting process at polling stations where polling boards requested additional confirmation of the status of the observer. During the afternoon, the REC also allowed observers to monitor the voting process at polling stations designated to voters from Kosovo.

³ Temporary results of the REC on January 18 at 6 pm: Yes 59,6 percent, No 39,4 percent, with one percent of invalid ballots and voters' turnout of 30,7 percent.