

REFERENDUM : 2022



Report on the observation of the referendum to change the Constitution



January 16th 2022

CRTA:

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SUMMARY OF FINDINGS

A referendum in which the citizens of Serbia voted to confirm the Act amending the part of the Constitution of the Republic of Serbia related to justice was called on November 30, 2021, and held on January 16, 2022, at 8,189 polling stations. 6,510,323 citizens of Serbia were registered to vote.

The referendum was organized at short notice, with changes made to the law on its implementation just a few days before its announcement, which is not in line with international democratic standards.¹ The campaign period for the referendum was marked by growing socio-political tensions, and by the fact that the referendum was organized in the wake of the regular presidential, early parliamentary, and Belgrade city elections announced for April 3, 2022.

The analysis of the referendum campaign period indicates that the referendum on changing the highest legal act of the Republic of Serbia remained overshadowed by other political topics, both in media reporting and in the work of political actors who did not show much interest in the referendum issue. The foundational finding of long-term observation of the presence of a referendum campaign on the ground throughout Serbia shows that neither the referendum process nor the referendum topic was a priority for the political parties in power. These parties' activities were the most represented. Opposition parties often dealt with the referendum topic more often, but the reach of their campaigns was limited.

The Republic Electoral Commission (REC) organized the process of informing the citizens about the referendum by mail and mass media, to provide objective information on the referendum issue, thus fulfilling its legal obligation. However, the REC failed to explain the reasons for voting "against", while a significant part of the expert public has concluded that the REC's efforts were limited because they could not compensate for the low level of information that citizens had the proposed changes to the Constitution in such a short time.

The end of the referendum campaign took place in an extremely unfavourable epidemiological situation due to the record jump in the number of people infected with coronavirus. This put additional pressure on the bodies responsible for conducting the referendum, primarily the REC, sub-commissions (city and municipal election commissions), and voting boards.

When it comes to voting day, CRTA's Observation Mission processed the turnout data collected from 300 polling stations in a random and representative sample² and concluded that the turnout was 29.7 percent (error margin +/- 1 percent). 57.3 percent (margin of error +/- 2.3 percent) of citizens who went to the referendum voted in favour of confirming the Act amending the Constitution, 41.7 percent (margin of error +/- 2.4 percent) voted against, while one percent of ballots were invalid (margin of error +/- 0.1 percent). The provisional results of the REC at

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

² Random stratified sample of 300 polling stations, representative for polling stations on the territory of Serbia, excluding polling stations abroad and penitentiaries, and excluding polling stations for voters from Kosovo.

99.9 percent of the processed polling stations³ are within the margin of error of the results on the observed sample, which is why the CRTA's observation mission estimates that there were no irregularities in determining the total voting results.

CRTA's Observation Mission assessment is that the voting on voting day was mostly in accordance with the law, noting the inevitable unpreparedness of the election administration bodies, primarily the polling boards and local subcommittees, to organize and conduct the vote in the short, allocated time and under pandemic conditions. Serious violations of electoral rights and procedures, which are criminal acts, were observed in 4% of polling stations and cast a shadow over voting day. But regarding their scope and intensity, they did not affect the outcome of the referendum. However, the seriousness of the irregularities noted, their presence in previous election processes, and the lack of reaction from the relevant institutions illustrate the worrying state of election conditions in Serbia. The constant presence of these irregularities during elections is a particular cause for concern, having in mind that parliamentary and presidential elections will be held in two months, as well as elections for the Assembly of the City of Belgrade.

Due to the composition of the voting boards being incomplete, a situation that was at as many as 30 percent of the polling stations at certain times during the day, the division of work between the members of the voting boards as defined by regulations could not be organized. This led to inadequate voting conditions, which jeopardized the integrity of the voting process. In addition, unauthorized persons had a significant presence at the polls, and there were cases of pressuring and intimidation of observers. At one of the polling stations where serious irregularities were noted, CRTA's Observation Mission also recorded "ballot-stuffing", i.e., simultaneously inserting dozens of ballots into the ballot box, which violates the "one person, one vote" rule.

Voting day was also marked by an extraordinary decision by the REC on the manner and location of voting for Serbian citizens from Kosovo. The Kosovo authorities prevented this group of voters from voting in Kosovo just before referendum day. In response, the REC, less than 12 hours before voting started, decided to allow them to vote at 45 polling stations in four municipalities in central Serbia. CRTA's observers monitored 23 of these polling stations to a limited extent, covering all four municipalities, which was enough to analyse the voting process. Having seen the work of the election administration, CRTA assesses that this solution did not enable the voters from Kosovo to exercise their voting right equally and it also seriously compromised the voting process at those polling stations.

During voting day, CRTA's observation mission enjoyed timely and quality communication with the REC regarding the confirmation of the right of the observers to monitor proceedings at the polling stations where voting boards requested additional confirmations of observer status. In

³ Provisional results of the REC on January 18 at 6 pm: Yes 59.6 percent, No 39.4 percent, with 1 percent of invalid votes and a turnout of 30.7 percent.

the afternoon, the REC also allowed the CRTA's observers to attend voting at the polling stations where the voters from Kosovo were sent.

ABOUT CRTA'S OBSERVATION MISSION

Since 2016, CRTA's Observation Mission has been monitoring the quality of election processes per international standards. Given the major importance of the referendum on the confirmation of the Act on Amendments to the part of the Constitution of the Republic of Serbia related to the judiciary, CRTA applied the same methodology for monitoring the referendum process. The observation methodology was based on monitoring the referendum campaign, voting day, and the work of the election administration bodies from the moment the referendum was called until the announcement of the final voting results.

The referendum campaign was monitored by a team of long-term observers, who collected information on the quantity and content of the campaign on the ground throughout Serbia, following the activities of political parties, public authorities, and other relevant actors. A team of media monitors observed the presence and content of the referendum campaign on all television channels with national coverage and selected local television stations.

On the day of the January 16 referendum, CRTA's observation mission had 800 trained and accredited short-term observers who were deployed to 300 polling stations, determined on the basis of a random sample, that is representative of Serbia, excluding voters living in Kosovo. Observing the voting process through this sample enabled CRTA to report on the voting process, respect for laws and procedures, turnout, and the referendum results.

CRTA's observers were present at 300 polling stations from the moment the polling stations were ready to open at 6:00 am until the members of the polling boards announced the results of the referendum for each of the observed polling stations. This provided a comprehensive insight into the events at the polling stations.

CRTA made additional efforts to gather information on the voting process in four municipalities (Kuršumlija, Novi Pazar, Raška, and Vranje), to which voters from Kosovo were added by the REC the night before the start of voting. CRTA observers were deployed to monitor the voting process at 23 of these polling stations (out of a total of 45), but these polling stations were not considered when reporting on the turnout and results.

CRTA did not deploy observers or monitor the voting process at polling stations located abroad, or criminal detention facilities.

CRTA's accredited observers monitored the REC's work before the day of the referendum as well as on the day of the vote. After referendum day, CRTA's observers continued to monitor the REC's work, their coverage, and announcement of the results of the referendum.

This report was concluded on January 20, 2022, before the REC decided on which objections were approved, i.e., before the voting was repeated at the polling stations where the voting will be repeated due to irregularities. The analysis of the work of the election administration in these procedures and the announcement of the final voting

results will be available in CRTA'S Observation Mission's reports on the monitoring of the upcoming presidential, Belgrade city, and early parliamentary elections.

POLITICAL CONTEXT

The compromised independence of the judiciary is one of the key objections of international institutions to the current Constitution of the Republic of Serbia, which their assessments have mentioned since the adoption of the Constitution in 2006. However, it has taken more than a decade for domestic institutions to start solving this problem. A solution was expected from Serbia to, among other things, advance in the process of joining the European Union (EU). The Serbian authorities set the goal of changing the Constitution in the field of justice in 2016, intending to change it at the end of 2017, i.e., the beginning of 2018. In the meantime, the process of European integration has been in stagnation for two years since 2020, during which Serbia has not opened any new negotiating chapters, due to the unfavourable state of democracy and the rule of law. The only progress is that Cluster Four, which refers to the green agenda and sustainable connectivity under the new methodology of EU enlargement, was opened in December 2021.

