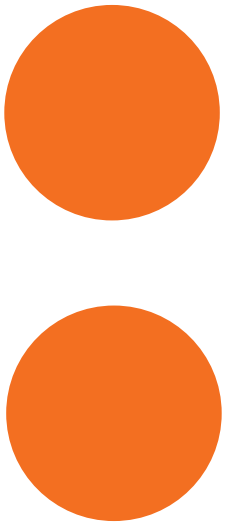
CRTA:

RECOMENDATIONS FOR FAIR AND FREE ELECTIONS

November 2022



FAIR ELECTIONS:
EQUALITY OF ALL PARTICIPANTS IN THE CAMPAIGN

In order for the elections to be fair, the condition is that the participants in the election campaign race from approximately equal positions. By signing the Copenhagen Document (CD), Serbia has committed itself to respecting the rights of its citizens to participate in the power either directly or through representatives, freely elected through a fair election process (CD 6). The laws of the state must allow political campaigns to be conducted in a fair and free climate in which political parties and candidates will not be prevented from freely presenting their views and opinions (7.7). In order to achieve this, it is necessary to: ensure equality of participants in the candidacy process, prevent abuses in the financing of the election campaign, and especially the misuse of public resources in the election campaign, as well as to improve the actions of the Anti-Corruption Agency in the election process. Moreover, it is necessary to ensure equal media representation, freedom of choice, adequate protection of electoral rights and the integrity of the electoral process through better regulation of the work of the electoral administration.

1 / ENSURE EQUALITY OF ALL PARTICIPANTS IN THE CANDIDACY PROCESS

Citizens have the right to run for political and public office, as individuals or representatives of political parties and organisations, without discrimination (CD 7.5). The Venice Commission's Code of Good Practice in Electoral Matters (VC) states that when submitting candidacies, there must be clear rules for signature verification (VC I.1.3.iii), and that signature verification must be completed before the start of the election campaign (I.1.3.v). Special rules for national minorities foreseeing derogations from normal procedures are in principle not contrary to equal suffrage (I.2.4.b). In order for these standards to be met, it is necessary to undertake the following:

a. Introduce the obligation that the holder of the list be a candidate in the local elections

In order to realise the principle of accountability of political representatives towards voters it is necessary to change the provision of the Law on the Election of Members of Parliament (article 69, paragraph 4) as well as the provision of the Law on Local Elections (article 39, paragraph 1) in the direction of introducing the obligation that the holder of the list in the elections must be a candidate in those same elections..

b. Harmonise election laws with the Law on Certification of Signatures, Manuscripts and Transcripts

It is necessary to harmonise the provisions of the election laws with the corresponding provisions of Article 29 of the Law on Certification of Signatures, Manuscripts and Transcripts ("Official Gazette of RS", No. 93/2014, 22/2015 and 87/2018). In that sense, it is necessary to prescribe in the election laws that only exceptionally, in cities and municipalities for which

notaries public have not been appointed, signatures, manuscripts and transcripts will be certified by courts of general jurisdiction, judicial units and reception offices of courts of general jurisdiction, in accordance with Article 13, paragraphs 4 and 5 of the Law on the Seats and Territorial Jurisdictions of Courts and Public Prosecutor's Offices ("Official Gazette of RS", No. 101/13), i.e. municipal administration as a entrusted task, until the appointment of notaries public. If the verification of the voters' support signatures is regulated in this way, preventive measures will be taken in the direction of eliminating any manipulations and abuses of the verifiers, which was a recognised problem in the election processes in 2020 and 2022.

c. Separate the process of the electoral lists submission and the official commencement of the election campaign

Amendments and supplements to the Law on the Election of Members of Parliament and the Law on the Election of the President of the Republic should help separate the process of candidacy announcement and collection of signatures from the campaign itself. In this way, the campaign can officially start only when the Electoral Commission adopts the collective electoral list. Submitting electoral lists would be a special process which takes place independently from the electoral campaign (duration from 30 to 60 days) and lasts for a definite period of time. While submitting the electoral lists, all activities within the conduct of the election campaign would be prohibited and in that way the equality of all participants in the campaign would be improved.

d. Restore previous legal solutions regarding the required number of signatures for running in local elections

Article 43 of the newly adopted Law on Local Elections stipulates that the number of signatures for the candidacy of the electoral list shall be determined in relation to the number of voters in a certain local self-government unit. This means that parties or groups of citizens who would nominate fewer candidates on electoral lists would have to provide the maximum number of signatures, which puts them in an unequal and uneven position and makes the very race unequal and suitable for parties that have been on the political scene for a long time.

The proposal is to enable greater participation of parties and movements by amending paragraph 1 of Article 43 of the Law on Local Elections, which would read: "Paragraph 1: For the proclamation of the electoral list, it is necessary that at least 30 voters support it with their signatures, according to the proposal for each candidate on the electoral list. The nominator must have at least one third of the candidates from the total number of councillors on the electoral list that are to be elected. Paragraph 2: In local self-government units with less than 20,000 voters, the electoral lists referred to in paragraph 1 of this Article are determined even when they are supported by signatures of at least 200 voters."

e. Precisely regulate the competence and manner of determining the abuse of the status of the national minority electoral list

Pursuant to the Law on the Election of members of Parliament, the REC grants status and assesses the potential abuse of the status of the electoral list of a national minority completely independently and on the basis of criteria that are not predefined in the Law on Financing Political Parties.

It is imperative to precisely define which body shall oversee the activities of political parties of national minorities, and which body shall take into account potential abuse in the election

process, as well as the criteria on the basis of which the existence of abuse is determined, taking into account constitutionally guaranteed rights. Without a change in the Law on Political Parties, these changes are not possible and they require a broader social dialogue about the conditions for the work and activities of national minority parties.

It is necessary to establish coordination of the work of the Ministry of State Administration and Local Self-Government and the Republic Electoral Commission, in order to adopt the above-mentioned criteria and determine the specific division of competencies between these bodies, and appropriate legal changes that would prevent abuse of this status in practice.

f. Prohibit the use of the coat of arms and flag by the participants in the campaign

From one election process to another, the appearances of party activists in the campaign wearing official symbols of the Republic of Serbia, the national flag and coat of arms on promotional party uniforms are recorded. This practice can mislead citizens in the sense that party promotional activities have the support of official bodies of the Republic of Serbia. Therefore, a ban on the use of official symbols of the Republic of Serbia on promotional materials of political parties should be introduced in the Law on the Design and Use of the Coat of Arms, Flag and Anthem of the Republic of Serbia.

2 / ENSURE EQUALITY OF ALL PARTICIPANTS IN THE CANDIDACY PROCESS

By accepting the Copenhagen Document, the state undertook to provide the necessary legal guarantees that would enable political parties and organisations to compete with each other on a basis of equal treatment before the law and by authorities (CD 7.6). The Venice Commission's Code of Good Practice states that the financing of political parties, candidates and election campaigns must be transparent (VC I.2.3.d), and that the principle of equality may sometimes lead to a limit on funding for political parties. (I.2.3.e). In order for these standards to be met, it is necessary to undertake the following:

a. Limit the use of funds foreseen for the regular operation of political entities for the purposes of the election campaign

Amendments to the Law on Financing Political Activities from 2014 enabled political entities to use the funds they receive for their regular work for election campaign expenses. In this way, the possibility was introduced to use taxpayers' funds for a purpose other than the initial one. Such legal possibility leads to inequality of political entities and the creation of large differences and gaps between political parties that have many years of experience in the Assembly, and newly formed groups of citizens and other political entities that do not have their representatives in the Assembly. Therefore, it is necessary to amend the provision from the Law on Financing Political Activities that allows spending funds intended for regular work to finance the campaign (article 24, paragraph 4) and to limit bz the Law the amount of these resources.

b. Prescribe by law the content of the final and preliminary report on election campaign expenses

It is necessary to supplement Article 29 of the Law on Financing Political Activities in such a way that the content of the final and preliminary report on election campaign expenses would be prescribed in more detail.

The current legal solution prescribes the content of the report with insufficient precision with reference to a by-law (Rulebook) issued by the Director of the Agency. In order to ensure the realisation of the principle of legal certainty, it is necessary to prescribe in more detail the content of the report on election campaign expenses, while the director of the Anti-Corruption Agency shall retain the authority to adopt a Rulebook prescribing the report form and manner of submitting reports.

c. Introduce a ban on organising charity activities by political subjects

In addition to the existing ban on financing activities of a humanitarian nature during the election campaign, it is also necessary to prescribe a ban on the organisation and implementation of such activities by political subjects, i.e. explicitly prescribe that such activities cannot be considered election campaign activities in the sense of Article 2 Paragraph 5 of the Law on Financing of Political Activities. In practice, it has been shown that political subjects declare before the Agency that charity activities are not financed by the political subject but by members and sympathisers, and the very political subjects use such activities for their own promotion during the election campaign. In this sense, it is necessary to completely prevent the organisation and implementation of activities of a humanitarian nature by amending the Law on Financing of Political Activities. The Law on Political Parties stipulates that political parties are formed "for the purpose of achieving political goals through the democratic shaping of the political will of citizens and participation in elections", and not for the purpose of organising and implementing activities of a humanitarian nature.

