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Elections in Serbia

May 6 Presidential, Parliamentary, Provincial and Local Elections

Frequently Asked Questions

Europe and Asia

International Foundation for Electoral Systems

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Frequently Asked Questions

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Disclosure:

These FAQs reflect decisions made by Serbia's election authorities as of April 30, 2012, to the best of our knowledge. This document does not represent any IFES policy or technical recommendations.

What are Serbians voting for on May 6?

Serbian citizens will cast their ballots for the President of the Republic of Serbia and members of the National Assembly. Most voters will select local and municipal council members; residents of the autonomous region of Vojvodina will vote for deputies of the Assembly of Vojvodina.

What is the National Assembly? What is its mandate?

The National Assembly is the supreme representative body that holds constitutional and legislative authority. In exercising its authority, the National Assembly oversees the work of the government and has the power to dissolve the government and dismiss ministers. According to Article 99 of the constitution, the National Assembly has the authority to:

- Adopt and amend the constitution
- Enact laws and other general acts within the competence of Serbia
- Call for a referendum
- Ratify international treaties
- Decide on war and peace and declare state of war and emergency
- Supervise the work of security services
- Adopt a defense strategy
- Decide on changes concerning state borders
- Adopt the national budget and financial statement upon proposal of the government
- Elect the government, supervise its work and decide on expiry of the term of office of the government and ministers
- Appoint and dismiss judges of the Constitutional Court
- Appoint the President of the Supreme Court of Cassation, presidents of courts, prosecutor general, other public prosecutors, judges and deputy public prosecutors, in accordance with the constitution
- Appoint and dismiss the Governor of the National Bank of Serbia
- Appoint and dismiss the ombudsperson
- Appoint and dismiss other officials stipulated by the law

When were the previous parliamentary and presidential elections?

The last parliamentary election took place on May 11, 2008, and the presidential election took place on January 20 with a run-off on February 3, 2008.

What were the outcomes of the previous parliamentary and presidential elections?

The last parliamentary election brought representatives from 20 parties and one non-party representative into the National Assembly. Of those, four parties represent the interests of an ethnic

minority group. The Serbian Radical Party currently occupies the largest number of seats (77 seats), followed by the Democratic Party (64), G17 PLUS (23) and Democratic Party of Serbia (21).

In February 2008, nine candidates participated in the first round of presidential elections. Since no candidate received an absolute majority of the votes, the two top candidates competed in a run-off election. Serbian voters elected former President Boris Tadić from the Democratic Party over his main rival Tomislav Nikolic of the Serbian Radical Party.

Which institution has the legal mandate to conduct elections?

The Laws on the Elections of Representatives and the President give the Republic Electoral Commission (REC) and polling boards the legal mandate to conduct elections. Members of the REC and their deputies are appointed for four-year terms, while members of polling boards and their deputies are newly-appointed for each election.

What is the composition of the Republic Electoral Commission?

The REC is made up of a chairperson and 16 permanent members appointed by the National Assembly. The current REC Chairperson Predrag Grgić and other REC members were appointed in 2009. The REC is an independent body and no political party, coalition of parties or other political organizations may hold more than half of the permanent seats.

How many political parties are competing for seats in the National Assembly?

As of April 30, the REC has confirmed the following 18 electoral parties and lists:

- Albanian Coalition from Presevo Valley – Koalicioni i Shqiptarëve të Luginës së Preshevës
- Alliance of Vojvodina Hungarians – Vajdasagi Magyar Szovetseg – Ištvan Pasztor
- Choice for a Better Life – Boris Tadić
- Communist Party – Josip Broz
- Democratic Party of Serbia – Vojislav Koštunica
- Dveri for the Life of Serbia
- Montenegrin Party – Nenad Stevović
- Movement of Workers and Peasants
- Party of Democratic Action of Sandzak – Sulejman Ugljanin
- Reformist Party – Professor Milan Višnjić, Ph.D.
- Serbian Radical Party – Vojislav Šešelj
- Social Democratic Alliance – Nebojša Leković
- Socialist Party of Serbia, Party of United Pensioners of Serbia, Serbia United – Ivica Dačić
- Start-up Serbia – Tomislav Nikolić
- Turn of Events – Čedomir Jovanović

- United Regions of Serbia – Mladjan Dinkić
- All Together: Bosniak Democratic Community, Hungarian Civic Alliance, Democratic Union of Croats, Democratic Fellowship of Vojvodina Magyars, Slovak Party – Emir Elfić
- None of the Above

Who is running for President of the Republic of Serbia?