The European Commission's (EC) annual report for 2021 picked up where previous reports left off and continued to criticise democracy and the rule of law in Serbia. In the area of justice, the EC states that the pressures are still high, and that "Government officials, including of highest levels, and Members of Parliament continue to comment publicly on ongoing court proceedings and to attack individuals judges and prosecutors."⁴ Regarding the functioning of democratic institutions, it is emphasized that the political climate in Serbia is still polarized, and that "inflammatory speech was used in parliament against political dissidents and representatives of other institutions who expressed different political views." Relevant international ratings and indices point to worrying trends: in the Freedom House annual report⁵, Serbia was identified as an undemocratic (hybrid) regime, with the lowest score in two decades. In the comprehensive assessment of the state of democracy of the V-Dem Institute from the University of Gothenburg, Serbia is in the group of countries with regimes that are among the most autocratic.⁶

The general socio-political atmosphere in the referendum year is the result of growing polarization in society, which was further deepened after the 2020 parliamentary elections. After these elections, which were boycotted by most of the opposition, the convocation of the parliament with the lowest degree of pluralism since the introduction of the multi-party system in Serbia, with as many as 97 percent of MPs belonging to the ruling majority. Unprecedentedly, the mandate of this convocation was determined by representatives of the executive when early parliamentary elections were announced immediately after the constitution of the parliament. The current convocation of the parliament will be remembered for intensive legislative activity without any substantial discussion on the important acts that were adopted, and for conducting

⁴ European Commission: Serbia, 2021 report
<https://ec.europa.eu/neighbourhood-enlargement/system/files/2021-10/Serbia-Report-2021.pdf>

⁵ Freedom House, Nations in Transit 2021: <https://link.crtars/o>

⁶ V-Dem Institute, Democracy Report 2021: <https://link.crtars/vdem21>

organized campaigns against civil society, independent media, non-parliamentary opposition, and dissidents. Campaigns inciting hatred and intolerance spilled over from the parliamentary benches into the pro-regime media, further undermining the credibility of Serbia's highest legislative body.

Serbia continues to face a serious lack of pluralism in society, which affects the atmosphere in which the Constitution was amended, and which is most visible in the media. Government representatives dominated the main news programmes of national television stations throughout 2021, and on top of that, they were portrayed in a predominantly positive tone. The President of Serbia, Aleksandar Vučić was the most represented figure in the media by far. Almost 50 percent of the total time reserved for political actors was dedicated to him.

The preparation and holding of the referendum, as well as controversial legislative changes that affected the citizens' vote on changing the Constitution in the field of justice, were accompanied by serious doubts amongst the public. The adoption of two new laws - the Law on Referendums and People's Initiative and the Law on Expropriation, as well as the announcement of Rio Tinto's commencement of work on the lithium mining project in the Jadra Valley, were the direct reasons for civil protests. Roads throughout Serbia were blocked amidst the wave of pre-existing civil dissatisfaction that is mostly related to environmental problems.⁷ In response to the protests, the Interior Ministry introduced a phone number to report roadblocks⁸ and issued misdemeanour warrants to participants⁹, while in some places there were incidents and attacks on protesters by an unidentified group of thugs to which police did not respond.¹⁰ As an epilogue to the demonstrations, the Law on Referendums was briefly returned to the parliamentary procedure and amended in accordance with the demands of the demonstrators. The President of Serbia did not sign the amendments to the Law on Expropriation but returned them to parliament for reconsideration. After this, the draft law was withdrawn from the parliamentary procedure.

In the context of the coronavirus pandemic, the campaign and the holding of the referendum were marked by record numbers of new cases¹¹ just before and during voting day. The epidemiological situation affected the ability of citizens who were infected or in isolation to vote, as well as the conduct of the voting at the polls.

⁷ N1, Manojlović: Ultimativni zahtev vlastima, 07.12.2021. <https://link.crtars.rs/2t>

⁸ MUP, Saopštenje, 4.12.2021. <https://link.crtars.rs/mup1>

⁹ Danas, NVO Građanske inicijative prikuplja novac za kazne, 27.12.2021. <https://link.crtars.rs/mup2>

¹⁰ N1, Uzavrelo u Šapcu, 29.11.2021. <https://link.crtars.rs/2u>

¹¹ RTS, Najveći broj novozaraženih od početka epidemije, 11.1.2022. <https://link.crtars.rs/2s>

LEGAL CONTEXT

The referendum held on January 16, 2022 is one of the last stages in the process of changing the Constitution of the Republic of Serbia. The process started in 2018, but the process came to a halt that year until the end of 2020 so most of the activities related to the referendum were conducted in 2021 or just before the referendum. The law applicable to the referendum came into force only four days before the day of calling the referendum, and the referendum was held just 46 days after it was officially announced: the law stipulates that a referendum can be held 45 days from the day of the official announcement at the earliest.

The changes to the Constitution that were voted on January 16, 2022, have been inevitable since the adoption of the Constitution in 2006. The advisory body of the Council of Europe, the European Commission for Democracy through Law (Venice Commission), expressed concern in 2007 over the excessive role of parliament in appointing the judiciary. This aspect of the constitution is what was changed through the referendum.

The amendments to the Constitution that were the subject of the referendum were officially envisaged in the Action Plan for Chapter 23 (the chapter on justice and fundamental rights), adopted in 2016 and revised in 2020. This Action Plan envisaged that the changes would be adopted at the end of 2017, i.e., at the beginning of 2018. The Ministry of Justice started the process of drafting its constitutional amendments in 2018, with the involvement of the professional public and civil society. However, the process was marred by the emergence of governmental non-governmental organizations (GONGOs) and the discrediting of professional associations, which resulted in many organizations and individuals abandoning the process.

The constitutional amendments were completed, but the whole process was paused again, which led to a violation of the deadlines stipulated in the Action Plan. The new deadlines were established in 2019 and they envisaged that the changes should be implemented by the end of 2021. Accordingly, at the end of 2020, the Government sent a proposal to amend the Constitution to the National Assembly, and the relevant body (the Parliamentary Committee on Constitutional Affairs and Legislation) adopted it on September 6, 2021, after public hearings. On November 30, 2021, the Speaker of the National Assembly called a referendum in which voters would decide on whether to change the Constitution.

The envisaged changes to the Constitution refer to the part of the Constitution that regulates the judiciary and have been implemented through 30 amendments. Some of the key changes include the following:

- **Changing the role of the National Assembly in the procedure of electing judicial office holders** - judges and prosecutors will not be elected by the National Assembly as before, but will elect the Supreme Public Prosecutor, four members of the High Judicial Council, and four members of the High Prosecutorial Council;