3 / PREVENT MISUSE OF PUBLIC RESOURCES IN THE ELECTIONCAMPAIGN

The Copenhagen document provides for a clear separation of the state and political parties (CD 5.4). The Code of Good Practice emphasises the principle of equal opportunities, ensuring equality of parties and candidates (VC I.2.3.a). In order to achieve this, it is necessary for the state authorities to have a neutral attitude towards the participants, especially in relation to the election campaign (I.2.3.a.i) and the public financing of the parties and the campaign (I.2.3.a.iii). In order for these standards to be met, it is necessary to undertake the following:

a. Ensure consistent interpretation of legal provisions on misuse of public resources

Although amendments to the Anti-Corruption Agency Act (the Law on Prevention of Corruption), adopted in December 2019, defining the concept of public resources more precisely, and introducing short deadlines to undertake actions in the campaign, somewhat improved the

Agency's acting on complaints, the interpretation of these provisions by the Agency remained controversial in certain proceedings against public officials. For example, in situations where public officials use public gatherings and meetings held in their capacity of public officials to promote the political party of which they are members and officials, the Agency takes the position that the Law on Prevention of Corruption was not violated because the public official was only answering journalists' questions. Therefore, by asking appropriate questions and vaguely marking (signing) the public official in the attachment (e.g. "Mihajlović" instead of "Minister of Mining and Energy"), the regulations on the prohibition of misuse of public resources by public officials are avoided, above all the public officials' obligation to unambiguously state to their interlocutors when they express the position of the authority in which they hold office, and when they express the position of the political party of which they are members.

b. Consistently sanction misuse of property, names and activities of public companies for political purposes

Through amendments to the Law on Public Companies made in December 2019, the accountability of the director who uses the resources of the public company for the promotion of political parties, i.e. political entities, is specified, which especially refers to the use of official premises, vehicles and inventory of the public company free of charge. The amendments also stipulate that directors be dismissed if they were aware that employees or otherwise employed personnel are abusing the public resources of the company for political and party purposes, and they do not take actions to prevent it. In order for these changes to yield results in practice, it is necessary for the Agency to consistently sanction persons accountable for non-compliance with the Law.

c. Prohibit all public officials of all levels to appear at public events in the election campaign which promote the plans or results of the work of public bodies, organisations and public services

Amend the Anti-Corruption Agency Act so that all public officials are forbidden to participate in public gatherings during the election campaign, promoting plans and results of public authorities, organisations and public services, with the primary objective to announce the commencement of works or the release of use of facilities built from budgetary resources or public funds, or by other legal entities that dispose with the public capital. In addition, it is necessary to find an adequate solution that would prevent officials from abusing resources during the campaign. In case of violation of this legal provision, it is necessary to prescribe adequate fines for public officials and civil servants.

d. Ban on the extraordinary allocation of budget and other public funds during the election campaign, as well as in the period of 30 days before and after the campaign

Amendments to the Law on Prevention of Corruption should prohibit extraordinary disposal of budget and other public funds during the election campaign, as well as 30 days before and after the campaign. This prohibition would specifically refer to extraordinary payments of salaries, pensions, social benefits, payments of annual or one-time transfers, allocation and payment of resources from public funds, grants. Besides, it is necessary to prohibit legal entities whose founder, partial and/or majority owner is the state or local self-government units or which is financed in whole or in part by budget funds, to write off various debts to citizens during this period (e.g. bills for consumed electricity, water, garbage collection or other types of public utility services).

e. Extend the ban on the abuse of public resources to the public service employees who are not public officials nor civil servants

The implementation of this recommendation requires the amendment of article 23, paragraph 2 of the Law on Financing Political Activities, in such a way that the prohibition of misuse of public resources by political entities would be extended to funds available to employees of public services established by the Republic of Serbia, an autonomous province, municipality, city or city municipality (for example: doctors), as well as to employees in public companies and companies established to perform activities in areas where public services are established (for example: employees in the Public Company Electric Power Industry of Serbia).

4 / IMPROVE THE ACTION OF THE ANTI-CORRUPTION AGENCY

The Code of Good Practice obliges public authorities to respect neutrality, which refers to the campaign and financing of parties and candidates (VC I.3.1.a.iv) and requires legal sanctions in cases of violation of the obligation of neutrality (I.3.1.c). In order for these standards to be met, it is necessary to undertake the following:

a. The Agency should use more actively statutory powers ex officio in order to protect the public interest

It is necessary to modify the Anti-Corruption Agency practices in order to harmonise its actions with legal authorisations and the best international practices. Bearing in mind that, pursuant to relevant regulations, the Agency has a possibility to initiate proceedings in case of violation of the Law even ex officio, it is indispensable that it applies its authorities in practice. Namely, during the electoral cycle, the Agency appoints observers who are focused on electoral campaign monitoring and it is therefore essential that in case of violation of the Law, the Agency initiates proceedings and imposes measures immediately and not after the completion of the electoral process. Moreover, it convenes to periodically publish findings and reports for the observed period of the electoral campaign.

b. Introduce a deadline for the Agency to act on reports of individuals and legal entities due to violations of the Law on Financing Political Activities and the Law on Prevention of Corruption outside the election campaign (deadline of 30 days from the date of submission of the complaint)

It is necessary to supplement the Article of Law on Financing Political Activities by adding a new paragraph which would read: “Regarding the complaint referring to the violation of the Law on Financing Political Activities, the Agency shall, within 30 days following the confirmation that the political entity has been notified of the complaint referred to in paragraph 2 of this Article and after the expiration of the deadline for submission of data referred to in Article 32, paragraphs 3 and 4 of this Law, if requested, issue a decision establishing that there has been or has not been a violation of this Law”. In this way, it would contribute to greater legal certainty in all proceedings conducted by the Agency outside the election campaign itself. Since the deadlines for decision-making exist as prescribed in the campaign (deadline of 5 days according to the urgency of the procedure), it is necessary to set a deadline for the Agency to act on complaints submitted outside the election campaign.

Moreover, it is required to consider the introduction of an additional obligation for the Agency in case of non-compliance with the prescribed deadlines for making a decision on the complaint. If the Agency does not issue a decision within the prescribed period stating that the Law has been or has not been violated, it would be obliged to inform the submitter in writing about the actions taken in the complaint procedure, as well as about the reasons why the said decision has not been made. The public should be notified thereof through the information published on the Agency's website.

c. Improve the way the Agency's decisions are published on its website

The Anti-Corruption Agency regularly publishes decisions on citizens' complaints during the election process, when it comes to complaints related to violations of the Law on Financing Political Activities. In order to further improve the transparency of the Agency's work and decision-making, it is necessary to improve the presentation of decisions on the website as follows: the page dedicated to decisions should show the date of receipt of the complaint, against whom the complaint was submitted, the stage of decision-making process and the text of the decision itself with the date.

It is necessary to amend the Law on Prevention of Corruption by introducing the obligation for the Agency to publish its decision on the Agency's website within the procedure for determining violations of the provisions of the Law on Prevention of Corruption no later than 24h from the decision. An identical obligation has already been prescribed by the relevant provisions of the Law on Financing Political Activities.

FAIR ELECTIONS:
EQUAL MEDIA REPRESENTATION

Another important aspect of the equality of participants in the election campaign refers to their equal representation in the media. The Copenhagen document requires the government to allow political parties and organisations to compete with each other on a basis of equal treatment before the law and by authorities (7.6). The document further stipulates that state laws must allow political campaigns to be conducted in a fair and free atmosphere, both for political parties and candidates, who will not be prevented from freely presenting their views and opinions, and for voters, who cannot be prevented from learning and discussing them (7.7). Voters must have the freedom to form an opinion, and state bodies must respect the obligation of neutrality in relation to the media (VC I.3.1.a.i). In order to achieve these standards, it would be necessary to: prevent discrimination against campaign participants in the media and provide them with equal access to political advertising, to clearly define the REM's obligations during the election campaign, and to introduce clear mechanisms for selecting and determining the REM's Council responsibilities.

5 / PREVENT DISCRIMINATION OF CAMPAIGN PARTICIPANTS IN THE MEDIA

The Copenhagen document requires to provide that no legal or administrative obstacle stands in the way of unimpeded access to the media on a non-discriminatory basis for all political groupings and individuals wishing to participate in the electoral process; (CD 7.8). The Code of Good Practice of the Venice Commission emphasises that equality of parties and candidates must be guaranteed, in relation to the election campaign and media coverage, and especially to the public media (VK I.2.3.a.i, ii), as well as access to privately owned media (I.2.3.c). In order for these standards to be met, it is necessary to undertake the following:

a. Ensure a consistent application of the Law on Electronic Media so that by-laws in the election campaign be equally binding for all media service providers

On the eve of the 2022 election campaign, the REM continued the practice established before the 2020 elections, when, without a clear explanation and basis in the Law on Electronic Media, it separated the regulations specifying the obligations of public media services from the obligations of other media service providers determining the obligations of public media services by a binding Rulebook and the obligations of commercial media by a non-binding Recommendation. Since this procedure is not in accordance with the Law on Electronic Media, it is necessary for the REM to fulfil its legal obligation and regulate the obligations of all media service providers with a binding by-law, including the obligation to ensure non-discriminatory representation of all participants. In this regard, the REM should adopt a new Rulebook on the obligations of media service providers during the election campaign, which would be binding for both public media services and commercial media service providers.

b. Specify the obligation of media service providers to ensure representation in all types of programme content without discrimination during the election campaign

It is necessary that the REM specifies the legally prescribed obligation of media service providers to provide “non-discriminatory representation” to election participants with a new by-law. It is necessary to prescribe that this obligation applies to the entire MSP programme, and not only to the programme marked as the election one. Media service providers should be obliged to apply the principle of strict equality of participants in the election programme, while the adoption of a special set of rules should neutralise the advantage that representatives of the ruling parties receive during the election campaign, especially in the news programme, thanks to duties that they discharge.

c. Establish clear criteria for determining the privileged position of public office holders during the election campaign

Amendments to the Law on Electronic Media need to set clear criteria for determining the privileged position of public office holders during the election campaign. It will be considered that the privileged position exists:

> If, during the campaign, the media provider reports on the activities of officials that are not announcements of public authorities that are urgent in nature and related to the threat to life, health, safety or property;
>
> If the duration of media content related to the activities of officials is of such a scope that it does not justify the exercise of citizens' right to information in terms of the law governing public information;
>
> If the content of the speech of a public official is such that it can influence voters, especially if in their speech they refer to the results of the work of the body in which they discharge duties, if they expose parts of the programme of election participants or if they use their appearance in capacity of an official to discredit other political entities or candidates.
>
> If the media service provider performs a live broadcast or a rebroadcast of ceremonial events attended by the official;
>
> If the media service provider organises a show during the campaign in which an official who is a candidate or a prominent representative of a political entity participating in the election race promotes the results of the work of government bodies.