As of April 30, the REC confirmed 12 presidential candidates for the May 6 election:

- Ištvan Pasztor – Alliance of Vojvodina Hungarians and the Hungarian Coalition
- Boris Tadić – Democratic Party and former president
- Vojislav Koštunica – Democratic Party of Serbia, Serbia’s former prime minister and Yugoslavia’s former president
- Vladan Glišić – Dveri for the Life of Serbia
- Čedomir Jovanović – Liberal Democratic Party
- Zoran Dragišić – Movement of Workers and Peasants Civic Group
- Tomislav Nikolić – Serbian Progressive Party
- Jadranka Šešelj – Serbian Radical Party
- Danica Grujičić – Social Democratic Alliance
- Ivica Dačić – Socialist Party of Serbia
- Zoran Stanković – United Regions of Serbia
- Muamer Zukorlić – Chief Mufti of Serbia’s Islamic religious community from Novi Pazar

Parties can put up lists for the National Assembly and/or the presidential election.

What type of electoral system will be used in the May 6 parliamentary and presidential elections?

Parliamentary elections will be conducted using a closed-list proportional representation system. Deputies are elected as one constituency and the number of seats allocated to each party is in proportion to the number of votes each political party’s electoral list receives. Most political parties must receive at least 5 percent of the total votes cast to earn a seat in the National Assembly. Political parties representing national minorities are exempt from the threshold and are allocated at least one seat regardless of the number of votes they receive.

The presidential candidate who receives the majority of the votes cast, 50 percent+1, will win the election. If no candidate receives a majority of the votes, a run-off election between the candidates in first and second place will be held no later than 15 days after May 6. The candidate who receives the largest number of votes in the run-off election will be elected president.

How long is the campaign period?

By law, the campaign period for parliamentary elections may last between 45 and 60 days, and from 30 to 60 days for presidential elections. This year, the campaign period for parliamentary elections will last 54 days while the campaign period for the presidential election will last a total of 31 days.

The parliamentary campaign period started on March 13 when President Boris Tadić called for elections to be held on May 6. President Tadić subsequently submitted his official resignation on April 5 and the speaker of the parliament, now acting interim president, called for presidential elections to also be held on May 6.

What is the new unified voter registry in use for the May 6 elections?

For the first time, Serbia will be using a unified electronic voter list. With the new list, voter information is kept in a centralized database and can be easily updated. The unified voter registry is meant to reduce electoral abuses, such as multiple voting, as the database tracks whether or not a voter has cast a ballot. Voters residing outside of their official residence can easily register to vote in the place where they are living during the election. As a result, their name is automatically removed from their previous municipality's list.

Each voter will have access to the central list to check his/her registration status and polling station. The Ministry of Human and Minority Rights, Public Administration and Local Self Government are using SMS technologies so voters can check their registration information using mobile devices.

What are the regulations on political finance that will effect elections in Serbia?

The May 6 elections are the first elections to be held since the Law on Financing Political Activities was passed in June 2011. This new law regulates financing of political entities, political parties, coalitions and citizens' groups, in their regular work as well as during election campaigns.

According to new legislation, private individuals cannot donate more than 20 times the average monthly salary per year for political campaigns. Private, legal entities cannot donate more than 200 times the average monthly salary for campaigns over the same period of time.¹ When it comes to public assistance, 0.1 percent of the government budget is allocated to each national election. For parliamentary elections; 20 percent of these funds are distributed equally to all entities that submit election lists; and the remaining 80 percent is distributed according to the number of votes won.

In presidential races, 50 percent of the funds are distributed equally to all candidates and the remaining 50 percent is given to the winning candidate. The new law also removed previously strict spending limits on political entities to encourage greater transparency in political finance.

¹ The average net monthly salary is set by the Serbian Statistical Office. In February 2012 it was estimated at 40,003 RSD, or \$468.21 USD.

Political parties are now required to file campaign spending reports with the Serbian Anti-Corruption Agency (ACAS), the government agency tasked with overseeing and enforcing the new law. In its role as the enforcement agency, the ACAS can initiate the investigation process against political entities and responsible persons within those entities that violate the law.

Who is eligible to vote and run as a candidate?

All Serbian citizens 18 years of age or older are guaranteed universal suffrage and free, direct elections. Citizens have the right to cast a secret ballot in person. According to Article 10 of the Law on the Elections of Representatives, all Serbian citizens who have the right to vote also have the right to be elected as a member of parliament or president.

Can a voter who is not actively registered cast his or her vote?