- **Introduction of permanence of judicial office from appointment to retirement** - there is no longer a three-year so-called probationary period that previously existed for all first-time judges;
- **Change in the composition of the High Judicial Council (a self-governing, independent body that elects and dismisses judges)** - these alterations change the structure of members; 11 remain, but unlike the previous rule, there is only one member by position (President of the Supreme Court), six judges are directly elected by other judges and four prominent lawyers are elected by the National Assembly by a two-thirds majority;
- **Changing the way that elected members of the High Judicial Council are elected** - The National Assembly will elect four members from among prominent lawyers by a two-thirds majority of MPs. If the National Assembly does not elect four members within the specified deadline, the said members shall be elected by a Commission consisting of the Speaker of the National Assembly, the President of the Constitutional Court, the President of the Supreme Court, the Supreme Public Prosecutor and the Ombudsman;
- **Change of the name of the highest court in the Republic of Serbia** - the Supreme Court of Cassation becomes the Supreme Court;
- **The President of the Supreme Court and the Presidents of other courts** will be elected by the High Judicial Council, in contrast to the previous rules according to which they were elected by the National Assembly;
- **Change of the name of prosecutorial functions and introduction of permanence from appointment to retirement** - the deputy public prosecutor becomes the public prosecutor; the public prosecutor becomes the chief public prosecutor. The mandate of the chief public prosecutor (formerly public prosecutor) remains at six years, while for public prosecutors (formerly deputy public prosecutors) the permanence of their function from appointment to pension is introduced, without the so-called trial period;
- **Change of the name of the Prosecutorial Council, its composition, and the manner of decision-making** - the State Council of Prosecutors will in future be called the High Prosecutorial Council (HPC); the number of members remains the same - 11, but the composition is different, so there will now be two members by position (Supreme Public Prosecutor and Minister of Justice), five public prosecutors elected by the chief public prosecutors and public prosecutors, (but the chief public prosecutor cannot be elected to the HJC) and four prominent lawyers elected by the National Assembly. Another innovation brought by the Act amending the Constitution is the exclusion of the minister in charge of justice when voting in the procedure for determining the disciplinary responsibility of the public prosecutor;
- **Change in the manner of electing elected members of the High Prosecutorial Council (which elects and dismisses chief public prosecutors and public**

prosecutors, proposes to the National Assembly of the Supreme Public Prosecutor) - the National Assembly elects four prominent lawyers by a two-thirds majority of all MPs. If it fails to elect four members within the time limit set by law, the said members shall be elected by a commission consisting of the Spes of the National Assembly, the President of the Constitutional Court, the President of the Supreme Court, the Supreme Public Prosecutor and the Ombudsman;

- **Change of the name of the function of the Republic's Public Prosecutor and prohibition of the re-election of the same person to this position** - the new name will be the Supreme Public Prosecutor and the term remains six years, except that there is no re-election of the same person to this position;
- **Change in the procedure for electing the Supreme Public Prosecutor** - in the future, a majority of three-fifths of MPs will be elect the Supreme Public Prosecutor, and the government will no longer be authorized to make nominations, instead, a competition will be conducted.

The referendum of January 16, 2021 was announced on November 30, 2021, and was held under the provisions of the Law on Referendums and People's Initiative, which entered into force on November 26, 2021. This law is based on the recommendations of the Venice Commission from 2020. The law that until recently regulated the matter of the referendum came into force in 1994, with amendments in 1998, and was in force until the adoption of the new Law on Referendum and People's Initiative on November 26, 2021. Certain provisions of the old Law were not in accordance with the 2006 Constitution, which made it necessary to amend the law. One of the most striking changes, which was the subject of much media attention in the months leading up to the referendum, concerns the referendum threshold. Namely, the previous law stipulated that a referendum is only valid if 50 percent +1 of citizens turn out to vote, while the new law completely abolishes this requirement. The solution of the new law does conform to the Constitution, which in Article 203 stipulates that a change of the Constitution is adopted if most voters voted in the affirmative.

Although these changes were needed for 15 years, they have only been addressed recently. The reason why the changes were adopted this time was because of the announcement of a national referendum to adopt an act amending the Constitution. In its opinion of November 9, 2021, the Venice Commission positively assessed the new Law on Referendum and People's Initiative, proposing certain changes that were soon implemented with the adoption of the Law on Amendments to the Law on Referendum and People's Initiative of December 10, 2021. In their conclusion, the Venice Commission underlined the regret that the change of the law regulating the matter of the referendum started only when the referendum on the change of the Constitution became inevitable. The application of the principle of electoral stability would mean that amendments to the referendum law should be applied before the expiration of one year from their adoption *only if they are fully in line with the European electoral heritage, i.e., if they*

*implement the recommendations of international organizations.*¹² In line with the above, the Venice Commission recommended that the next referendum be held only when the new law has had time to be fully applied.

Apart from the Law on Referendums and People's Initiative, the Venice Commission also gave three opinions regarding the constitutional amendments themselves. First, in June 2018, when this process began but was not completed, in which the Commission provided some criticisms of the proposed amendments, including unclear reasons for dismissal of judges and prosecutors, as well as criticism of the composition of the High Judicial Council and High Prosecutorial Council. After this, the process of amending the Constitution was paused. The next opinion from the Venice Commission was issued in October 2021, after the Speaker of the National Assembly submitted a request for an opinion in July that year. In the October 2021 opinion, the Venice Commission gave a mostly positive assessment of the amendments but referred to the one-party majority in the parliament and said the government should make efforts to increase opposition participation and contributions. Also, the composition of the five-member commission that elects members of the High Judicial Council and the High Prosecutorial Council when the National Assembly is unable to agree, should be reconsidered. The opinion adds that the process of public hearings was not sufficiently inclusive and transparent.

The latest opinion on the constitutional amendments was adopted by the Venice Commission on November 24, 2021 by urgent procedure, at the request of the Speaker of the National Assembly. This opinion is, once again, mostly positive. The Commission pointed out that most of its October objections were adopted and implemented, especially those concerning the composition of the High Judicial Council. One of the most significant criticisms was that the objection from the October opinion concerning the five-member commission was not adopted. Finally, the Venice Commission pointed out that, although these constitutional amendments have the potential to improve the Serbian judiciary, much depends on their implementation. In this regard, the Venice Commission stated that it is necessary to adopt legal solutions that will enable the smooth implementation of constitutional amendments, and that a new High Judicial Council and High Prosecutorial Council should not be formed before adopting the relevant laws determining who is eligible (and ineligible) to be elected to the places on the councils that are chosen by the National Assembly.

In conclusion, the Venice Commission regretted that no amendments had been introduced on the election of Constitutional Court judges (specifically the introduction of a qualified majority in parliament for their election) and reiterated its criticism of a five-member commission tasked with electing members of the High Judicial Council when the National Assembly cannot achieve an adequate majority - a better mechanism is needed to address this issue.

¹² Hitno mišljenje Venecijanske komisije na Nacrt zakona o referendumu i narodnoj inicijativi (18. oktobar 2021), paragraf 15, <https://link.crtars/2v>; Hitno mišljenje Venecijanske komisije na revidirani Nacrt zakona o referendumu i narodnoj inicijativi (14. decembar 2021), paragraf 10, <https://link.crtars/2vk>

ANNOUNCEMENT OF THE REFERENDUM AND THE WORK OF THE ELECTION ADMINISTRATION

The work of the Republic Electoral Commission

After announcing the referendum to confirm the Act on the Change of the Constitution of the Republic of Serbia, the Republic Electoral Commission (REC) conducted activities to prepare for the referendum on January 16, 2021. During this period, the REC held 15 sessions and adopted decisions in its permanent composition, consisting of 23 members, with a necessary majority of support from 12 members to adopt decisions. CRTA's Observation Mission was accredited to monitor the REC's work up to December 3rd, 2021, so the observation period included a total of 10 sessions of the REC, up until the day of the referendum.

In its work, the REC acted per the powers prescribed by the Law on Referendums and People's Initiative, the Law on Election of People's MPs, the Law on the Unified Voters' List, as well as the Rules of Procedure of the Republic Electoral Commission.

The most important part of the work of the REC in this period was related to the adoption of decisions and instructions necessary for the conduct of the referendum and the regulation of the work of election administration bodies. Unlike previous election cycles, when the REC adopted a single instruction covering all actions and procedures for conducting elections, in this referendum process the REC issued individual instructions, which was justified as respecting ODIHR recommendations and good practice in democratic electoral systems. Among the most important instructions were: determination of polling stations; preparation of voting material; proposing and appointing members and deputy members of voting committees; preparation and handover of voting material; applications for monitoring the work of referendum bodies; work of voting committees; arranging polling stations; implementation voting at the polling station and outside the polling station; monitoring voter turnout; informing voters about the national referendum; the manner of submitting requests for information on whether the voter was registered to vote in the referendum; determining the referendum results; decisions on moving documentary material; instructions on preparation, and the implementation of training programs for the conduct of elections and the referendum. In addition to these instructions, the REC also adopted a schedule for conducting the referendum to confirm the Act amending the Constitution of the Republic of Serbia and other decisions. This was all done under the Law on Referendums and People's Initiative, the Law on Election of MPs, the Law on the Unified Voters' List, as well as the Rules of Procedure of the REC and the newly adopted instructions.