Furthermore, it is necessary to foresee that informing about regular activities of officials, for which there is an editorial justification, within the informative programme, be done textually, without audio and video recordings, in short reports (that last up to two minutes, for example).

d. Guarantee opposition political entities the right to express their views on topics discussed by the government officials

In order to achieve the necessary objectivity in reporting, it is necessary for the REM to specify in its by-law the statutory obligation of media service providers to provide free, truthful, objective, complete information during the election campaign including providing opportunities for opposition participants to present their standpoints within the news programme on topics of public interest on which the media service provider reported, presenting the views of government officials.

e. Prohibit live transmission or delayed broadcasting of integral pre-election rallies of political entities

The REM Rules of procedure should clearly prohibit live transmission or delayed broadcasting of election rallies of political entities participating in the elections, and instead prescribe the possibility for media service providers to broadcast an election feature from the election rally lasting two minutes at the most during the campaign.

f. Oblige public service media to adopt a Code of Conduct during the election campaign

In order to further affirm the standard of equal and impartial treatment of electoral participants, it is necessary for public media services to adopt codes of conduct that would regulate the implementation of the principle of equal representation in the media service provider programme, prohibition of programme favouritism or discrimination (negative campaigns) of individual

political entities, minimum access to media service provider in connection with advertising during election campaigns. The main purpose of the Code would be to further strengthen the professionalism of media service provider in the direction of encouraging political pluralism. In addition, it is recommended that media service providers adopt codes that would be valid outside the election campaign and which would further define their obligations regarding the exercise of their programme functions in the field of encouraging political pluralism.

g. Consider the possibility of electoral silence shortening

It is necessary to open a dialogue on the question of whether, due to the growing influence and importance of social networks and online media in forming public opinion, the ban on communicating election messages through traditional media during the 48 hours preceding the Election Day is an outdated measure which should be abolished or shortened so, that it refers to the Election Day or to the period of 24 hours before the vote

6 / ENSURE EQUAL ACCESS TO POLITICAL ADVERTISING

According to the Code of Good Practice, administrative bodies have the obligation to enable voters to get acquainted with the lists of candidates (VC I.3.1.b.ii). Also, in accordance with the freedom of expression, the minimum access to privately owned audio-visual media, when it comes to the election campaign and advertising, should be legally ensured for all candidates participating in the elections. (I.2.3.c). In order for these standards to be met, it is necessary to undertake the following:

a. Improve the normative framework in the field of political advertising

Although the current Law on Advertising applies accordingly to election campaigns, the provisions of the Law are so focused on commercial advertising that it is practically impossible to determine their meaning in the context of political advertising. This problem was noticeable during all election campaigns after the adoption of the Law on Advertising in 2016. During that period, the REM repeatedly issued opinions about the contents of the videos of presidential candidates and interpreted the provisions of the Law on Advertising. However, due to the lack of clear regulations, the way in which the REM interpreted the existence of comparative and misleading advertising was inconsistent. In order to overcome these obstacles, it is necessary to adopt amendments to the Law on Advertising or to pass a special law that would have the regulation of political advertising as unique subject. Furthermore, until the adoption of an act that would systematically regulate this area, political advertising in electronic media should be regulated in more detail by amendments to the Law on Electronic Media.

b. Clearly define the circle of entities that are allowed political advertising during the election campaign

It is necessary to amend the Law on Electronic Media and the Law on Advertising and clearly prescribe that political advertising is allowed only during the election campaign and only to those political entities whose electoral list or candidate proposal has been announced by the competent electoral commission.

c. Improve the normative framework so that the display of promotional content that has elements of promotion of political subjects in the news programme of media service providers is considered a covert form of political advertising that is not allowed outside the election campaign

It is an increasingly common practice for media service providers to download pre-recorded promotional videos containing elements of political party promotion from the social media accounts of parties in power or institutions before election campaigns and broadcast them in the form of news. Since this is content designed for the purpose of political promotion, it is necessary to improve the normative framework and prevent this type of promotion outside the election campaign.

d. Prohibit the broadcasting of advertising messages in which public resources are misused for the purposes of political promotion

Due to the lack of a precise normative framework that would prevent unpunished broadcasting of advertising messages in which a political entity abuses public resources for the purposes of its promotion, during the 2020 election campaign, the REM did not sanction media service providers who broadcast advertising messages in pre-election blocs for which the Anti-Corruption Agency, earlier in the campaign, found that they were an illegal way of political promotion. Since this situation remained unregulated even before the 2022 elections, it is necessary to unequivocally prohibit the broadcasting of advertising messages of this content by amending the Law on Advertising or by adopting a special law that would have the regulation of political advertising as unique subject.

e. Explicitly determine that the time slots leased by political subjects will be considered an advertising message, the duration of which is included in the allowed advertising space of 12 minutes during one hour on commercial television stations, i.e. 6 minutes on public media services

Although the Law on Advertising, nor any by-law allow to media service providers to offer election participants to advertise, for the purposes of the election campaign, their electoral lists in time slots that last longer than those prescribed by the Law (6 minutes on public services and 12 minutes on commercial television stations), during the 2020 and 2022 election campaigns in the programmes of certain media service providers, programme contents lasting several tens of minutes were broadcast, which were used to promote a political entity against a certain fee. Since allowing political entities to lease time slots longer than those prescribed by the Law contributes to the inequality of election participants, it is necessary to amend the Law on Advertising and prohibit media service providers from promoting political entities for a fee outside of election advertising programmes.

f. Improve the transparency of political advertising financing

According to the amendment to the Law on Electronic Media from December 2021, media service providers are held to publish fees for political advertising before the kick-off of the election campaign, as well as the criteria for determining the price of political advertising and payment terms. Given that this amendment does not provide sufficient transparency of political advertising during the election campaign, it is necessary to amend the Law on Financing Political Activities and the Law on Electronic Media and oblige media publishers, as broadcasters of advertising messages, to submit to the Anti-Corruption Agency no later

than 15 days from the day of announcing the overall election results, contracts specifying the terms of lease of advertising space for all political entities (political parties, coalitions and groups of citizens), and other documents stipulating advertising conditions in case that they are not fully provided by the contract or that the contract has not been signed, as well as to publish these contracts or documents on its website. In the practice so far, in a large number of cases, the Anti-Corruption Agency has requested this information from the broadcasters of advertising messages after the conducted elections. This information, as information of public importance, can be requested from the Agency by any citizen, but the Agency has never proactively published it. In order for these data to be available to all citizens in a timely manner, it is recommended to determine the obligation for all MSPs where political entities advertised to submit that data to the Agency as soon as possible after the elections, and to oblige MSPs to publish them on their websites.

g. Determine indicators of unequal access to advertising

In order for all election participants to advertise under equal conditions in the programme of media service providers, it is necessary to specify that the following will be considered creating of unequal position: a) providing one electoral list with more than one quarter of the total number of terms offered to political parties, coalitions and organisations for the promotion of a particular program of media service providers; b) different prices of political advertising for different parties, coalitions or organisations participating in the elections; and c) more favourable or less favourable terms for publishing political advertising.

7 / CLEARLY DEFINE THE REM'S OBLIGATIONS DURING THE ELECTION CAMPAIGN

Voters must have the freedom to form an opinion, and public authorities must respect the obligation of neutrality in relation to the media (VC I.3.1.a.i). Administrative bodies must be obliged to implement legal sanctions for violations of the obligation of neutrality and freedom of voters to form an opinion. (I.3.1.c) The Code provides for an effective system of appeals in the electoral process (I.3.3), in which there must be the possibility of a final appeal to the court (I.3.3.a). In order for these standards to be met, it is necessary to undertake the following:

a. Establish the exclusive competence of the REM in the process of monitoring the electronic media during the election campaign

In order to avoid the negative effects of the parallel competence of the Supervisory Board and the REM in the oversight of public media services during the election campaign, it is necessary to amend the Law on the Election of Members of Parliament and to exclude the oversight of all electronic media from the Supervisory Board. In addition, given that during the election campaign for the elections of 2022, the Provisional Supervisory Body for Media Monitoring had certain competencies in media control, it is necessary to implement measures aimed at strengthening the independence and quality of the REM work so that it could independently and professionally exercise media control during the election process.

b. Precisely prescribe the REM obligations during the election campaign

It is necessary to amend the Law on Electronic Media and explicitly oblige the REM to periodically publish (for instance once in two weeks during the campaign) written reports on the monitoring and analysis of electronic media during the election campaign and to publish the final Report on the oversight of the work of electronic media during the election campaign no later than one month after the announcement of the final election results, on the basis of monitoring programme content broadcast by media service providers, from its competence ex officio and according to a pre-published monitoring plan.

c. Establish criteria for sampling media service providers monitored during the election campaign

The amendment to the Law on Electronic Media should stipulate that during the election campaign, the REM must monitor:

Public media services;

All media service providers who have been issued a license for terrestrial broadcasting for the entire territory of the Republic of Serbia;

The appropriate sample of MSPs with local and regional coverage, taking into account the geographical distribution, where the sample is formed to include media service providers that received the highest amounts of funds through co-financing of public information projects in the period from the announcement of overall results of the last election to the day of sample determination;

The appropriate sample of media services with highest ratings that have a license for broadcasting via cable network, where the viewership is determined on the basis of data from an authorised agency specialised in viewership research.

d. Determine the obligation of the REM to adopt a methodology for monitoring MSP during the campaign in a transparent procedure before each election campaign and determine the mandatory elements of that methodology