No. To be eligible to vote, citizens must be listed on the voter list in the municipality in which they are attempting to vote. According to Article 71, it is illegal to alter the voter list extracts sent to each polling station.

Citizens may request to be enlisted, removed or to amend their information in the voter registry after elections are called up to 15 days prior to the election. The voter register is closed for regular submissions and changes 15 days prior to Election Day. After that point, the voter list can only be amended based on a court decision.

Are Serbian citizens living abroad eligible to vote?

According to an amendment to Article 13a of the Law on the Election of Representatives, the Republic of Serbia maintains a Special Record of Voters Residing Abroad (SVRA). Citizens living abroad will be registered according to their last place of residence before leaving the country, or the last place of residence of one of their parents.

Out-of-country voting is held at diplomatic missions and consular posts of the Republic of Serbia and at special polling stations established by the REC. Voting for residents residing abroad lasts for two days and will end at 8:00 p.m. UTC/GMT on May 6.

There will be 37 out of country voting stations:

- **Austria:** Vienna
- **Belgium:** Brussels
- **Bosnia and Herzegovina:** Sarajevo and Banja Luka
- **Canada:** Toronto
- **Croatia:** Rijeka
- **Cyprus:** Nicosia
- **Czech Republic:** Prague

- **France:** Paris and Strasbourg
- **Germany:** Berlin, Dusseldorf, Munich, Stuttgart and Frankfurt
- **United Kingdom:** London
- **Italy:** Rome, Milan, Trieste and Venice
- **Libya:** Tripoli
- **Luxembourg:** Beggen
- **Macedonia:** Skopje
- **Montenegro:** Podgorica, Herceg Novi, Berane and Sutomore
- **Netherlands:** The Hague
- **Romania:** Bucharest
- **Russia:** Moscow
- **Slovenia:** Ljubljana
- **South Africa:** Pretoria
- **Switzerland:** Bern and Zurich
- **United States:** Washington, D.C., Chicago and New York

What provisions have been made to accommodate illiterate voters and voters with disabilities?

A voter who is unable to read or physically mark the ballot may bring a person with him/her to fill out the ballot according to the voter's instructions. A small number of polling stations in certain state and educational institutions have been fitted with ramps to increase access for voters with physical disabilities. On Election Day, voters who are unable to or are prevented from going to a polling station may inform their polling board that they wish to vote. A representative of the polling board will visit voters the same day so they can cast their ballots.

Are there norms to guarantee gender equity in the nomination of candidacies?

According to an amendment to the Law on Elections of Representatives enacted in 2011, at least one in every three candidates in numerical order on every party list is required to be of the other gender. This guarantees that at least 33 percent of the 250 candidates on each list are of the less-represented gender. Their placement within the list increases the likelihood that those candidates will be elected.

How will disputes be adjudicated? What is the role of the Serbian Judiciary in the electoral process?

According to Article 95 of the Law on Elections of Representatives, any voter, candidate or political party representative who submits their party list has the right to file an appeal with the REC if they believe there has been an infringement of their electoral rights or because of irregularities in the candidacy or voting procedure. Appeals must be filed within 24 hours of the act or decision the citizen is appealing.

The REC will make a ruling within 48 hours. If the voter wishes to appeal the REC's ruling, he/she can file an appeal with the Administrative Court within 48 hours of receiving the REC's decision. The Administrative Court's decision is considered final and the ruling on the appeal goes into immediate effect.

When are the election results final?

Presidential and parliamentary election results are published in the *Official Gazette of the Republic of Serbia* within 96 hours of the polls closing. The REC awards parliamentary seats no later than 10 days after publication of the overall election results. If no presidential candidate wins a majority of the votes cast, a run-off election will take place no later than May 21, 2012.

Resources

- The Constitution of the Republic of Serbia:
<http://www.emb-serbia.com/engleski/constitution.html>
- The 2000 Law on Elections of Representatives and subsequent amendments in 2004 and 2011
- The 2007 Law on Election of the President of the Republic:
<http://aceproject.org/ero-en/regions/europe/RS/serbia-law-on-the-election-of-the-president-of-the/view>
- Republic Electoral Commission website:
http://www.rik.parlament.gov.rs/index_e.htm
- The 2011 Law on Financing Political Activities
- IFES Report: The Serbian 2011 Law on Financing Political Activities - Legal Provisions and Recommendations for Enforcement:
<http://www.ifes.org/Content/Publications/Reports/2011/The-Serbian-2011-Law-on-Financing-Political-Activities.aspx>