Another change compared to previous election cycles is the regulation of the right to vote from Kosovo. Namely, due to the impossibility of organizing a referendum on the territory of Kosovo, the REC, in order to enable voters living in Kosovo to exercise their right to vote, adopted a decision that voters from Kosovo can vote at polling stations in four cities outside Kosovo: Vranje, Novi Pazar, Kuršumljaja and Raška. The previous practice during the election process was that voters from Kosovo could exercise their right to vote on the territory of Kosovo, with the

counting of votes taking place outside the territory of Kosovo with the support of the OSCE mission, which supervised and ensured that the election materials were transported to the locations where the voting results were determined.

The work of the election administration took place in an extremely unfavourable epidemiological situation due to a record jump in the number of people infected with the Covid-19 virus, which put additional pressure on the bodies responsible for conducting the referendum, primarily the REC, sub-commissions (city and municipal election commissions) and voting boards. On January 5, 2022, CRTA's Observation Mission sent an invitation to the Government of the Republic of Serbia, the Crisis Staff for the Suppression of Infectious Diseases Covid-19, and the REC to declare the conditions and measures urgently and unequivocally for holding the referendum on January 16, given the drastic increase the number of Covid-19 cases that were recorded in the first days of 2022. The REC adopted the Instruction for conducting voting in the republic referendum in the conditions of the epidemic of the infectious disease Covid-19, about which the Crisis Staff for the Suppression of the Infectious Disease Covid-19 had previously given a positive opinion. The instruction envisages the use of protective equipment at polling stations, a mandatory distance of 1.5 meters between voters, as well as the use of disinfectants. The novelty was the way Covid-19-positive and/or quarantine-positive voters registered and voted. Namely, these persons could register for voting from home (as well as other voters who meet the conditions for registration for voting outside the polling station) up to two days before the referendum with local subcommittees (local governments), as well as on election day up to 11:00 am with the voting board at their designated polling station. According to the Instructions, the commissioners of the voting board were obliged to go to their home addresses and organize the voting process outside the polling station, in front of the houses/apartments of Covid-19-positive voters. The instruction stipulates that any person who is negative on Covid-19 could be an assistant in the voting process and take on the role of ensuring the receipt and delivery of election material from voters to the commissioner. The trustees of the voting board were obliged to wear all protective equipment, as well as to disinfect the received voting material.

During the period from the announcement of the preliminary results of the referendum until January 20, 2022, 11 complaints were submitted to the REC, which was addressed at the 35th and 36th sessions. Of the 11 complaints, nine were rejected while two were rejected as unfounded.

The most common reason the REC gave for rejecting complaints (eight were rejected on these grounds) was that they were submitted by unauthorized persons. Only one complaint was rejected as inadmissible. Applying the provisions of the law, primarily the Law on Referendums and People's Initiative, namely Article 71, the REC based its decisions on the fact that the complainants did not identify themselves as voters whose right to free and secret ballot was violated, nor as authorized proposers on whose proposal the national referendum was called (i.e., on whose proposal an Act amending the Constitution was passed), nor as MPs. Notably, some complainants were members of subcommittees or individuals who pointed out various irregularities in the conduct of voting at polling stations but whose rights to secret and free

voting were not violated and were not prevented from voting by voting boards. Also, some objections, which were filed against the REC about decisions on the conduct of voting that were made before the referendum were rejected because the complainants could not be identified as authorised nominators, or representatives of authorised nominators, or as MPs. According to the law, only people holding these positions have the right to file objections against decisions, actions, or omissions of the REC.

The submitted objections stated, among other things, that at the polling stations where voters from Kosovo voted, the ballots of the citizens of Kuršumljia and the citizens from Kosovo were put in the same ballot box and that it was impossible to determine how many citizens of Kuršumljia voted "yes" or no". Another complaint states that the voting of citizens from Kosovo was conducted on the territory of the municipality of Raška and that voter lists and ballots were delivered to the polling stations, but not boxes for inserting ballots from Kosovo, and that all ballots were polling station, both from the territory of the municipality of Raška and from Kosovo, were placed in the same boxes. In this way, the complainants pointed out the regular process was violated, and the correct counting of votes was prevented. This made it impossible to count the votes separately and determine the voting results because the votes of voters from Kosovo were in the same ballot box. As a result, it was impossible to accurately fill out the polling board records, which calls their validity into question.

According to the applicants, the content of the complaints mainly referred to the following irregularities: that the voting board noticed more ballots in one ballot box than the number of voters registered in the voter list, as well as the complaint that the complainant was allowed to vote without showing an ID. Another case, according to the complainant, concerned the misrepresentation of votes through the falsification of documents and election material, with members of the voting board signing the voter list instead of non-voting voters, filling in ballots themselves, and then putting them in the ballot box.

Repeat voting in the referendum

Up to the issuing of this report, the REC has so far issued a decision to repeat the voting at a total of nine polling stations, based on the decision of the subcommittees: voting is to be repeated in five places because the competent local subcommittees could not determine the voting results from the polling board records, while at four polling stations the voting is to be repeated based on the subcommittees deciding that another vote is needed. Re-voting at these nine polling stations will take place on Sunday, January 23, 2022, and 7,711 people have the right to vote.

Informing citizens about the referendum

The REC oversaw informing citizens about the subject of the referendum and their rights. This activity took the form of an information campaign carried out by the REC by disseminating information through direct mail and the mass media. According to the public experts, this type of

information was limited, having in mind the complexity of the matter that was the subject to citizens' votes. This assessment is based primarily on the fact that citizens were not provided with all the necessary information in the form of arguments "for" and "against" the proposed changes, which were prescribed by the official instructions for informing citizens about the national referendum.¹³ In addition, the television campaign started only three weeks before the voting day, during the New Year's holidays, which reduced the possibility of organizing a higher quality information campaign to inform citizens.

The Voter Register

At the session held on January 14, the Republic Electoral Commission determined that on January 13, 2022, the number of voters in the Republic of Serbia was 6,510,323. The announcement of this many voters has again raised questions about the credibility of the Voter Register, given the discrepancy between the number of voters and the estimated number of adult citizens. This shows that the Voter Register is still one of the issues that undermine trust in the voting process and to which the competent institutions do not have a clear answer.