REM's obligation to determine the methodology of monitoring MSP during the election campaign must be determined by the Law on Electronic Media. The methodology would be determined in the form of a by-law, for the adoption of which, in accordance with the Law, it is necessary to hold a public debate. In addition to the measurement of actors' display time, the methodology would particularly focus on: selection of the observation period; selection of subjects; measurement of objects as well as definition of tonality.

e. Specify the mandatory elements of the MSP Repost on the oversight during the campaign

The amendment to the Law on Electronic Media should stipulate that during the election campaign, the REM must publish reports once in two weeks and that the final report on MSP monitoring must be published no later than 30 days from the day of announcing the overall election results. It is necessary to prescribe that reporting be done on the basis of conducted qualitative and quantitative analysis of programme content, whereas reports must contain findings of the REM expert service regarding equal representation of candidates, i.e. election

lists in the media, media reporting on candidate activities, records of public appearances of electoral actors in the role of state officials and candidates, the context in which a particular participant in the election is mentioned, as well as other important aspects of media work that may have an impact on objective and comprehensive informing of citizens about candidates and election programmes.

f. Ensure transparency of collected data

In order for the public to have access to all data collected by the REM through monitoring, it is necessary to introduce clear mechanisms for the attribution and determination of the responsibilities of the REM Council and to oblige the REM by the Law on Electronic Media to publish the data collected by monitoring in the form of an open database on its website on a daily basis.

g. Enable judicial review of all REM decisions made upon complaints

It is necessary to amend the Law on Electronic Media and prescribe the obligation of the REM to initiate proceedings and make a reasoned decision on each complaint submitted during the election campaign, including those alleging a violation of the general interest, which may be subject to judicial review.

h. Include the report of the expert service for oversight and analysis in the reasoning of the decision

It is necessary to introduce the obligation to include the report of the expert service for oversight and analysis in the reasoning of the decision on complaints, so that complainants can be aware of the facts and circumstances that were decisive for making a particular decision.

i. Provide short deadlines for the REM to decide on citizens' complaints

In order for the control of the election campaign to be efficient, it is necessary to amend the Law on Electronic Media and oblige the REM to make a decision in the procedure on complaints of natural or legal persons during the campaign within 96 hours of receiving the complaint. Aditionnally, it is necessary to consider the possibility that, even outside the election campaign, the REM decides within a short period of time in cases where complaints pinpoint hate speech or violation of the rights of minors.

j. Provide a more effective mechanism for punishing broadcasters that do not follow the rules during the campaign

In order for the sanctions that the REM imposes on media service providers to have a greater effect on media service providers that violate the law, it is necessary to consider the possibility of enabling the REM to implement its decision through indirect coercion, by imposing monetary fines, if the MSP does not act in accordance with the imposed measure, as well as the possibility of enabling the REM to impose fines in a fixed amount, in addition to the measures that it currently has at its disposal.

8 / INTRODUCE CLEAR MECHANISMS FOR THE SELECTION AND DETERMINATION OF THE REM COUNCIL'S RESPONSIBILITY

The Code of Good Practice obliges public authorities to ensure respect for neutrality, which refers to the election campaign (VC I.3.1), and the body in charge of law enforcement must be independent (II.3.1.a). In order for these standards to be met, it is necessary to undertake the following:

a. Improve the mechanism for electing members of the REM Council

Numerous violations of procedures and non-compliance with statutory deadlines by the National Assembly during the previous period marked the election of members of the REM Council. For that reason, the implementation of this recommendation implies, first of all, a change in the practice of the National Assembly and consistent adherence to the procedure and deadlines for the election of members of the REM Council provided by the Law on Electronic Media. In addition, in order to achieve a higher degree of independence of the Council of REM, it is necessary to amend the provisions of the Law on Electronic Media governing the election of members of the Council. In that sense, it is necessary to consider the change of the structure of authorised nominators, and especially the possibility of excluding the Committee of the National Assembly and the Assembly of AP Vojvodina from the circle of nominators of candidates for a member of the REM Council. In addition, it is necessary to specify by law the education, work experience and other conditions necessary for candidacy for a member of the Council.

b. Improve the mechanism for reviewing the responsibilities of members of the REM Council

In order to determine the responsibility of the REM Council members in a timely and efficient manner, it is necessary to amend the Law on Electronic Media in order to redefine the grounds for dismissal of REM Council members, to precisely determine the body responsible for conducting the dismissal procedure preceding the decision-making at a plenary session of the National Assembly and to clearly define deadlines for the implementation of all phases in the procedure of dismissal of members of the REM Council.

Furthermore, it is necessary to amend the Law on Electronic Media by introducing the obligation to report on the fulfillment of indicators of success of the work of the REM Council as a part of the annual reporting on the work of the REM. When it comes to supplementing the mandatory annual report of the REM, such a legal solution can provide an argumentative basis for the National Assembly to assess and evaluate the work of the members of the REM Council. As var as the trust of the entire public is concerned, such a solution can contribute to the increase in confidence in the REM institution.

9 / OPPOSE THE SPREAD OF DISINFORMATION AND OTHER MEDIA MANIPULATIONS RELATED TO THE ELECTION PROCESS

Voters must have the freedom to form an opinion (VC I.3.1.a.i), and one of the important prerequisites for achieving that freedom is that public information regarding the electoral

process is not marked by disinformation, i.e. misleading and inaccurate information, as well as that the citizens themselves have knowledge needed to recognise such manipulations. In order for these standards to be met, it is necessary to undertake the following:

a. Establish cooperation with the companies that own the social networks Facebook and Twitter in order to prevent the spread of disinformation during the election period

The findings of the media monitoring carried out by CRTA during the 2022 pre-election period showed that Facebook, as the most popular social network in Serbia where more than one half of the citizens of Serbia are informed, is a significant source of misinformation regarding the election process in Serbia. At the same time, at the beginning of 2020, the social network Twitter identified a group of accounts connected in an inauthentic coordinated activity that worked to promote the Serbian Progressive Party and its leader and on that occasion deleted more than 8,000 accounts.

Bearing in mind the importance of these two networks for the production and distribution of disinformation and other manipulative material in connection with the political scene in Serbia, as well as the fact that an increasing number of citizens are informed on social networks, it is necessary that the obligation to cooperate with the companies that own these networks be included within the competence of the REM or RATEL, in order to ensure that during pre-election periods those companies undertake actions to identify and suppress the spread of election-related content that contains disinformation or manipulative content, and proactively find actors who frequently spread misinformation about the elections, and monitor the coordinated actions of bots related to the elections.

b.Improve the citizens' resilience to disinformation and other media manipulations in the long term, including their resilience to disinformation in the election process

The CRTA report on the April 2022 elections indicates a significant presence of disinformation and other media manipulations in the media. Their influence on the course and outcomes of the election process, as well as their general influence, will depend on the ability of citizens to critically evaluate media content, i.e. on the level of their media literacy.

Although the Strategy for the Development of the Public Information System in the Republic of Serbia for the Period 2020-2025 recognises the necessity of developing media literacy, it does not include information literacy in that term, it does not recognise non-state actors as actors in measures to improve literacy, nor continuous and informal education as formats for long-term solutions to this problem. In this sense, in cooperation with media associations and other civil society organisations, this Strategy needs to be harmonised with the UNESCO's Media and Informational Literacy: Policy and Strategy Guidelines. At the same time, the activities for the implementation of the measures foreseen in the Strategy must be specified in terms of content and deadlines, whereas the parameters for monitoring their success must be clearly defined, which is not the case in the existing Action Plan. It is, therefore, necessary to improve action planning for the implementation of the Strategy and to ensure transparency and monitoring of its implementation in cooperation with media associations and other civil society organisations.

Alternatively, bearing in mind that Serbia does not have a separate strategic plan dedicated exclusively to the improvement of media literacy, instead of amending the existing documents the ministries in charge of culture and information could launch an initiative to adopt a Media Literacy Strategy based on the UNESCO's recommendations, which will be preceded by a broad consultative process.

9b. / is based on the findings of Zec, M. (2021). Compliance of defining the development of media literacy within the "Strategy for the Development of the Public Information System in the Republic of Serbia for the Period 2020-2025" with the recommendations of the international organsation UNESCO for the development of the media and information literacy: policy and strategy guidelines. CM Communication and media, 16(49), 253-279.

FREE ELECTIONS: FREEDOM OF CHOICE AND SUFFRAGE

Pursuant to the Constitution of the Republic of Serbia, elections are free and voting is secret (article 52). The Copenhagen document obligates countries to organise free elections by secret ballot or by equivalent free voting procedure, under conditions which ensure in practice the free expression of the opinion of the electors in the choice of their representatives (CD 5.1). Suffrage shall be universal and every citizen of age and working ability of the Republic of Serbia shall have the right to vote and be elected. (article 52 of the Constitution). The Copenhagen document also foresees universal and equal suffrage to adult citizens (CD 7.3), whereas law and public authorities' work must permit to voters to cast their ballots free of fear of retribution (7.7). Therefore, pressure on voters should be prevented and their freedom of choice ensured, and in order for that to be possible, a more active role of the public prosecutor's office in the election process is needed, all categories should be guaranteed equal voting rights, and the Voters' Register must be updated and verified.

10 / PREVENT PRESSURE ON VOTERS AND ENSURE FREEDOM OF CHOICE

The Code of the Venice Commission establishes the mandatory secrecy of voting (VC I.4). Any control of one voter over another must be prohibited, and the records of voters must not be published (I.4.b, c), while violation of the secrecy of the ballot must be punished. (I.4.d). In order for these standards to be met, it is necessary to undertake the following:

a. Additionally improve legal provisions relating to the prohibition of pressure on employees in public companies and public administration

Article 49, paragraph 4 of the Law on Public Companies has been amended by specifying that unscrupulous conduct of directors is the basis for dismissal. Another cases have not been foreseen, it is necessary to do so. Also, amendments to article 49 consider exerting pressure on employees and otherwise engaged personnel in a public company in connection with support to political entities or candidates in the elections as unscrupulous conduct of a director. The amendments also include situations in which a director was aware that an employee or otherwise employed personnel used the resources of the public company or used

pressure to promote political entities or candidates in the elections, but took no action despite his/her competence to prevent it.