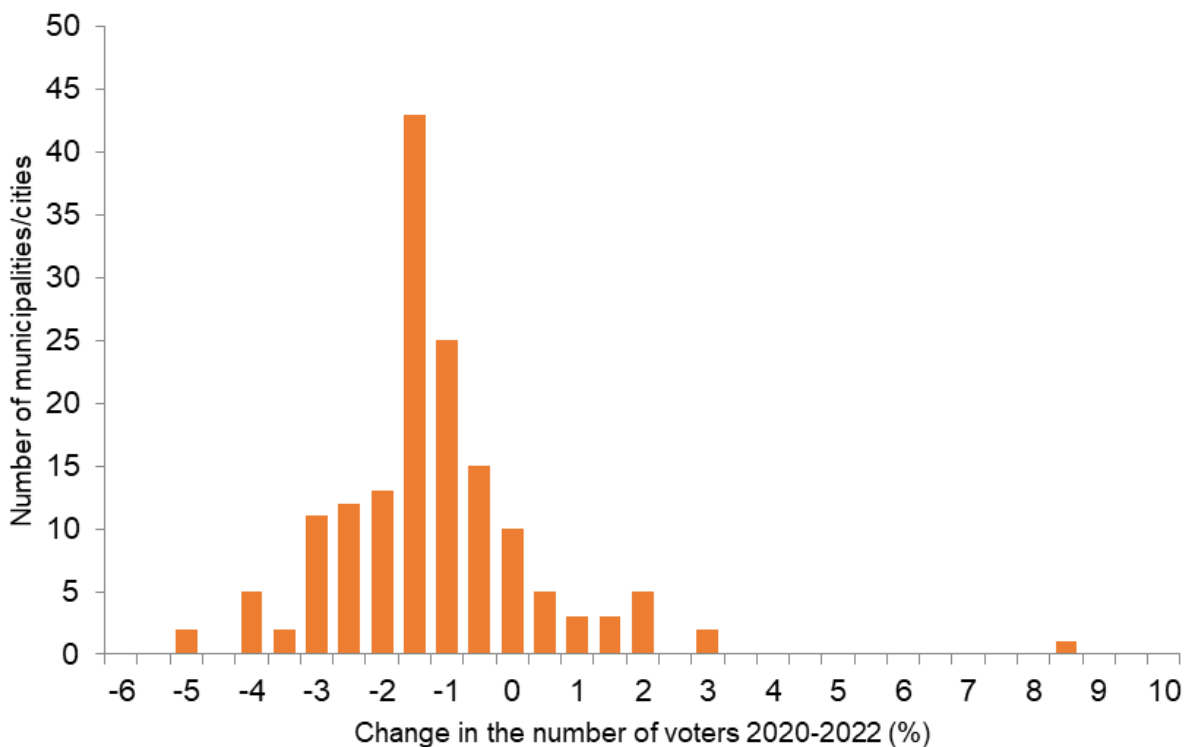
Concerning the number of voters in the Voter Register, during the general elections in 2020 (6,584,376), there was a decrease of 74,053 voters or 1.1 percentage points. There is a continuing trend of declining voter turnout, albeit at a slightly lower annual rate of change than was the case between the 2017 and 2020 elections (see the 2020 CRTA Report for a detailed analysis of voter turnout).

According to a comparison of official REC data on the number of voters per municipality in 2022 and data from the last election in 2020, there are no large discrepancies between municipalities in the number of voters. See the histogram showing the frequency of changes in the number of voters as a percentage.¹⁴

In most municipalities, the number of voters decreased by 1.5 percent. There was a slight increase in the number of voters in eighteen municipalities, which can be divided into three groups: urban municipalities of Belgrade (Zvezdara 1.8%, Zemun 1.3%), and municipalities with higher birth rates than the national average (Tutin 2.8%, Preševo 1.8%). It is difficult to explain the pronounced increase in the number of voters in the municipalities of western Serbia along the border with Bosnia and Herzegovina (Mali Zvornik is as high as 8.3%, Ljubovija 2.6%, Loznica 1.2%).

¹³ Uputstvo Republičke izborne komisije za obaveštavanje građana o republičkom referendumu, usvojeno 29. novembra 2021. godine: <https://link.crtars/31>

¹⁴ Percentage points, excluding the four municipalities in which voters from Kosovo voted, N=157



Among the municipalities with the most pronounced decline in the number of voters are some smaller municipalities in southern and eastern Serbia, such as Gadzin Han with 5.4%, Boljevac 5%, Babušnica 4.2%, and Knjazevac 4% fewer voters than 2020. The voter numbers in some of these municipalities are constantly declining (see Final Report with recommendations from the 2020 Parliamentary Elections¹⁵).

Polling stations

Voting was held at a total of 8,189 polling stations in the country and abroad. Unlike previous processes, when the REC determined the locations of polling stations according to proposals from municipal or city administrations, this time the whole process was under the jurisdiction of municipal and city election commissions. The decisions were published on the REC website, but the local election commissions did not adhere to the established norm of submitting data on the name, address, and local area of the polling station, which made the process of observing the voting process more difficult. In several municipalities (Sečanj, Batočina) there was a drastic reduction in the number of polling stations, which were virtually halved. Polling stations in penitentiary institutions (29) were determined in the same way as in the previous elections, according to proposals of the Ministry of Justice.

¹⁵ Crta, Završni izveštaj sa preporukama sa Parlamentarnih izbora 2020: <https://link.crtars.rs/2020>

Polling stations abroad were determined according to proposals from the Ministry of Foreign Affairs. Compared to previous election cycles, significantly fewer polling stations were open for voting in the referendum, in a much smaller number of countries. Voting abroad was enabled in ten countries, i.e., in a total of ten polling stations. Voting took place in Northern Macedonia, Switzerland, France, Croatia, Austria, Belgium, Italy, Germany, Norway, and Russia. The total number of voters registered to vote abroad was 1,766, and 839 voted. The low interest of citizens can be interpreted as a result of insufficient information about the referendum and an unfavourable epidemiological situation.

For the sake of comparison, in 2020, voting was organized in 19 countries, in 40 polling stations, where 13,251 voters had the right to vote, and as many as one-third of eligible voters registered to vote in Bosnia and Herzegovina.

Number and locations of polling stations	
Location	Number
Republic of Serbia, towns, and municipalities	8.150
Penitentiary institutions	29
Abroad	10
Kosovo	0
Total	8.189

The voting process for voters from Kosovo

The week before the referendum was marked by tensions between Belgrade and Pristina over the conduct of the referendum in Kosovo. After the Kosovo authorities decided not to allow a referendum on the territory of Kosovo, the REC decided, only 12 hours before the start of voting, that voters from Kosovo would be able to vote at 45 polling stations in central Serbia. Voters from the Kosovo district voted in Kuršumljija, those from the Peja and Prizren districts in Novi Pazar, from the Kosovska Mitrovica district in Raška, and the Kosovo-Moravian district in Vranje. These voters were added to the existing polling stations, without the formation of new seats, new voting boards and without the provision of additional voting materials.

After analysing these events and the subsequent actions of the referendum administration, the CRTA's Observation Mission concludes that unreasonable, even impossible conditions were imposed on voters from Kosovo in the referendum. Voters had to travel by individual or organized transport through administrative crossings in potentially hazardous epidemic conditions to exercise their right to vote. Additionally, the election administration added voters

from Kosovo to the existing voter lists at the polling stations in four municipalities in central Serbia, which created as many as 30 polling stations with more than 2,500 voters, which is contrary to the official Instructions for Determining Polling Stations. The largest polling station in Raška, No. 7, "Sutjeska Elementary School" in Supnje which had 4,606 voters serve as a telling example. Every voter would have needed to vote in just 10 seconds for all the eligible voters to have voted on the day. With these last-minute decisions, the election administration created unequal conditions for some citizens of Serbia to exercise their right to vote.

Domestic and foreign observers

Regarding the observation of the referendum, domestic observers were registered by five organizations and associations: Suverenisti (Sovereignists) (1,387), CRTA (876), CeSID (53), Obraz (Honour) (15), and Središte (2). In addition to CRTA and CeSID, foreign observers were registered to monitor the work of the REC: the Federation Council of the Federal Assembly of the Russian Federation (6), West Support Inc (4), the Central Election Commission of the Russian Federation (2) and the Interparliamentary Assembly (IPA) of Member Nations of the Commonwealth of Independent States (CIS) (2).

Registration for organizing the referendum campaign

The Law on Referendums and People's Initiative (Article 27, paragraph 1) stipulates that a referendum campaign can only be led by an organizer. However, the law remains vague as to who can be considered an organizer and whether conducting any promotional activities should require registration with the Anti-Corruption Agency, as a prerequisite for accrediting referendum observers. Only three associations officially registered to organize a referendum campaign:¹⁶ Ne davimo Beograd (Do not let Belgrade drown), Suverenisti and Obraz. Obraz was banned by the Constitutional Court in 2012, only to be re-registered in 2019 with the same representative in the Business Registers Agency.

On December 21, 2021, CRTA submitted a request to the Agency for the Prevention of Corruption (ACA) for an opinion on the application of the relevant provisions of the Law on Referendums and People's Initiative. These are controversial legal issues that may arise during the referendum campaign. First, the questions referred to the opinion of the agency on who can be considered an organizer of a referendum campaign when it comes to mandatory referendums prescribed by the Constitution, as in the case of the referendum held on January 16, 2022.

To that end, CRTA asked the ACA for an opinion on the following controversial issues: Does every domestic legal entity that organizes a meeting, i.e., an expert debate on an issue to be decided on in a referendum have the status of a referendum campaign organizer, and/or an obligation to open a special account and submit a report on the costs of the referendum campaign to the ACA? Can domestic associations advertise in public regarding referendum

¹⁶ Agencija za sprečavanje korupcije: <https://link.crt.rs/2x>

proposals, and will they be considered organizers of the referendum campaign in that case? Is calling for a referendum boycott a referendum campaign? Has the director of the ACA passed a bylaw regulating the content and manner of submitting the report on the costs of the referendum campaign? What is the maximum donation that one natural or legal person can give to the organizer of the referendum campaign? CRTA asked for an opinion on whether public officials are forbidden to call for voting for or against a referendum proposal. CRTA raised the question of whether the rules of the Law on Financing Political Activities, which refer to the prohibition of the misuse of public resources by political entities, are applied to the referendum campaign accordingly. Also, CRTA asked whether the provisions of the Law on Prevention of Corruption, which refer to the prohibition of misuse of public resources by public officials, can be applied to public officials in the referendum campaign. Finally, CRTA asked for information on whether the ACA would supervise the conduct of the referendum campaigns on the ground.

The ACA submitted the answer to CRTA just a day after the referendum was held, on January 17, 2022, although the answer itself states that it was written on January 5, 2022. In its response, the ACA stated that it is not authorized to give an official opinion regarding the application of the Law on Financing Political Activities because it is not the proposer of that law. Also, the ACA informed CRTA that the Director of the ACA passed a bylaw regulating the content and manner of submitting reports on the costs of the referendum campaign and that its entry into force is expected in the coming period. In the end, the ACA stated that it will not conduct field monitoring of the referendum campaign but will conduct supervision in another way.

LONG-TERM OBSERVATION

A team of long-term observers from CRTA's Observation Mission scrutinised events on the ground throughout the referendum campaign. Their work covered events in all 24 districts in Serbia and Belgrade. Daily reporting on the activities of political actors, on the one hand, and on the activities of public authorities (local, provincial, and republican), on the other hand, from December 1, 2021, to January 9, 2022¹⁷, saw almost 2,000 reports collected from more than 100 cities and municipalities in Serbia. Observers reported on the regular activities of political parties, through which the party members meet citizens and strengthen their support and infrastructure. Observers also reported on potentially controversial, clientelist activities of political actors, i.e., activities in which the party goes beyond its competencies and uses strategies of bribery or intimidation.

The key finding of long-term observation of the referendum campaign on the ground throughout Serbia is that neither the referendum process nor the referendum issue was a priority for the ruling parties who were most active on the ground. Opposition parties dealt with the referendum topic much more often, but their campaigns were limited in scope.

With more than 400 recorded activities, the ruling Serbian Progressive Party was the most political party with the most visible presence on the ground. Of the total number of recorded activities, almost 60 percent were related to regular party organization and contact with citizens, primarily through stands, door-to-door campaigns, posters, public activities, and events. In addition to regular party organization and communication with voters, observers noted that as much as 40 percent (170) of activities could be described as clientelist. The Serbian Progressive Party is also the only party from both the government and the opposition who had clientelist activities recorded in this period. These are predominantly donations (131 cases): namely, donations to socially disadvantaged citizens, including the distribution of food packages (75), the distribution of vouchers and gifts (56); then donations to institutions (10), assistance to households (10) and other forms of such activities.

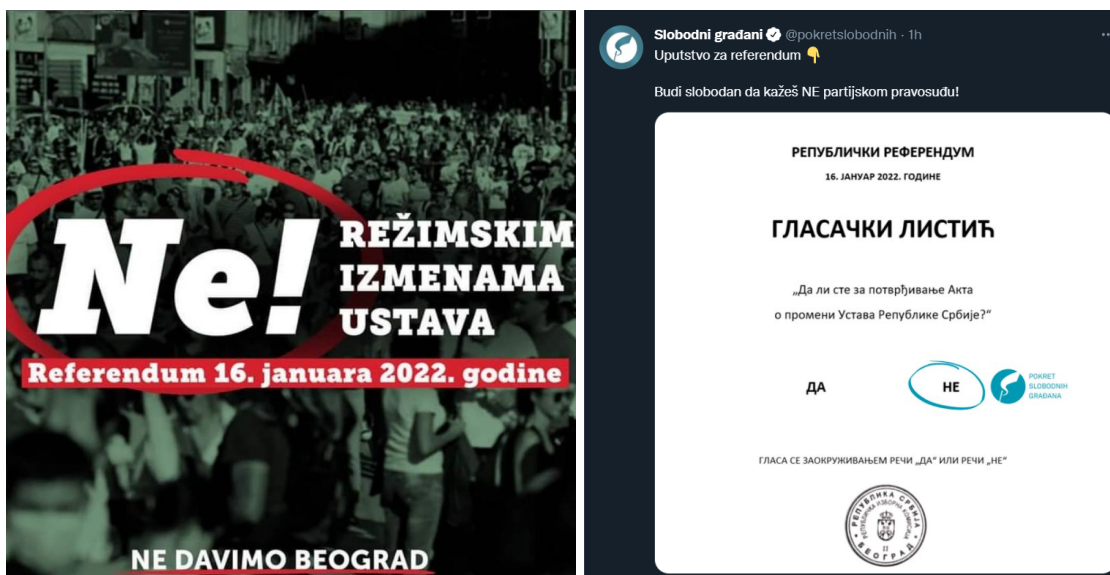
However, when it comes to the referendum as a topic, long-term observers only saw it in the in-the-field activities of the ruling party during the last week before the referendum day. Even then these just nine cases conducted at stands and through announcements were mostly reactions to civil protests and similar events during this period. In the last week of the campaign, the Serbian Progressive Party raised its voice about the referendum by publishing the first promotional video on social networks¹⁸ and by instructing the membership on what messages to communicate on social networks. The main features of the ruling party's campaign, apart from its low intensity, were messages that the referendum is not party-political, that it refers to an independent judiciary and independent prosecutor's office, that it has nothing to do with the preamble to the Constitution that mentions Kosovo's independence, and finally that the result of the referendum will determine whether Serbia's EU integration process slows down during the

¹⁷ CRTA's long-term observers started working in all districts on November 22, 2021, and in Belgrade on December 13, 2021. Data covering the period of the referendum campaign were used for this report.

¹⁸ Official YouTube channel of the Serbian Progressive Party: <https://link.crtars/2y>

next four years. In contrast, the referendum was the topic that opposition political actors mentioned the most. This is, on the one hand, the result of the support of some opposition actors for the civil protests, during which roads across Serbia were blocked in December 2021. On the other hand, some opposition parties did have a firm position on the referendum and launched campaigns in that direction. However, these campaigns were limited as they took place solely through social networks and events on the ground, and so were left outside the mass media.

Some opposition actors, including Ne davimo Beograd (Do not Let Belgrade Drown); Pokret slobodnih građana (Free Citizens Movement), Socijaldemokratska stranka (Social Democratic Party) called on citizens to vote "against", primarily pointing to the illegitimacy of the referendum process given the state of institutions in Serbia. Other opposition actors did not express an opinion on the referendum (such as Demokratska stranka (Democratic Party) and Stranka slobode i pravde (SSP) (Freedom and Justice Party).



An example of a message from an opposition party calling for a vote for "against" based on the content of changes and taking into consideration the lack of legitimacy of state institutions under the current political conditions in Serbia.

The third group of political actors from the opposition is those that also called for a vote "against", but whose arguments were based on misinformation, such as calling for a vote against "migrants", the Rio Tinto project, violations of national identity, etc. which could have misled voters.

Messages from opposition actors primarily reached citizens via the Internet, through social networks.