In their internal acts, public companies should additionally regulate the measures that are applied to managers who are found to exert pressure on the company's employees in any way.

b. Improve the education and oversight/control of political subjects regarding the collection and handling of personal data

Since cases of misuse of citizens' personal data by political parties that are actors in the campaign are repeated from one election cycle to another, it is necessary for the Commissioner for Information of Public Importance and Personal Data Protection to take proactive measures in terms of oversight/control and education of political subjects regarding compliance with the law in the part related to the collection and handling of personal data. Organising additional trainings and activities focused on education and improvement of internal procedures of political parties related to the collection and handling of voters' personal data can contribute to reducing the number of misuses of personal data.

c. Include centers for social work in the plan of regular inspection of the Commissioner for Information of Public Importance and Personal Data Protection

During the election campaign, allegations were made on several occasions that political entities have data on the identity of voters, which were given to them by centres for social work throughout Serbia, without a legal basis. In order to determine whether centres for social work, as handlers of personal data, process data in accordance with the Law on Personal Data Protection, the next annual inspection plan of the Commissioner for Information of Public Importance and Personal Data Protection should foresee that regular inspection be performed at all centres for social work.

11 / ENSURE A MORE ACTIVE ROLE OF THE PUBLIC PROSECUTOR'S OFFICE IN THE ELECTION PROCESS

The state must ensure the freedom of voters to express their wishes and must fight against election rigging (VC I.3.2), i.e. it must punish any type of election rigging (I.3.2.xv). In order for these standards to be met, it is necessary to undertake the following:

a. Introduce the practice of adopting the general mandatory Instructions of the Republic Public Prosecutor for elections

A more active role of the public prosecutor's office in monitoring the conduct of elections and the protection of the electoral rights is needed. The Republic Public Prosecutor could issue in writing the general mandatory instructions for the actions of all public prosecutors in order to achieve legality, efficiency and uniformity in the conduct of criminal proceedings related to criminal offenses against electoral rights from Chapter XV of the Criminal Code. With these general mandatory instructions of the Republic Public Prosecutor, it would be necessary to a) introduce an obligation for the competent prosecutor's offices to act urgently, and that the

Deputy Republic Public Prosecutor decides on appeals against the decision to reject criminal charges, which can be submitted by any voter, b) to designate, by an internal act, prosecutors with the most professional experience and personal and professional integrity who will act in these cases, introduce optimal work load and work in shifts or on-call during the election campaign, c) form task forces (articles 21-23 Law on Organisation and Competence of State Authorities in Suppression of Organised Crime, Terrorism and Corruption) in the existing special departments of higher public prosecutor's offices for the suppression of corruption, for the detection and prosecution of crimes against electoral rights, to which members from all bodies participating in the implementation and oversight would be appointed, and d) ensure greater transparency of work, through the obligation to timely and fully inform the public about the procedures, through holding regular and extraordinary press conferences during the election campaign, informing about any attempt to influence the work of the public prosecutor's office, and publishing excerpts from decisions on the website of the competent prosecutor's office. The implementation of such solutions would significantly contribute to the restoration of citizens' trust in the electoral process, since the public is not yet familiar with the working methods and in general with the work of prosecutors' offices in proceedings related to criminal acts against electoral rights.

b. Improve coordination between competent institutions in monitoring the conduct of elections sprovođenjem izbora

Competent institutions should act in a timely manner, and should inform the public about the initiated actions and actions taken. The existing legal framework envisages the possibility of concluding a Memorandum of Cooperation between the Republic Public Prosecutor's Office, the Ministry of Interior, the Republic Electoral Commission, the Provincial Electoral Commission, the Ministry of Public Administration and Local Self-Government, the Anti-Corruption Agency, courts of general and special jurisdiction, and others, which would provide for the establishment of a Coordination Body for the Oversight of the Conduct of Elections. The Memorandum would prescribe special protocols on cooperation between these bodies during the election campaign, and especially on the Election Day, which would provide for shorter deadlines for acting and submitting the necessary information and data to the public prosecutor's office, regular meetings and efficient and timely exchange of information between signatory bodies. On the basis of the Memorandum, a Coordination Body would be established, headed by the Deputy Republic Public Prosecutor, and the members would be representatives of all the above-mentioned bodies. The Prosecutor who would be the head of the Coordination Body would coordinate their activities with the institutions signatory to the Memorandum of Cooperation, inform the public about the number of complaints and actions taken by the competent public authorities at regular and extraordinary press conferences.

c. Provide for the possibility of applying special evidentiary actions for acts against electoral law in the Law on Criminal Procedure

It is necessary to simplify the obtention of evidence for investigative bodies for the investigative procedure when determining criminal offenses related to electoral rights. Among other things, this can be done in such a way that criminal acts against electoral law would be included in the provisions of the Law on Criminal Procedure, which refer to the application of special evidentiary measures in order to inform the competent authorities, i.e. enabled the police and prosecutor's office to work more efficiently and effectively in determining the criminal offense and identifying the perpetrators.

12 / ENSURE EQUAL VOTING RIGHT FOR ALL CATEGORIES OF VOTERS

The general suffrage in principle means that each individual has the right to vote and to be elected (VC I.1.1) and must be equal, i.e. each voter has one vote (I.2.1). Residence may be prescribed as a condition of the right to vote (I.1.1.c), and the right to vote and to be elected may be granted to citizens living abroad (I.1.1.c.v). In order for these standards to be met, it is necessary to undertake the following:

a. Change the contents and the method of submitting notifications to vote

Due to the frequent occurrence of delivering notifications to vote to addresses where voters do not have a permanent/temporary place of residence, the confusion and various manipulations that occur a few days before the Election Day, it is necessary to determine the method and contents of notifications to vote differently. The CRTA proposal is that the notification to vote be depersonalised, and that it be placed in the form of a notification on buildings/houses/residential buildings in the territory covered by each individual polling station (the boundaries of polling stations are determined according to the streets and numbers of residential buildings). The notification would contain information about the type of election, the date and the polling station where voters can exercise their right to vote. Local governments would be responsible for posting these notifications. In this way, the notification to vote would fulfill its basic purpose – providing information about the type, place and time of voting, while avoiding any interpretation of the basis for the individual voting rights of voters.

b. Ensure the secrecy of vote of blind and visually impaired persons

In the previous practice of conducting the elections, by-laws and the accompanying regulations did not contain provisions on the implementation of standards that would allow voting of blind and visually impaired persons respecting the secrecy of the ballot. The Ministry of Public Administration and Local Self-Government enabled both blind and visually impaired people to check the data in the Unified Voters' Register on the website. It is necessary to amend electoral laws and/or pass a special instruction on the voting of blind and partially sighted persons (by-law), in the direction of fulfilling all standards that will ensure blind and partially sighted persons to exercise their right to vote in an appropriate manner, assuming the secrecy of voting (ballots available in Braille format or templates may be some of the solutions).

c. Suspend deletion of voters from the Voters' Register with passivated place of residence

Since in the previous period, the Ministry of the Interior submitted reports to the Ministry of Public Administration and Local Self-Government on the basis of which voters whose address of residence was passivated were deleted from the Unified Voters' Register, it is necessary that this practice, since there are no solid grounds in the law, be stopped. In the current laws in Serbia, passivation of the address of residence does not represent a legal basis for deregistration of residence, but only the record data of the competent authority that the citizen does not live at the address of registered residence, based on which emanates the citizen's obligation to register residence, or if they fail to do so, the obligation of the competent authority (Ministry of the Interior) to determine the address of residence. Citizens whose addresses have been passivated should, from the standpoint of the voter's right, remain registered in the Voters'

Register with the last known address of residence, until the moment of change of residence or allocation of residence by the competent authority. In the event that the Ministry of the Interior determines the residence of citizens whose residence is passivated, such a change would entail a change of residence in the Voters' Register, which means that the citizen could exercise their right to vote at another polling station (to which the new residence address belongs).

d. Prompt the MFA to open a contact centre for information related to voting abroad

The lack of timely communication by official state bodies with voters who wish to exercise their right to vote abroad is one of the key problems recognised in the diaspora voting process. Instead of the previous role of the Ministry of Foreign Affairs in informing voters (publishing information on how to exercise the right to vote and the contact list of diplomatic and consular representations where the right to vote can be exercised), the MFA can open a contact centre for all questions and concerns of voters who want to vote abroad. The contact centre would operate from the calling of the election to the announcement of the final results, and in addition to information on how to register and vote abroad, it would work as support for voters in communication and connection with other state bodies, all with the aim of exercising the right to vote, i.e. timely and correct filling in of applications for voting abroad.

e. Liberalise the condition for opening of polling stations abroad

It is necessary to Modify the Law on Election of Members of the Parliament so that there is an obligation to open for voting every diplomatic and consular representation of the Republic of Serbia abroad, if at least five voters register to vote. The existing solution in the Law on the Election of Members of Parliament has a restrictive character for voters living abroad, since it prescribes a minimum of 100 voters to open a polling station, regardless of whether it refers to polling stations abroad or in Serbia. The right of voters to vote abroad should not be limited in practice by this condition. The requirement of 5 voters would exist only to ensure the secrecy of the vote.

f. Regulate the procedure of voting abroad more accurately and transparently, including the division of competences of state authorities

It is necessary to regulate the procedure of voting abroad in a more precise and transparent manner by determining the specific division of competences between the Ministry of Public Administration and Local Self-Government and the Ministry of Foreign Affairs, then prescribing deadlines for deciding on requests and the procedure for protecting the voting rights abroad. Moreover, it is indispensable to define to which body the voters can send their complaint depending on a concrete request, as well as the deadlines for making a decision on these complaints.

In addition, it is necessary to introduce a deadline for passing and submitting the decision on approval of voting abroad. Currently, the Law only provides for the deadline for submitting the notification to vote, from which the deadline for submitting the decision on voting abroad is derived. This deadline should be the shortest possible in order to enable the protection of rights through legal remedies.

Information on the application procedure for voting abroad, deadlines for resolving requests and competent institutions for resolving legal remedies should be published on the website of

the REC and each organisational unit of the MFA that participates in the conduct of elections.

g. Ensure a uniform and sustainable practice of conducting elections for voters from Kosovo

Ensure a permanent legal solution for conducting elections for voters from the territory of Kosovo through open dialogue and debate. The different practice of organising the voting of voters from Kosovo in the elections and referendum held in 2022 introduced uncertainty in the conduct of the elections, which is why it is necessary to establish a legal and uniform practice. Therefore, it is necessary to form a miscellaneous working group consisting of representatives of the Ministry of Justice, the REC, the Constitutional Court, the Office for Kosovo and Metohija and a civil society that would have to create a proposal for a uniform and sustainable solution that regulates the organisation and implementation of the electoral process in Kosovo, which would subsequently find its place in the Law on the Election of Members of Parliament.

13 / UPDATE AND VERIFY THE VOTERS' REGISTER

The Voters' Register must be reliable (VC I.1.2), permanent (I.1.2.i), and regularly updated (I.1.2.ii). Besides, voters must be able to register and correct incorrect information in the Voters' Register (I.1.2.iv, v). The Code of Good Practice states that the Voters' Register must be published (I.1.2.iii), and this is indicated by the Copenhagen document which seeks to ensure that voting is conducted in secret and the official results are announced publicly. (CD 7.4). In order for these standards to be met, it is necessary to undertake the following:

a. Continue to update the Voters' Register and make the process more transparent

Thanks to the electronic connection of birth and marriage registers with the Unified Voters' Register, its updating has been improved in terms of reducing the number of possible errors that occur when entering data. Despite the periodic publication of the number of voters by local self-government units (from October 2021, once in three), the Ministry of Public Administration and Local Self-Government does not publish periodical statistics on the number and type of changes in the voter list by local self-government unit (by type of change: data change, registration, deletion, etc.) The publication of the mentioned statistics would contribute to the transparency of the entire process, but also to the confidence of voters and the public in general in the Voters' Register and the method/basis of updating. The stated statistical presentation of changes could be published by the Ministry of Public Administration and Local Self-Government on the page of the site dedicated to the Voters' Register. Moreover, it is necessary that the Ministry of Public Administration and Local Self-Government make an additional effort to explain in a simple and accessible way the process of updating the Voters' Register, the role and responsibilities of the officers, the course of the 'matter' so that the voters and the public can understand this process more clearly. We distinguish the process of updating the Voters' Register from the process of verification of the Voters' Register, which refers to the independent and systematic verification of data in the Voters' Register. The update process refers to the entry of data to the Voters' Register, while verification means checking the authenticity of already entered data.

b. Organise a continuous training for officers who update the Voters' Register and publish information on conducted trainings

Regularly continue with trainings for all employees of the Ministry of the Public Administration and the Local Self-Government who update the Unified Voters' Register so that potential problems during the updating or revision of the Voters' Register would be avoided. The value of joint trainings is also based on achieving an equal understanding of the instructions/tasks of the officers in local self-government units in specific cases in which their action is necessary.

c. Identify practical problems in the Voters' Register updating

It is necessary that the Ministry of Public Administration and Local Self-Government directly and intensively communicate with persons who update the Unified Voters' Register in local self-government units in order to recognise the problems that these persons face in practice and to conduct effective training based on precisely identified problems that will lead to uniformity of their actions. During the 2022 election process, the CRTA noticed that some local governments have different standards of conduct when registering voters for voting by residence, in such a way that some ask for a certificate of residence, and some do not, which could cause additional confusion for voters.

d. Facilitate citizens' procedures for updating data in the Voters' Register

It is necessary that the Ministry of Public Administration and Local Self-Government, but also all local self-governments, publish a standardised form for registration in the Voters' Register on their websites and inform the citizens about the possibilities to electronically send the completed form with a copy of a valid personal document. In addition to publishing these forms, it is necessary for the Ministry of Public Administration and Local Self-Government to make an additional effort and inform voters about these possibilities and procedures through an educational campaign.

e. Provide each voter with insight into the total number of voters registered at their residential address

In addition to the existing possibilities of insight into parts of the Unified Voters' Register, it is necessary to provide on the website of the Ministry of State Administration and Local Self-Government additional features that would enable voters to view the number of registered voters at their addresses. By entering the unique master citizen number, as well as the ID card number, the voter would get an insight into the number of persons registered at the address of their residence. In order to protect personal data, the search would not allow the voter to see the names and surnames of the registered persons, but only the number of persons registered at that address. Based on this information, the owner of the flat could later request from the Ministry of the Interior data on registered persons and, if necessary, request passivation of the addresses of persons who are registered and do not live at the address of their flat.

f. Allow voters to vote at their chosen place of stay instead of by temporary place of residence

The Law on the Unified Voters' Register stipulates that voters may, no later than five days before the day of the conclusion of the Voters' Register, submit a request to enter in the Electoral Roll the information that the voter will vote according to the temporary place of residence

in the country. The concept of temporary residence is defined by the Law on Permanent and Temporary Residence of Citizens as a place where a citizen temporarily stays outside their permanent place of residence for more than 90 days, which is reported to the Ministry of the Interior in a clearly prescribed procedure.

In practice, the competent municipal or city administrations interpret the provision of the Law on the Unified Electoral Roll differently: while some enable voting by temporary place of residence regardless of whether the citizen has a formally registered temporary residence on the territory of that municipality, others who strictly interpret the Law on the Unified Voters' Register, enter the data on voting by temporary place of residence only for those voters who have registered their temporary residence in the Ministry of the Interior on the territory of the local self-government unit for which it is competent. In order to standardise the practice, and in order to increase the number of citizens who, for any reason, will not reside in the local self-government unit in which they have a permanent or temporary residence on the Election Day, it is necessary to amend the Law on Unified Voters' Register and prescribe that voters are allowed to submit a request to enter in the Voters' Register the information that in the upcoming elections they will vote according to the chosen place of stay in the country, and not according to the temporary place of residence as prescribed by the existing legal solution.

g. Amend the Law on Unified Voters' Register so that residence is not a condition for exercising the right to vote in parliamentary and presidential elections

The Constitution of the Republic of Serbia, the Law on the Election of Members of Parliament and the Law on the Election of the President of the Republic provide that the right to vote and be elected has the right to vote and be elected by every citizen of the Republic of Serbia who is of age, with active legal capacity (that is, over whom parental rights have not been extended, i.e. who is not declared legally incompetent). None of the aforementioned acts stipulates residence as a basis for enjoying the right to vote. Although registration in the Voters' Register is not a basis for enjoying the right to vote, it is a necessary condition for exercising that right. A citizen of the Republic of Serbia of legal age who is not registered in the Voters' Register will not be able to exercise his right to vote.

According to the Law on Unified Voters' Register, residence is provided as one of the data necessary for a citizen to be registered in the Unified Voters' Register, with the fact that a voter who resides abroad is entered in the Voters' Register according to the last place of residence before going abroad, i.e. the last place of residence of one of his parents. In practice, the fact that they do not have a residence in the country in some cases represented an obstacle to registration in the Voters' Register and, consequently, exercising the electoral right of voters who have a residence abroad. In the existing legal framework, the citizens who have never had a residence in Serbia and whose parents do not have a residence in the country cannot be entered in the Voters' Register. Also, citizens of Serbia who have registered their residence in Serbia after emigrating and who do not have a valid identity card of the Republic of Serbia, due to technical limitations of the Unified Voters' Register database, could not be entered in the Voters' Register by the place of their last (deregistered) place of residence, but only by the place of residence of their parents in Serbia. Finally, some citizens whose residence address was passivated were deleted from the Voters' Register with the explanation that they "do not have a residence in the territory of Serbia".

Although it is not disputed that the registration of residence in the Unified Voters' Register facilitates the connection of voters with the appropriate polling station and thus the conduct of elections, it is necessary to consistently implement constitutional and legal provisions that do not recognise the place of residence as a condition and a basis for enjoying the right to vote

in parliamentary and presidential elections, and enable each citizen of Serbia who is of age, with active legal capacity to exercise their right to vote despite the fact that they do not have a residence on the territory of Serbia.

h. Simplify the procedure for owners to see data about persons registered at the address of their real estate

It is necessary for the Ministry of Interior to establish a database that would allow the owner of the flat to inspect the information about the names of persons whose permanent or temporary place of residence is registered at the address of the real estate that they own. In this way, the procedure that is already available to real estate owners, but with a mandatory visit to the police and payment of an administrative fee, would be facilitated and accelerated.

The database should be integrated with the existing E-government system, for the sake of greater efficiency and transparency of the process.

i. Verify the Voters' Register

It is necessary that the Ministry of Public Administration and Local Self-Government, in a procedure that would include representatives of relevant institutions, political parties, civil society organisations, academic and international community after assessing the impact of data processing within the Voters' Register verification process on personal data protection, verify the Voters' Register on an appropriate sample in accordance with international standards and recognised methodologies. The aim of the verification would be to determine, in the field control procedure on the appropriate sample, the percentage of voters who are registered in the Voters' Register but who emigrated from Serbia or who for another reason do not actually reside at the address entered in the Voters' Register, as well as the percentage of deceased persons still registered and also the percentage of people who have the right to vote but who are not registered in the Voters' Register. In addition, in the verification process, it is necessary that the Ministry of Public Administration and Local Self-Government engage a thorough statistical analysis by hiring IT experts, who would determine irregularities and illogicalities in the Unified Voters' Register system itself (double entries, incorrect personal numbers, etc.). In 2019. the Government of Serbia began the process of verifying the Voters' Register, by forming a working group for its verification, but the process has not been carried out and still remains to be completed.