The second most active political party in this period was the SSP, an opposition party, with long-term observers registering nearly 150 activities. The SSP, as well as Let's not drown

Belgrade (Ne Davimo Beograd), maintained direct communication with citizens through street activities. The other most parties whose activities were relatively frequent and were recorded by observers also come from the opposition, namely the People's Party (Narodna stranka), the Democratic Party (Demokratska stranka), and Dveri. Apart from Dveri, which stands out for organizing public events (debates and roundtables) in this period, the People's Party (Narodna stranka) and the Democratic Party (Demokratska stranka) mostly communicated through press releases.



Example of messages from opposition actors to vote “against”

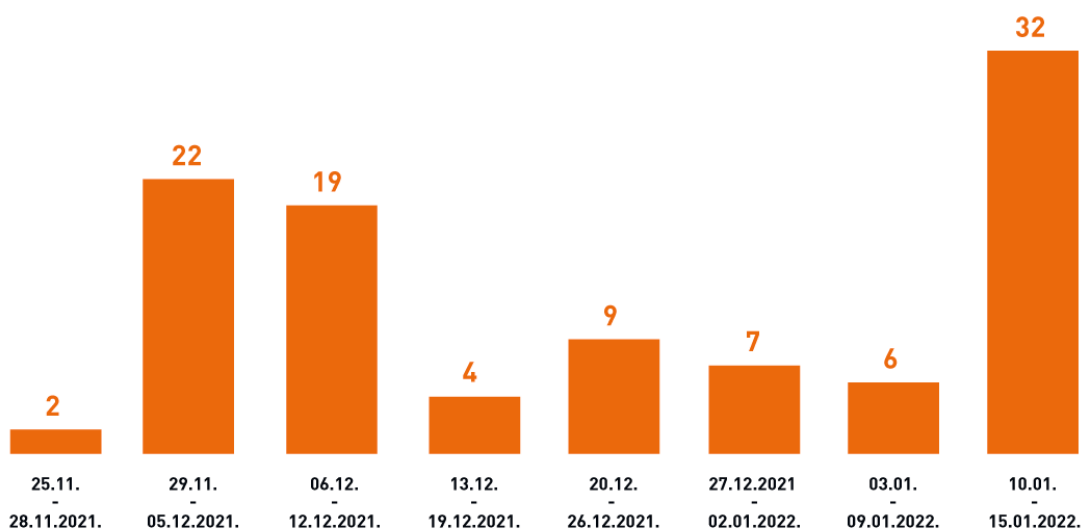
A noticeable lack of activities on the ground was recorded among the remaining members of the ruling coalition, such as the second-largest party in power, the Socialist Party of Serbia, which went almost unnoticed throughout the whole referendum campaign.

There were almost no referendum campaigns in the media. CRTA's media monitoring revealed that in the period from October 25, 2021, to January 15, 2022, the referendum was one of the least represented on television stations with national coverage. Going week by week, the topic of the referendum was represented on two occasions, in the week from November 29 to December 5, when the referendum was called, and in the week from January 10 to 15, 2022, just before voting day (Chart 1).

The advertisements of the REC informed citizens about the technical aspects of the referendum, such as the date when the referendum will be held and what will be decided in the

referendum. However, the REC failed to present to citizens arguments "against", which was one of the obligations prescribed by law. Some public experts estimate that the REC's activities in this regard were limited¹⁹ because there was no prospect of compensating for the dearth of information that citizens had about the changes to the Constitution in such a short referendum campaign.²⁰ The topic of the referendum was most often represented in the news (57 percent), followed by socio-political shows (18 percent) and interviews (9 percent) (Chart 2).

Graph1: Coverage of the referendum on television stations with national frequencies per week in percentages



The referendum was often reported factually, by presenting technical details, without going into the relevant arguments and explaining why to vote for or against the proposal. The Public Service Broadcaster devoted most of its time to debates involving judicial experts. However, these debates on the referendum were only organized by the public service broadcaster during the last two weeks of the referendum campaign.

The referendum campaign was held in conditions of extreme inequality in the media of election participants. CRTA's media monitoring²¹ showed that during 2021 as much as 94 percent of the time in the central news programmes of television stations with national coverage was dedicated to representatives of the ruling coalition, while the opposition was present in the remaining 6 percent. Additional insights into media inequality are gained when the tone of representation of political actors is considered - while representatives of the ruling parties were represented in a predominantly neutral (66 percent) and positive (34 percent) tone, opposition

¹⁹ Euronews, Stručnjaci za Euronews Srbija o predreferendumske kampanji, 15.1.2022. <https://link.crtars/2z>

²⁰ Danas, Dragana Boljević: Oko 90 odsto građana ne zna da se menja Ustav, 20.10.2021. <https://link.crtars/30>

²¹ The research was conducted by CRTA in the period December 2020 - November 2021, using a sample of all five television stations with a national frequency, where the unit of analysis was the number of seconds of presentation in the central news program.

representatives were presented mostly negatively (58 percent), then neutrally (38 percent) and finally positively (4 percent). The individual most reported on in the media by far was the President of Serbia, Aleksandar Vučić, to whom almost 50 percent of the total time reserved for political actors was dedicated. All other actors were represented together in the remaining half of the time in national television broadcasts.

THE REFERENDUM DAY

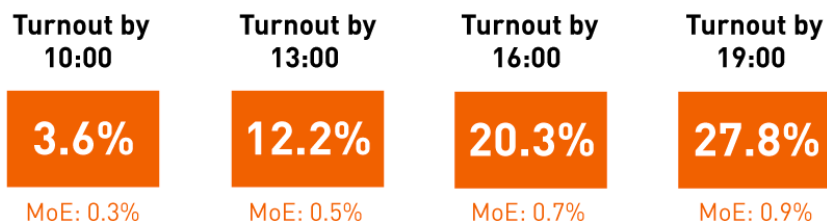
Turnout and results

According to the decision of January 14, 2022, the Republic Electoral Commission determined that 6,510,323 voters registered in the Voter Register have the right to vote. The Republican Election Commission announced the final number of voters registered at polling stations in Serbia on January 15, less than 12 hours before the opening of polling stations.

Data on turnout and referendum results were obtained based on information collected from a random, stratified sample of 300 polling stations, which is representative of polling stations in Serbia (excluding polling stations abroad and penitentiaries, and polling stations where voters from Kosovo voted). 29.7 percent of citizens who registered to vote voted in the referendum. The margin of error with a confidence interval of 95 percent is +/- 1 percent.

REFERENDUM:2022

Turnout during the Referendum Day



Total percentage of citizens who voted in referendum

29.7%

MoE: 1%



CRTA:

There were no spikes in turnout during the referendum day. The highest turnout rate was in the period 13:00-16:00, when 2.8 percent of the total number of voters per hour voted, while the lowest rate was in the early morning hours (1.3 percent of voters per hour), and just before the end of voting day (2 percent).

The low turnout of citizens can be interpreted as a consequence of the lack of a referendum campaign "for" or a campaign "against", as well as the absence of a campaign to respond to the referendum. Citizens were deprived of the full information on a complex and important topic, bearing in mind that they were asked to declare a change in the highest legal act in the area of

justice, as one of the three branches of government. In addition, turnout was affected by the worst epidemiological situation in Serbia since the beginning of the COVID-19 pandemic.

Based on the fully processed sample, 57.3 percent of citizens who went to the referendum voted "for" the confirmation of the Act on Amendments to the Constitution of the Republic of Serbia, while 41.7 percent voted "against". The margin of error with a confidence interval of 95 percent is +/- 2.3 percent for the answer "Yes", and 2.4 percent for the answer "No". 1 percent of ballots were invalid.

REFERENDUM 2022

Results

Are you in favour of confirming the Act on Amending the Constitution of the Republic of Serbia?



Total turnout

29.7%

MoE: 1%



Broken down by region, the highest turnout was in western Serbia (33 percent), Vojvodina (32 percent), and southern Serbia (31 percent), and the lowest in eastern Serbia (26 percent), Belgrade (27 percent), and central Serbia (28 percent). Analysis of votes by region shows that only the citizens of Belgrade voted "No" as a majority (56 percent), while the citizens of other regions were in favour of changing the Constitution.

Citizens from southern (66 percent), eastern (64 percent), western (63 percent), and central Serbia (63 percent) voted in favour of confirming the referendum question, while a slightly smaller number of citizens from Vojvodina answered yes to the referendum question (57 percent).

In the referendum, 29 percent of registered voters from urban and 31 percent from smaller, rural areas voted. About 70 percent of the rural population voted in favour of the change of the Constitution, significantly more than the urban population, of which 50 percent marked the answer "Yes".

The day of the referendum

The quality of the voting process was assessed based on data collected from a random sample of 300 polling stations, representative of the territory of Serbia (excluding penitentiaries, polling stations abroad, and places where voters from Kosovo voted). CRTA's observers were deployed at polling stations in two shifts, all through voting day from before opening until closing and counting. In total, they answered 90 questions in nine questionnaires, which means that the findings on the voting process are based on more than 28,000 observations.

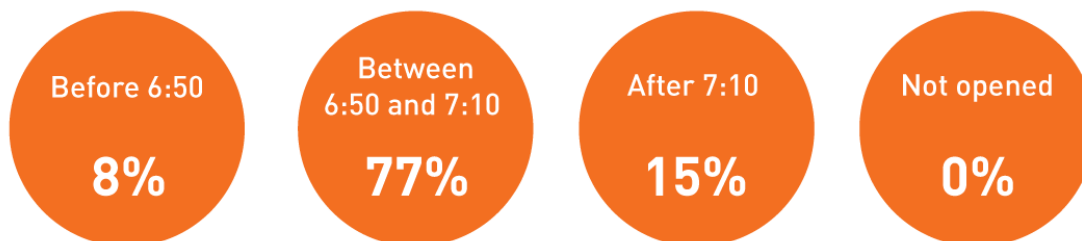
The opening of polling stations

The opening of polling stations mostly followed the prescribed procedures. However, in almost 15% of polling stations, the opening was delayed. At a significant number of polling stations (29 percent) some of the staff were not present at the opening, which indicates that the bodies for conducting the elections were insufficiently prepared, especially in the context of the peak of the coronavirus pandemic.

REFERENDUM:2022

Opening of polling stations

Polling stations opened at:



In 95% of cases, the polling station was prepared in line with the prescribed procedures. At one percent of polling stations, bags of ballots were not physically closed by a security lock with a serial number when they were handed over. In three percent of cases, the ballot box was not shown to the first voter before it was sealed, as per the procedures. In four percent of polling stations, the checklist at the beginning of the voting was not inserted into the ballot box while the first voter was voting, in line with the prescribed procedures.

Observers were allowed access to monitor the voting process at polling stations from the moment of opening. At seven polling stations, the voting board asked the observers for additional confirmation of their accreditation from the Republic Electoral Commission, which did not happen in previous election cycles.

During the opening of polling stations, almost all - 97 percent - were equipped with the prescribed means to prevent the spread of coronavirus. A very large percentage of polling stations - 57 percent - were not accessible to people with disabilities.

There was only one case of propaganda material related to the referendum being issued at the polling station or within a 50m radius of a polling station.

The voting process at polling stations

During the first half of the day, the members of the voting board did not follow the established voting procedures for every voter in 7 percent of the polling stations, while in the second half of the day that percentage decreased to 6 percent.

At four percent of polling stations, the presence of unauthorized persons was recorded, who mostly presented themselves as party representatives, especially in the first part of the day, while in the second part of the day, this practice mostly stopped. Violation of the secrecy of the ballot (3 percent) was found in a smaller percentage of polling stations, and parallel records on the identity of voters were found at the same percentage (3 percent). Although at the beginning of the day the percentage of polling stations that were properly prepared (including the installation of a ballot box that allows for secrecy of voting, division of labour between members of the voting board, and distribution of materials according to the listed procedures) was 95 percent, during the whole voting day, the figure was 92 percent.

At one of the places where serious irregularities were noticed, CRTA's Observation Mission also registered a case of "stuffing" the ballot box, i.e., simultaneously inserting dozens of ballots into the ballot box, which violated the "one person, one vote" rule.

During voting day, individual cases of voting without showing a valid ID card or passport, voting for another person, voters with valid documents and registered voters who were not allowed to vote, as well as voters whose name was not found in the voter list were recorded. However, these irregularities did not occur with enough regularity to have affected the outcome of the vote.

There were also two cases of harassment of CRTA's observers, which made it impossible for them to follow the voting process. Unknown persons, who were at the polling station without authorization, insulted and intimidated the observers. CRTA decided to withdraw the observer from one polling station for security reasons.

From the opening of the polling station until 3 pm, the polling boards fully implemented measures to prevent the spread of coronavirus, such as wearing masks and disinfecting hands,

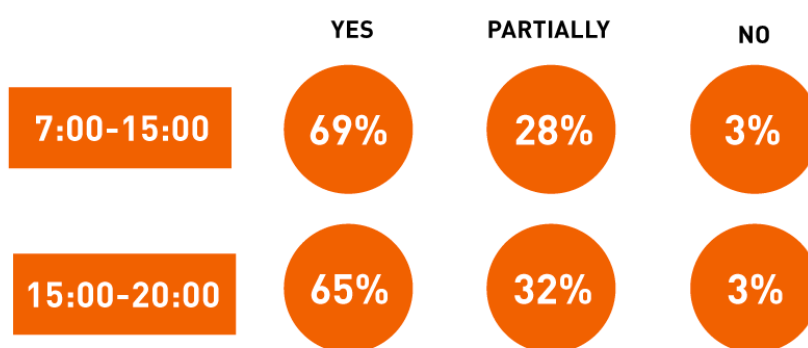
in 69 percent of polling stations, while in 31 percent they did so partially or not at all. During the second part of the day, the full implementation of the planned measures dropped to 65% of all polling stations, which is similar to the trend observed in the 2020 elections.

All voters who needed help with voting were provided with the necessary aid.

REFERENDUM:2022

Coronavirus measures

Polling stations where board members complied with preventive coronavirus measures (e.g. the use of masks, hand disinfection etc.)



The voting process outside of polling stations

About 1% of voters who went to the polls registered to vote outside of polling stations up to the day of the referendum and the opening of polling stations. However, twice as many citizens registered to vote outside of polling stations during voting day, so 3.5 percent of voters who exercised their right to vote did so outside the polling station. That percentage is slightly higher than in the parliamentary elections in 2020, also held during the pandemic (3.3 percent), and more than twice as high as in the elections held in 2016 (1.5 percent).

Although CRTA's observers did not monitor the members of the voting boards during the voting outside polling stations, their reports on how those votes were treated indicate that the voting boards were unprepared. In 32 percent of polling stations, polling boards did not form teams of three members who were representatives of various nominators (usually political parties), as commissioners for voting outside the polling station. In 36 percent of polling stations, the teams of commissioners for voting outside the polling station did not immediately hand over the official envelopes with sealed certificates of voting rights and ballots upon their return from the field,

i.e., the voting boards did not take them out folded and put them in the ballot box without reading them.

The closing of polling stations and counting of votes

In 96 percent of polling stations, no voters found themselves at the polling station after 8 pm. In half of the 4 percent of places where this was the case, voters were surprised to find themselves prevented from voting.

Voting board members entered an official objection in the polling board records in 2% of the polling stations.

Communication with the Republic Electoral Commission during voting day

During the referendum day, the REC held press conferences at 11 am, 1 pm, 3 pm, 5 pm, and 7 pm, at which it informed the public about the data related to turnout. The provisional results with 34.68 percent of processed polling stations were announced by the REC at an extraordinary press conference at 11 p.m.

During voting day, CRTA's observation mission had timely and quality communication with the REC, in terms of confirming the right of observers to monitor polling stations where polling boards requested additional confirmation of observer status. In the afternoon, the REC also allowed the CRTA's observers to attend voting at the polling stations where voters from Kosovo were sent to vote.