FREE ELECTIONS: PROTECTION OF THE ELECTORAL RIGHTS

According to the Constitution of the Republic of Serbia, electoral right shall be protected by the law and in accordance with the law (article 52). The Copenhagen document requires that the activity of the government and the administration, as well as that of the judiciary will be exercised in accordance with the system established by law. (CD 5.5), that everyone will have an effective means of redress against administrative decisions (CD 5.10). The Venice

Commission's Code of Good Practice provides for an effective system of appeals in the electoral process (VC I.3.3), in which there must be the possibility of a final appeal to the court (I.3.3.a), the appeal procedure and, in particular, the powers and duties of the various bodies, must be clearly regulated by law, in order to avoid conflicts of jurisdiction (I.3.3.c). Also, the OSCE participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place. They therefore invite observers from any other OSCE participating States and any appropriate private institutions and organisations who may wish to do so to observe the course of their national election proceedings (CD 8). It is therefore necessary to: set such legal deadlines that would enable effective protection of the electoral rights, expand the competencies of the election administration, facilitate the protection of the electoral rights for election participants and voters, and give observers greater powers in monitoring the election process.

14 / DETERMINE LEGAL DEADLINES THAT WOULD ENABLE EFFECTIVE PROTECTION OF THE ELECTORAL RIGHTS

In order for the electoral right protection process to be effective, the Venice Commission proposes that the deadlines for filing appeals, as well as deciding on appeals, must be short, i.e. that they should be between three and five days in the first instance proceedings. (I.3.3.g). In order for these standards to be met, it is necessary to undertake the following:

a. Adjust the deadlines for determining the results of the elections for the President of the Republic with the deadlines regulating the duration of the capaign

Pursuant the provisions of the Constitution of the Republic of Serbia, the election campaign preceding the election of the President of the Republic may last no longer than 60 days from the day of calling the elections. The new president must take the oath no later than 90 days from the day of calling the elections, because on that day the term of office of the previous president expires. Therefore, the deadlines for conducting elections and protecting the right to vote must be set so that the overall election results are announced within less than 30 days from the day of calling the elections. At the same time, one should bear in mind that, if none of the candidates receives the support of the majority of voters who voted in the elections in the "first round", in accordance with the Law on the Election of the President of the Republic, the voting shall be repeated. In that case, the overall election results must be determined twice: after the first round and then again after a repeat voting. As the existing legal framework prescribes three-level protection of electoral rights and foresees long deadlines for filing legal remedies and decision-making, it is necessary to consider the possibility of returning to two-stage protection (before the REC and the Administrative Court) and reducing the deadline for filing legal remedies and deciding from 72 hours to 48 hours.

b. Oblige the Constitutional Court to make a decision on the suspension of the application of the act in electoral disputes within five days

The provision amending the Law on the Constitutional Court refers to the introduction of the obligation for the Constitutional Court to suspend the execution of an individual act within five days from the day of submitting the initiative for assessing the constitutionality or legality of a general act, which relates to electoral matters. or actions taken on the basis of a general act which is the subject of normative control.

15 / EXPAND THE JURISDICTION OF THE ELECTION ADMINISTRATION IN THE FIELD OF ELECTORAL RIGHTS PROTECTION

The election administration and other appellate bodies in the process of protecting electoral rights must have jurisdiction over matters such as the right to vote, the Voters' Register, the correctness of candidacies, compliance with rules during the election campaign, and determining election results (EC I.3.3.d). The appellate body must have the power to annul elections where irregularities may have affected the results, and in the event of annulment, new elections must be held at annulled polling stations (I.3.3.e). The higher electoral commission must also be able to correct or revoke a decision made by a lower authority (I.3.3.i). In order for these standards to be met, it is necessary to undertake the following:

a. Expand the possibilities of the electoral commissions and of the Administrative Court to consider the proposed evidence attached to the objection

During the 2022 elections, the REC took a step forward in terms of protecting the right to vote. When deciding on an objection, it is indispensable to assess the evidence submitted in order to substantiate the allegations. In one part of its decisions, the REC considered the attached evidence and thus significantly improved legal certainty in the election process. It is necessary for this good practice to come to life and be applied in all decisions, as well as to be extended to local electoral commissions when deciding in the first instance.

The competent commissions should take into account other evidence, not only the Minutes of the Polling Station Committee, since the statements of voters should have the same probative value as in every other proceeding; and the statements of members of polling stations committees should be viewed analogously to official notes in administrative proceedings. In particular, public documents should be accepted as evidence and acts of administrative bodies that provide information on allegations in the objection because the election process, although regulated by special laws, is not conducted in a vacuum and the presumption of authenticity of public documents should also have effect before electoral commissions.

It is necessary to enable the submitter of the request / objection to attend the session of the commission at which their case is decided and to make a statement on the minutes regarding the decision and possibly answer the questions of the commission members and thus resolve doubts regarding the allegations from the request / objection. When deciding in the first instance, this presence should always be possible, and in the second and third instance only at the invitation of the commission / court if they deem it necessary for making a decision.

16 / FACILITATE THE ELECTORAL RIGHTS PROTECTION PROCESS TO VOTERS AND PARTICIPANTS TO THE ELECTIONS

The process of protection of the right to vote should not only be efficient, but must be simple, and without too much formality, especially with regard to the merits of appeals (VC I.3.3.b). All candidates and all voters registered in the constituency must have the right to appeal

(I.3.3.f.), and the right of the appellant to be heard must be protected. (I.3.3.h). In order for these standards to be met, it is necessary to undertake the following:

a. Enable voters to electronically submit requests to check whether they have voted in the election

After the change of the election laws from 2022, the practical storage of election material after the Election Day was entrusted to the local self-government units (municipal and city electoral commissions). In such circumstances, the application developed and used by the REC during the 2020 elections to collect requests from voters wishing to obtain information on whether they had voted and / or to inspect the excerpt from the Electoral Roll (and see whether their signature exists) could not be used. Having in mind the described new circumstances, it is necessary to adapt the application developed by the REC in such a way that local self-government units can receive electronic requests from voters.

b. Extend the right of voters to submit a request for annulment of elections at the polling station where they are registered in the excerpt from the Voters' Register

Amendments to the Law on the Election of Members of Parliament and the Law on Local Elections from 2022 narrowed the possibility for voters to protect their voting right by restricting the right of voters to submit a request or complaint to the electoral commission only when the polling committee unreasonably prevented them from voting or if their right to free and secret ballot has been violated at the polling station, and not in cases when they have knowledge that their voting right has been violated by another act or act of the polling committee or electoral commission. It is necessary to amend the aforementioned laws (Article 148, paragraph 2 of the Law on Elections of Members of Parliament and Article 57, paragraph 2 of the Law on Local Elections) so as to enable the voter to submit a request for annulment of elections, i.e. objection to voting, and in other cases where there were irregularities in the procedure of conducting voting at the polling station where they are registered in the excerpt from the Voters' Register.

c. Enable sending requests for the annulment of elections, i.e. objections electronically

In the previous period, thanks to the application of the provisions of the new Law on General Administrative Procedure, it was allowed to send complaints electronically, and therefore the CRTA, after the election for councillors of the Belgrade City Assembly, marked this recommendation as fulfilled. The CRTA has no information on whether in 2020 the REC acted on electronically signed submissions, nor whether such submissions were sent to the REC during the election process. The status of the recommendation will be changed if new findings become available. According to the information from the 2022 election process, the REC did not accept submitted objections signed with an electronic signature, but asked the applicant to send the objection by mail with a handwritten signature or hand it in at the clerk's office. The status of the recommendation will be changed if the CRTA acquires new information.

d. Stipulate by the Law the measure of repeating the election at the polling station only in cases of irregularities that affect the election results, with the determination of which irregularities are those and in cases where the election results cannot be determined

The existing solutions from the Law on the Election of Members of Parliament specify particular cases in which the local electoral commission cannot determine the results of the election (consequence – repeating the election at that polling station), i.e. specific cases due to which the local electoral commission ex officio repeats the election at the polling station. These solutions should be changed in the direction of defining the circumstances that lead to irregularities that, if they occur, directly affect the voting results at the polling station, and because of them, the voting must be repeated.

For other types of irregularities, it is necessary to foresee another type of procedure that does not result in repeating the election at the polling station. This right should also be given to the voters, in addition to the possibility to submit a request for the annulment of the election.

17 / GIVE OBSERVERS GREATER POWERS TO MONITOR THE ELECTION PROCESS

Domestic and foreign observers should have the widest opportunity to participate in the election process (VC 3.2.a). Observation should not be limited to the Election Day itself, but should include the candidate and voter registration process, as well as election campaigns, and should allow for irregularities to be identified before, during or after elections, especially during the vote count (3.2.b) The observer's access to the voting process should be clearly defined by the law (3.2.c). In order for these standards to be met, it is necessary to undertake the following:

a. Allow by the Law to all civil society organisations dealing with topics of general, public importance to observe the election process

According to the current legal solution (Article 161, paragraph 1 of the Law on the Election of Members of the Parliament), only citizens' associations whose goals are achieved in the field of elections can be accredited to monitor the work of election bodies. Having in mind the complexity of the election process and the fact that the election process by its nature includes several different processes that permeate different areas of activity in society, it is necessary to amend the mentioned article of the Law on the Election of Members of Parliament to enable civil society organisations dealing with related topics, of general and public importance, such as media freedoms, fight against corruption, public administration reform, protection of human rights, etc., to be accredited to observe the work of election administration bodies.

b. The instructions for conducting the elections must contain instructions on filling in the minutes on the observers

The election process in 2022 is the first election process in which a new legal solution has been applied – a form on observers filled in by the president of the polling station committee, but also by an observer if they have objections to the voting process and the work of the polling station committee. In order to avoid doubts of the members of the polling committee about the nature of this document and the distribution of responsibilities (who signs what and when), it is necessary to add a special chapter to the Instructions for conducting elections with instructions on the nature of these minutes and ways of their filling. During the Election Day on April 3rd, a number of cases were recorded when members of polling stations did not know how to fill in the minutes on observers, nor what observers were allowed to write in the minutes.

PROCESS INTEGRITY: THE WORK OF THE ELECTION ADMINISTRATION

The election administration has a key role to play in ensuring the integrity of the electoral process. Among the procedural guarantees for holding free and fair elections, the Venice Commission mentions in the first place an independent body for organising elections (EC II.3.1). ensure that votes are cast by secret ballot, and that they are counted and reported honestly with the official results made public (CD 7.4). The Copenhagen document requires that the activity of the government and the administration as well as that of the judiciary will be exercised in accordance with the system established by law (5.5), and that legislation will be adopted at the end of a public procedure (5.8), while Venice Commission requires that the election rules be sat according to the law (VC II.2). The CRTA suggests to: reform the entire system of the election administration, increase the transparency of its work, harmonise the deadlines for election actions, and increase capacities of polling stations.

18 / REFORM THE ELECTION ADMINISTRATION SYSTEM IN SERBIA

An independent body must be in charge of the implementation of election laws (VC II.3.1.a), i.e. i.e. independent and impartial election commissions must be established at all levels, from the state to the level of polling stations (II.3.1.b). The Central Electoral Commission must have a permanent character (II.3.1.c), while the members of the commission must be persons who are experts in election issues (II.3.1.d.ii). In addition to the rules on technical matters and details, election regulations must have the force of law (II.2.a), and the basic elements of the election law may be changed one year before the elections at the latest. (II.2.b). The powers and duties of the various bodies, must be clearly regulated by law, in order to avoid conflicts of jurisdiction (I.3.3.c). In order for these standards to be met, it is necessary to undertake the following:

a. Systematise electoral legal subject matter through one unique electoral law

Currently, seven laws are being applied to the election process, which in practice leaves room for contradictory and uneven interpretation of the provisions, which may result in non-sanctioning of election irregularities. An election law that would include provisions on the conduct of elections at all levels and regulate the work of all election administration bodies would contribute to legal certainty and reduce misinterpretations and contradictory interpretations of legal provisions by institutions.

b. Improve the work of local electoral commissions through the introduction of mandatory training for members

In order to improve the work of local electoral commissions, it is necessary to organise continuous professional training of all members of local electoral commissions. In this way, the work capacity and professionalism of the local electoral commission as an election implementation body would be increased, thereby contributing to legal certainty and the quality of the implementation of the election process.

c. Conduct the dialogue on the reform of electoral laws through the parliamentary committee for electoral reform

Exchanges between political actors, the professional public and international organisations regarding the amendments to electoral laws have been held in different formats since 2019. The format of the dialogue changed depending on the organiser of the dialogue itself, as well as the actors involved in the dialogue. Since the new convocation of the National Assembly has begun to work, the CRTA believes that further dialogue on amendments to electoral laws and electoral reform in general should be conducted in the National Assembly, through the establishment of a special Committee for Electoral Reform. In this way, preconditions will be created for the institutional dialogue of relevant political actors, as well as the professional public and international organisations, with greater transparency and measurability of the results of the process itself.

19 / INCREASE THE TRANSPARENCY OF THE WORK OF THE ELECTION ADMINISTRATION BODIES

The election administration ensures free and fair voting, and publicly announces the official results (CD 7.4). There must be the possibility of monitoring the work of the election administration (VC II.3.1.e) as well as the manner of its decision-making (II.3.1.h). In order for these standards to be met, it is necessary to undertake the following:

a. Improve the overview of the REC sessions held by publishing data on voting of the present REC members

Since the election process in 2022, the decisions of the election commissions have been published on the REC website in a timely manner. In addition to this basic overview of documents and decisions of electoral commissions, in order to further improve the transparency of the REC's work, it is important to publish data on the voting of the present REC members for each item on the agenda in a separate overview. Publishing of this information will provide public insight into the views of the REC members regarding decision-making at all stages of the election process.

b. Publish on the website of the REC the record of the presence of members and deputy members of the polling station committee along with the record of the polling station committee's work

Since the minutes of the work of the polling station committee may or may not be signed by all the members and deputy members of the polling station committee who are present at the polling station, as well as the fact that the signed minutes of the work of the polling station committee are not considered to be a record of attendance, the CRTA believes that the publication of the records of attendance of members and deputy members of the polling station committee would have a positive effect on the greater responsibility of the members of polling station committees.

c. Provide personalised identification cards for members of the polling station committees

In order to facilitate the identification of members and deputy members of polling station committees at polling stations, it is necessary to produce personalised identification cards with first and last name and a photo. In this way, voters will be able to clearly distinguish the members and deputy members of the polling station committee from unauthorised persons who may be present at the polling station. The need for this change exists because in many polling stations it has been noticed that the members and deputy members of the polling station committee do not carry identification cards. In addition, the identification cards (badges) themselves are depersonalised, which means that they can be used by any person.

d. Introduce the obligation of the REC to announce the preliminary turnout immediately after the closing of the polling stations, as well as the first preliminary election results no later than four hours after the closing of the polling stations

The existing solution in the Law on the Election of Members of Parliament obliges the REC to establish the preliminary results within 24 hours of the closing of the polling stations. Bearing in mind the interest of the public and the need for public trust in the work of the election administration, especially during the Election Day when political expectations and actors' tensions are at a high level, it is necessary to introduce the obligation of the REC to announce the first preliminary election results no later than four hours after the polling stations close. The provision on determining preliminary results within 24 hours should remain valid.

e. Strengthen the professional support and capacities of the REC for communicating with the media and the public

The organisation and conduct of elections attracts great attention not only of the general public in Serbia, but also of other actors: the media, civil society organisations, international actors. In order to ensure timely, accurate and true informing of the public about the various phases, steps and procedures in the election process, it is necessary to further improve the communication of the Republic Electoral Commission with the public and, above all, with media representatives. The current practice shows that the capacities of the Public Relations Department of the National Assembly of the Republic of Serbia, as part of the NARS expert service that provides support to the REC during the election process, are not sufficient to avoid different interpretations and understandings of election rules. Therefore, it would be necessary to establish the position of the coordinator of the Republic Election Commission in charge of public relations as a contact person for media representatives and other actors. The task of the public relations coordinator would include responding to media inquiries in a timely manner, providing accurate and official information, and interlocutors.

20 / INCREASE CAPACITIES OF THE POLLING STATION COMMITTEES

Electoral commission members must undergo standard training (VC II.3.1.g), and must be expert on election issues (II.3.1.d.ii), while political parties must be equally represented in electoral commissions (II.3.1.e). In order for these standards to be met, it is necessary to undertake the following:

a. Introduce by the Law the obligation to licence the members of the polling station committees in permanent composition

In order to achieve the necessary level of expertise of members of the polling station committees, it is necessary to amend the relevant provisions of the Law on the Election of Members of Parliament and condition membership in the polling station committees with an appropriate licence, which would be issued by the Republic Electoral Commission after training and passing a test. On the basis of valid legal solutions, the REC is competent to "prescribe training programmes and conduct trainings for members and deputy members of local election commissions and polling station committees", and it is necessary to define at the level of the Law the obligation of the REC to condition the licencing of members of the permanent composition of polling station committees by attending mandatory training and passing the final test.

b. Reorganise the composition of polling station committees – parties that have members in the permanent composition cannot have members in the expanded one

Bearing in mind that the current composition of the polling station committees cannot respond to the request to conduct the Election Day in accordance with the established rules and procedures, it is necessary to reorganise their composition. The proposed amendments to the electoral legislation would deny the right of political entities that have a representative in the permanent composition of the poling station committee to have/exercise that right in the case of an expanded composition of the poling station committee. In addition, due to its large number, the current composition of polling station committees cannot respond to the need to improve their work through timely and quality education of its members. On the other hand, reducing the number of polling station committees' members, without denying the right of electoral lists to have their own representatives on the Election Day, will enable significant financial savings in the election process.

c. The entry of the objections of the members of the polling station committees in the minutes of the work of the polling station committees should be on the form that is an integral part of the minutes

It is necessary to change the form of the Minutes on the work of the polling station committee so that a part of the form becomes a space for recording the remarks of the members of the polling station committees, in accordance with the legal norm (Article 105 paragraph 2 of the Law on the Election of members of Parliament). The recommendation arises from practical needs, since during the election process in 2022 in several dozen polling stations the remarks of members of polling stations written on a special sheet of paper were lost or not included in the election material.

d. In case of a repeat voting at the polling station, the nominators may nominate as new members of the polling station committees only persons who have successfully passed the training for work in the polling station committees

High-quality work of polling station committee members is the main precondition for successfully organised and conducted voting at the polling station. From one election cycle to another, the work of polling station committees, despite the trainings and educations

held, is not at a satisfactory level. According to the current legal solutions, training of future members of polling station committees is not a condition for obtaining the status of a member of the polling station committee, so it happens that a large number of persons who have not been trained to work in the polling station committee, actually do. In order to conduct the election process as efficiently and effectively as possible, in the event of a repeated voting, only persons who have been trained as members of polling station committees should be allowed to compose a committee. This would reduce the probability of possible illegal actions of members of polling stations and / or repeated voting caused by the administration failure.

CRTA: