

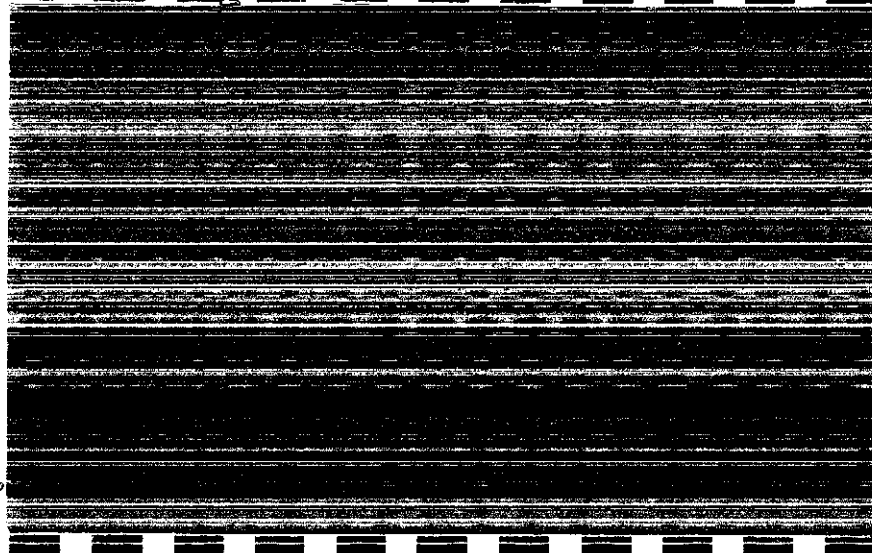
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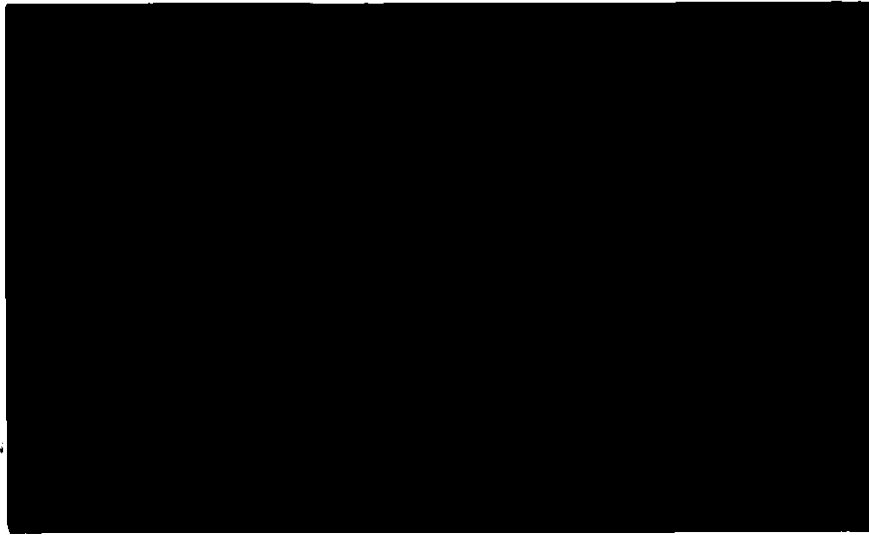


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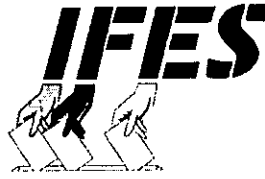


MAKING DEMOCRACY WORK



IFES MISSION STATEMENT

The purpose of IFES is to provide technical assistance in the promotion of democracy worldwide and to serve as a clearinghouse for information about democratic development and elections. IFES is dedicated to the success of democracy throughout the world, believing that it is the preferred form of government. At the same time, IFES firmly believes that each nation requesting assistance must take into consideration its unique social, cultural, and environmental influences. The Foundation recognizes that democracy is a dynamic process with no single blueprint. IFES is nonpartisan, multinational, and interdisciplinary in its approach.



MAKING DEMOCRACY WORK

**Serbia, FRY
FINAL REPORT**

October 1999 –September 30, 2002

**USAID COOPERATIVE AGREEMENT
No. EE-A-00-97-00034-00**

Submitted to the

**UNITED STATES AGENCY FOR
INTERNATIONAL DEVELOPMENT**

by the

**INTERNATIONAL FOUNDATION
FOR ELECTION SYSTEMS**

SERBIA, FRY
FINAL REPORT
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Prepared at the Request of the Joint Working Group, March 2002

I. EXECUTIVE SUMMARY

In 1999, the International Foundation for Election Systems (IFES) received a modification to its cooperative agreement (EE-A-0097-00034-00) with the United States Agency for International Development (USAID) to conduct election-related activities in the Federal Republic of Yugoslavia (FRY). The work that was done formed a series of activities conducted under a largely restrictive, politically hostile and tumultuous environment. The conduct of the activities have paved the way for more intense involvement in a reformed and more democratic election system should the Serbian government invest itself in such reform. The activities IFES conducted over the course of the agreement from June 2000 – March 2002 represent possibilities for an increased democratic future for Serbia. These four projects form rudimentary election elements that, if implemented and continued, could form the base of an excellent start in election reform. When combined with other basic reform elements, the net result would be a system that represents a good-faith effort in addressing international election standards and democratic reform. Work that IFES engaged in includes:

2000 Pre-Election Technical Assessment: providing baseline information on the status of the Serbian election system and identifying concrete work for improving the system prior to elections in 2000.

Observation Training: planning and coordinating training programs for international observers to the September 24 federal elections in the FRY, and to assist in defraying cost for the observers.

Assistance to the Serbian Republican Election Commission (REC): providing assistance to the REC in helping voters understand the voting process and poll workers better understand their duties in the 2000 parliamentary elections

OSCE South Serbian Redistricting Assessment: participation in the Task Force on Electoral Boundaries through supplying an electoral boundary expert to assess electoral redistricting in the southern Serbian municipalities of Bujanovac and Medvedja.

Political Background

Beginning in 1991, the Socialist Federal Republic of Yugoslavia began to disintegrate as the republics of Slovenia, Croatia, Bosnia and Herzegovina, and Macedonia seceded and formed independent states. Montenegro, through the referendum process, opted to remain within Yugoslavia with the Republic of Serbia. As a result, the Federal Republic of Yugoslavia (FRY) was established with each of the constituent republics enjoying sovereign and equal status according to the Constitution adopted by the Federal Parliament on April 27, 1992.

In July 2000, at the direction of President Slobodan Milosevic, the FRY parliament enacted sweeping constitutional and statutory changes that significantly altered the electoral system of FRY. The most important changes were (1) to mandate the direct election of the President of FRY, (2) to mandate the direct election of the upper chamber of Parliament -- the Chamber of Republics, and (3) the removal of a requirement for at least 50 per cent turnout to validate the election. On the heels of these changes, President Milosevic called for federal, parliamentary and presidential elections to be held on September 24, 2000.

It was widely expected that fall 2000 elections would not be “free and fair,” nor allow for the true expression of the majority will. However, in general it appeared that most of the expected types of fraudulent activity occurred, but in a more-or-less random fashion. It did not appear that any massive systematic fraudulent activities occurred on election day. The election and ensuing events toppled the

Milosevic regime and on Saturday, October 7, Vojislav Kostunica was sworn in as the new President of the Federal Republic of Yugoslavia.

Project Context

The election work of IFES over the course of the cooperative agreement was conducted as political and electoral events took place in Serbia. The timeframe below sets out the context of that work within the election framework.

DATE 2000	EVENT
June	IFES Pre-Election Technical Assessment (PETA)
July	FRY Parliament enacts constitutional and statutory election changes: (1) direct election of FRY President; (2) direct election of upper chamber of Parliament; (3) removal of the requirement of at least 50 percent turnout of eligible voters to validate elections. Federal, parliamentary and presidential elections to be held on 24 September 2000.
August 25- September 29	IFES establishes and operates office in Budapest for election support: Training for International Election Observers
September 17-22	IFES International Observer training/briefing sessions with other international organizations held in Slovakia, Bulgaria, and Romania.
September 22-24	Ukrainian (9/22), Bulgarian and Romanian (9/23) observer delegations disbanded upon non-receipt of accreditation. The Slovakian observer delegation disbanded 9/24 upon denial of visas.
September 24	Elections: federal president, both houses of federal parliament, municipal councils throughout Serbia, city councils in two locations, provincial assembly in Vojvodina.
October 7	Vojislav Kostunica sworn in as President of the Federal Republic of Yugoslavia.
October 8	Old Serbian parliament enacts revised election legislation providing framework for parliamentary elections.
October 16	Early parliamentary elections called for by President Kostunica on December 23, 2000.
December 11	IFES Project Manager arrives in Serbia and begins working with the Republican Election Commission (REC) on an education campaign for voters and poll workers (less than 2 weeks before election day).
December 23	Elections: Parliamentary elections held for FRY.
2002	
February	Joint Working Group on Municipal Assembly By Elections in South Serbia (JWG) formed by OSCE with IFES participating.
March 11-31	Redistricting Assessment of Bujanovac and Medvedja by the Task Force on Electoral Boundaries (TFEB) with Reinhard Hinz, IFES Redistricting Expert, OSCE and others.
April	Serbian census taken.
June	Serbian by-elections.

II. OFFICE AND PERSONNEL

A. 2000 Pre-Election Assessment

In June 2000, IFES sent a two-person consultant team to Serbia to conduct a pre-election technical assessment over two weeks. They performed their work in a politically hostile environment with no support or cooperation from Yugoslav authorities, election commissioners, or ruling party officials. In the conclusion of the assessment, the Bulgarian member of the team was detained and questioned. All his documents relating to the mission were seized and he was ordered out of the country. Their visit was in the context of the previous electoral system and laws, since the major changes outlined above were passed after the assessment was completed.

B. Observation Training

On August 25, 2000, the IFES observation and training specialist, James Heilman, arrived in Budapest, Hungary and began work. The short-term office was established in Budapest because of lack of permission from FRY to conduct any activities in Serbia. IFES sublet a small office in the same building where the National Democratic Institutes (NDI) and USAID's Office for Transition Initiatives had their offices. Its location was near to the USAID main office and the Office of Yugoslav Affairs of the US State Department. Julie Mashburn, IFES Logistics/Coordination Specialist, also worked with Mr. Heilman on the project in the field. A Budapest resident was hired as the office assistant. The IFES office remained open until September 29.

C. Assistance to the REC 2000 Serbian Elections

IFES Project Manager, Trefor Owen, serving as Chief of Party/ Election Administration Specialist, arrived in Serbia and began working with the Republican Election Commission (REC) on an education campaign for voters and poll workers. Due to the late invitation of the REC, he arrived in Serbia less than two weeks before election day. Biljana Dakic, the local IFES Project Assistant, and Trefor Owen designed the elements of the graphics and worked with the REC to gain approval for their distribution.

D. OSCE South Serbia Redistricting Assessment

The independent international Task Force on Electoral Boundaries (Task Force) under the organization of the Office for Security and Cooperation in Europe (OSCE) was comprised of three municipal electoral boundary experts. With funding from USAID, IFES contracted with Reinhard Hinz. Roger Knight and Mort Jackson also participated under separate funding. The consultants had extensive experience in dealing with municipal electoral boundary issues in Wales (UK), and the Provinces of Quebec and Nova Scotia (Canada), respectively.

III. PROGRAMMATIC ACTIVITIES

This report summarizes IFES programming in Serbia under the Europe and Eurasia Cooperative Agreement beginning with the June 2000 Pre-Election Technical Assessment and concluding with the joint OSCE Southern Serbia Redistricting Assessment in March 2002. Reports are attached as appendices.

A. 2000 Pre-Election Assessment (PETA)

1. Background

Using previous experience in Serbia as a guide, notably its 1997 Pre-Election Technical Assessment, IFES assessed a number of critical elements of the democratic election process. In October 1999, IFES received funding to conduct a short technical assessment in early 2000 to determine the best possible programming activities for implementation of a technical assistance program in Serbia. Although planning for the assessment began as early as November, IFES faced numerous challenges from, at that time, the hostile Serbian government. Impediments to the assessment included denial of visas. As a result, IFES selected a new assessment team consisting of election experts from countries with bilateral agreements with Yugoslavia eliminating the need for visas.

In June 2000, IFES sent two consultants, a Bulgarian election administrator and an Argentine Education/Training Specialist to in order to analyze the opportunities for technical assistance in preparation for local and federal elections in the fall of 2000. However, the FRY government did not support the mission and the Bulgarian consultants was detained by the police and ordered out of the country.

The complete Pre-Election Technical Assessment can be reviewed in Appendix A.

2. Objective/Scope of the Mission

The objective of the mission was to assess critical elements of the election process and identify specific technical assistance activities that would increase the potential for democratic elections in the fall of 2000.

3. Activities

IFES reviewed a number of critical elements of the democratic election process, including: the administration of elections; voter awareness; the need for training and the ability of election administrators to undertake their duties; and the level of current international assistance efforts. The two-person team met with most major opposition political parties, non-governmental organizations active in elections, local government officials, some local election commissioners, media representatives, representatives from the international community in Belgrade, among others. The team travelled to several municipalities outside of Belgrade in order to determine whether there was room for assistance at the local level. Repeated attempts were made to meet with the Federal Election Commission, Republican Election Commission, and Supreme Court without success. Similarly, repeated requests to schedule meetings with governing parties both in Belgrade and in local branches went unanswered despite earlier indications from these bodies that they would be willing to meet with the IFES team.

The full text of recommendations to address the concerns raised and weaknesses observed during the team's mission to Serbia can be reviewed in the final report. Highlights include:

- **Voter Registry:** Establish a central register of electors.
- **Voter Information:** More extensive provision of non-partisan voter information and education is required to educate voters about civic responsibility, checking the voter registry, voter rights and obligations under the law; opportunities for oversight of the election process; and modifications to election law. Electoral training/education materials should be produced in the languages spoken in country, including Albanian, Hungarian, and Roma in addition to Serbian.

- **Polling Site Procedure:** All mechanisms for voting outside the polling site premises should be clearly defined and distinguished. Language throughout the law, which provides for the nullification of voting based on technical violations, should be removed. The practice requiring voters to sign the voter registry upon receipt of their ballot should be built into the law.
- **Ballot Security and Control of the Election Process:** Improved ballot security measures need to be introduced during voting outside of the polling premises; the election process in the military units should be administered by qualified multi-party Polling Board Commissions.
- **Tabulation and Reporting of Results:** The aggregation and finalization of election results must be carried out in the most transparent manner, including the reporting of results. Delay in the announcement of results will lead to the *perception* of fraud and undermine public confidence in the integrity of the election results.
- **Regulations on Observation:** Clear guidelines should be set for specifying the rights and obligations of domestic and international observers throughout the election process.

Of note was the confiscation at the end of the two-week mission of the Bulgarian team member's documents by Serbian police and his expulsion from the country for allegedly "disrespecting the positive legal regulations of the Federal Republic of Yugoslavia." Police seized documents from the team member's hotel room and questioned him on the content and participants of his meetings.

4. Materials Produced

The two members of the PETA team produced a Pre-Election Technical Assessment of the opportunities for technical assistance in preparation for elections expected for fall 2000 and to improve the overall election system.

5. Impact and Evaluation

The Pre-election Technical Assessment established a baseline report on the status of the electoral system in Serbia, the electoral climate and made recommendations for action for improvement. The PETA analysis and recommendations was issued to USAID and identified opportunities to continue capacity-building tactics, methods, and means aimed at the REC, requirements to implement each recommendation. It identified actions for USAID to strengthen the overall movement toward democratic principles in Serbia, FRY. The report also assessed Serbia's ability and willingness to administer free, fair and open elections under difficult circumstances and political pressures.

B. Observation Training

1. Background

Following the June 2000 Pre-Election Technical Assessment, IFES consulted with USAID in early August on appropriate election support. As a result, IFES sent an observation specialist to develop and deliver training for an international election observer mission to the FRY federal, parliamentary and presidential elections scheduled for September 24, 2000. The observer specialist set up a temporary IFES office in Budapest, the location of many American and international organizations and agencies involved in Yugoslav democracy-building programs. He was tasked with developing and delivering a training program and materials for three would-be election observer missions being organized by NGOs in Bulgaria, Romania and Slovakia. In addition, IFES expanded the program to fund expenses for two of the

three observer missions -- Bulgaria and Slovakia. Later, USAID's Office of Transition Initiatives included a Ukrainian delegation of observers in the IFES mission.

Shortly after the announcement of the election date, the FRY government issued a decree and statements permitting citizens from non-NATO countries to apply for accreditation as election observers. The Bulgarian Association for Free Elections and Civil Rights (BAFECE), the Pro Democracy Association (PDA) of Romania, and the Slovak Democratic Initiative -- three Slovakian NGOs (Civic Eye, Memo 98, and the Slovak Foundation for Civil Society) all expressed interest. Each group had a history of domestic and/or international election monitoring and had worked previously with international donors. Their interest was made known to USAID, who then sought funding, coordination, and training assistance for the three missions. Closer to the election, a fourth delegation from Ukraine made plans to serve as an adjunct to the Slovak delegation.

The probability of the delegations receiving accreditation was doubtful from the beginning. The decree permitting international observers was vague and government authorities provided little guidance concerning the process of applying for and receiving accreditation. All three countries fit that criterion. However, necessary planning went forward.

The full final report, Federal Republic of Yugoslavia, Observation Training and Assistance, August -- September 2000, can be reviewed in Appendix B.

2. Objectives/Scope of Mission

The overall program objective was to support the September 24 federal, presidential and parliamentary elections through the provision of international observers to monitor the elections. This included the identification of appropriate international observer organizations, the development of the training/briefing program, delivery of training/briefing sessions to the observers, delivery of organizational and logistics support to the observers and deployment of the observers. In order to accomplish the objectives, major observation products were developed.

3. Activities

The observation project included the following implementation activities, which began as soon as the IFES observation specialist arrived in Budapest on August 25, set up and staffed the office.

Organizing the Project: The breadth of the project and the speed with which it had to be delivered necessitated many planning and coordination meetings among the international donors and the observer NGOs. Initial meetings focused on the role of each international organization as outlined below:

- IFES: Responsible for developing and implementing training program; responsible for funding Slovakian and Bulgarian NGOs.
- NDI: Responsible for hosting planning meetings; responsible for serving as "information clearinghouse" for funders and observer missions; responsible for assisting with training.
- Freedom House: Responsible for funding the Romanian NGO.
- USAID: Responsible for overseeing funding development and delivery; responsible for coordination with Office of Yugoslav Affairs.
- International Republican Institute (IRI): Responsible for assisting with training.
- Other organizations: support roles in the development of the missions.

Development of Training Program: Due to the unique nature of the election, an election held in a hostile environment based on vague and confusing election laws and with predictions of massive election fraud, the training/briefing agenda concentrated on overviews and discussions of the following items:

- Elections to be held on September 24
- New election laws
- Political climate in FRY
- Types of fraud committed in recent elections, and types were expected for the election
- How to observe different types of fraud
- Observer checklists
- Conduct for observers, translators, and drivers
- Safety and security measures each observer should take

Briefing sessions were designed to last approximately seven hours each and were held as follows: Bratislava, Slovakia, Sunday, September 17 (49 delegates trained); Sofia, Bulgaria on Friday, September 22 (69 observers trained); and Timisoara, Romania on Friday, September 22 (45 delegates trained).

Production of Briefing Guidebook and Other Materials: described below.

4. Materials Produced

- **Training Curriculum:** The curriculum included information on the political context of the FRY, election observation principles, past fraudulent practices, observer conduct, relevant election laws and regulations, safety and security precautions, reporting requirements, and a review of the monitoring instruments or checklists that observers would use in observation.
- **Training Materials:** These materials, to be gathered and reproduced, included a training manual, copies of election laws, assessments of the election laws, and reports on fraudulent election practices.
- **Training Manual:** Known as the "Guidebook," this manual included an Election Overview, Political Update (information provided by IRI), Highlights of the Election Laws, Proposed Observation Schedule, Briefing Manual (including a code of conduct and items from an ODIHR memorandum concerning predicted election irregularities), Observer Checklists (compiled from various sources), Index of Serbian Municipalities, and maps of the electoral units and of current political dominance.
- **Timeline:** The observation specialist developed a timeline for materials dissemination, recruiting and coordinating presenters, and training delivery to the observer groups.
- **Other materials:** used in training/briefing sessions are delineated in the final report.

Copies of these materials are included in the appendix of the Observation Training and Assistance final report attached in this report, and can also be reviewed at the IFES/Washington DC Resource Center.

5. Impact and Evaluation

Despite all the preparations, and some preliminary visits, none of the potential IFES observer missions for the September elections received accreditation to act as observers. The Bulgarian and Romanian delegations disbanded on September 23 and 24 and did not deploy. The Slovak delegation disbanded on September 24. The Ukrainian mission which was intended to be an adjunct to the Slovak delegation did not receive accreditation and did not deploy from Ukraine.

Although unsuccessful in the actual observing of the election, several positive outcomes of this mission include:

- The NGOs from Bulgaria, Romania, and Slovakia gained valuable experience on operations and logistics, and learned many practical lessons that can be applied to future international missions.
- The NGOs received more intensive training on election fraud practices than normally would be provided in an international observation mission.
- The international organizations involved in this effort – IFES, NDI, IRI, and Freedom House – were put in a situation that required maximized coordination and expediency without the usual requisite MOUs, sub-grants, etc. On the whole, these organizations worked with exemplary cooperation under less-than-ideal circumstances.

C. Assistance to the REC 2000 Serbian Elections

1. Background

The political unrest following the September presidential election resulted in the capitulation of the Milosevic regime and the election of Democratic Opposition of Serbia (DOS) leader Vojislav Kostunica as President. This change at the federal level led to the creation of the “Agreement on Holding of Early Parliamentary Elections in the Republic of Serbia.” Parliament was dismissed soon afterward, and early elections were officially called by the President of Serbia for December 23, 2000 reflecting the new political landscape. One of the last acts of the old Serbian parliament was the enactment of a revised election law on October 8, 2000 that provided the framework for the parliamentary elections.

Amendments passed to the Serbian parliamentary election law yielded several technical changes in voting procedures and one change in the electoral system. The most important changes for voters in the parliamentary elections were to:

- Provide for elections for the National Assembly of Serbia by preferential ballot as one constituency;
- Provide for the inking of the voters right index finger and the checking of that finger prior to the elector being allowed to vote;
- Require that the voters sign the voters’ register as evidence they voted;
- Provide for transparent ballot boxes;
- Hold elections on Saturday instead of the traditional Sunday (thus resulting in the change of election day from December 24 to December 23).

In December 2000, in response to a formal invitation, IFES began working with the REC on the preparation of an education campaign for voters and poll workers in advance of the Republic of Serbia parliamentary elections.

The full final report, Federal Republic of Serbia, FRY, Parliamentary Election Technical Assistance, December 2000, can be reviewed in Appendix C.

2. Objectives/Scope of Mission

The objectives of the voter information program were to:

- Provide voters with information before election day, through the print media, on election procedures, which had changed as a result of new legislation and encourage them to participate.

- Provide voters on election day with clear guidelines and practical advice on proper voting procedures to ensure they understood and could manage the voting process.
- Provide polling officials with instructions on issuing ballots to minimize irregularities maintain consistency and ensure the orderly operation of the polling place.

3. Activities

The parliamentary elections marked the first time that the REC was involved in an information campaign to assist voters in understanding the voting process. While initially reluctant to take such a proactive approach, most members supported and approved all materials and expressed gratification at having sponsored such high-quality products. Three products were produced to achieve the objectives:

Public education poster: with graphic, step-by-step instructions on the voting process and what voters might expect at the polling station. It would inform voters about new voting procedures. In addition to Serbian, it was to have been printed in Hungarian, Albanian and Romania. Due to time constraints it was printed only in Serbian and Hungarian.

Advertisements in newspapers and journals: A series of three advertisements were designed for use in the print media representing new aspects of the election law. The principal goal of the advertisements was to explain the need for new procedures and to ease voters concerns about the implications of the new law.

Polling Officials' Checklists: produced to provide officials with a small and informative aid that would assist them with administering the new procedures. The text provided in the checklist was the only detailed explanation on how to mark the right index finger with the indelible ink.

The poster and polling officials' checklist leaflets were distributed by the REC to polling stations with other election materials.

The IFES Project Manager and the local Project Assistant observed the elections as appointed international observers. This observation was limited to the work related to its role in the elections. The team visited eight polling places in the vicinity of Belgrade and central Serbia.

4. Materials Produced

- Public Education Poster: 15,500 copies printed and distributed to and posted in polling stations on election day (languages: Serbian and Hungarian).
- Advertisements for Print Media Campaign: full page advertisements were placed in *Vreme* and *NIN*, major weekly newspapers just prior to election day. Advertisements were placed in major daily newspapers, *Blic*, *Vecernje Novosti*, *Glas Jaavnosti*, *Politika* and *Danas* two days prior to election day.
- Polling Officials Checklist: 52,000 copies of the checklist were printed (enough for 4 copies for each polling station) in Serbian and Hungarian and distributed to polling stations prior to the election. English copies were printed for OSCE international observers.

Copies of these materials are included in the appendix of the final report on the Federal Republic of Serbia, FRY, Parliamentary Election Technical Assistance, and December 2000 and can also be reviewed at the IFES Washington DC Resource Center.

5. Impact and Evaluation

The IFES team observed extensive evidence that the IFES/REC materials were widely used and had a significant impact on the election process. The signing of the voters' register upside down is a key performance indicator because it was so distinctive. This practice was almost universally adopted. IFES received positive feedback from the REC on the quality of the items concerned. No other instructions were provided on the use of the ultraviolet light. No other instructions were issued as to how to ink the right index finger or what to do if it was already inked.

D. OSCE South Serbia Redistricting Assessment

1. Background

In South Serbia, there had been a history of gerrymandering in the municipal districts of Bujanovac and Medvedja. The imbalance between different electoral districts had prevented proportional ethnic representation within the local democratic institutions, and had led to the political dominance of one particular party -- predominantly composed of the same ethnic group. When Municipal Assembly By-Elections were called for the summer of 2002, the OSCE decided to rectify any remnants of gerrymandering in these municipalities with the support of all political parties and multiple ethnicities.

Due to the lack of trust by local leaders in the electoral system, especially concerning the status of the voter registry and where ethnic Albanians for the most part boycotted the December 2000 Serbian parliamentary vote, the electoral map needed to be redrawn before municipal elections were held in these municipalities.

The Joint Working Group on Municipal Assembly By-Elections (JWG) in South Serbia was formed in February by OSCE with IFES participating. One of the objectives of the JWG was to form a team of international experts that would perform an assessment on the possibility of electoral redistricting in the municipalities of Bujanovac and Medvedja. Under USAID support, IFES supplied one of the three experts to the Task Force on Electoral Boundaries (TFEB). From March 11-31, the task force visited the region consulting with nineteen locally nominated interlocutors (9 Albanians, 9 Serbs, and 1 Roma) who advised them on specific issues in each municipality. The TFEB wrote and submitted the assessment to the Serbian Parliament, the OSCE, and USAID. Based on the report, the Serbian Parliament was to decide whether or not the actual redistricting would take place and determine the timetable for the work.

The full report, Electoral Arrangements of Local Authorities in South Serbia, a Report Prepared at the Request of the Joint Working Group, 28 March 2002, can be reviewed in Attachment D.

2. Objectives and Scope of the Mission

In accordance with the Agreement on Basic Principles, and facilitated by OSCE, the JWG established the Task Force of independent international experts to undertake "an assessment of current municipal electoral boundaries and give recommendations to the relevant municipal authorities and the Government of the Republic of Serbia on the adoption of lawful and proportionate electoral boundaries in Bujanovac, Medvedja and Presevo."

Specifically, the terms of reference of the Task Force were to:

- Produce an assessment report on the current boundary issues compliance with legal requirements and international standards.
- Produce guidelines and best practice on the adoption of new boundaries.
- Provide advice to the Interim Municipal Councils (IMC) on the adoption of new boundaries.

The terms of reference required the Task Force to consult with appointed representatives of the local communities, nominated by members of the JWG. This group of local interlocutors was to include representatives of both the Serbian and Albanian communities in each municipality, except in Bujanovac where a representative of the local Roma community was also included.

3. Activities

The Task Force convened March 11 in Belgrade. Between March 13 -- 21 extensive fieldwork was carried out in Bujanovac and Medvedja. During this time the Task Force worked and consulted with the nineteen local interlocutors and advised them on specific issues in each municipality. They also gathered data and information for the formal report. The Task Force wrote the assessment and submitted it to the Serbian Parliament, the OSCE, and USAID. Based on the report, the Serbian Parliament was to decide whether or not, the actual redistricting should take place, and when. Due to ambiguity with regard to the inclusion of Presevo, fieldwork was not conducted in that municipality. However, should Presevo be assessed at a later date, the Task Force recommended that the same procedure be adopted as was applied in Bujanovac and Medvedja.

In order to make an assessment of the current electoral arrangements in the municipalities within the terms of reference, the Task Force identified a common set of terms, objectives and relevant factors. They made as comprehensive a field inspection as time and accessibility allowed.

Conclusions of the TFEB regarding the boundaries of Bujanovac indicated that there should be a review of electoral boundaries in accordance with acceptable objectives, guidelines and procedures for the following reasons:

- The variance from the average for most of the electoral units of the municipality is excessive;
- There is an unjustifiable pattern of consistently under-represented electors to the west of the municipality in contrast to a pattern of over-represented electors to the east.

The TFEB's assessment of the current arrangement indicates that the electoral map of the municipality of Medvedja should be redrawn for the three following reasons:

- The difference between the smallest and the largest electoral unit in terms of electors is far too large with a ratio of 1:31;
- The electors of the town of Medvedja are highly under-represented;
- There are wide inconsistencies in terms of electors even between neighbouring electoral units in the rural part of the municipality.

4. Materials Produced

Members of the Task Force, Reinhard Hinz, Mort Jackson and Roger Knight produced a redistricting assessment report, "Electoral Arrangement of Local Authorities in South Serbia, a Report Prepared at the Request of the Joint Working Group." (Appendix IV of this report).

5. Impact and Evaluation

The process of redistricting is the first step in order to make sure that the municipalities in Southern Serbia are equally representative of all ethnicities and political parties. Without redistricting, election results have very little credibility amongst the general public, and contribute to the atmosphere of mistrust

in the government. Redistricting will help establish a framework, within which, democratic activities can be successfully conducted. The Task Force provided the foundation and recommendations for the delimitation of the constituencies. It was then up to the government to adopt the proposed electoral map before the end of April. IFES understands that the FRY took no action prior to the June elections.

Other Programmatic Activities

Due to the uncertainty of when by-elections were to be called in South Serbia and the termination of the E&E cooperative agreement, IFES was unable to conduct follow-up programming in South Serbia. As an alternative, IFES developed several project concepts for discussion with USAID that identified gaps in programming in Serbia. IFES recommendations for continual assistance in Serbia are noted below as recommendations. On June 24 when the Speaker of Parliament called by-elections in South Serbia for July 28, 2002, at the request of USAID, IFES had already reprogrammed remaining Serbia funds for use outside of the FRY.

IV. RECOMMENDATIONS AND CHALLENGES

Challenges

A. 2000 Pre-Election Assessment

While the mission was completed, it was conducted in a politically hostile environment with little cooperation or support from the FRY, although repeated attempts were made to meet with the Federal Election Commission, The Republican Election Commission, and the Supreme Court – without success. Repeated overtures to meet with the governing parties in both Belgrade and the regions also went unanswered, although early contacts indicated they were willing to meet with the IFES team. In addition, the Bulgarian member of the assessment team was detained and questioned by the Serbian police as to his assessment work and his assessment documents seized.

B. Observation Training

Although a FRY government decree permitted citizens from non-NATO countries to apply for accreditation, there was never an intention from the Serbian government to allow such monitoring. While the decree provided little guidance on the application process, the government itself was not responsive. Further, statements by government authorities suggested that citizens from countries supporting the NATO bombing of Kosovo would not be welcome. This manifested itself in the total lack of response of the FRY for the accreditation applications from the Bulgarian, Slovakian, Romanian and Ukrainian observation missions. The visa applications from the Slovak mission were denied. This was the only official FRY response to the observation mission.

C. Assistance to the REC 2000 Serbian Elections

The key objectives of the Serbian election program were somewhat fluid in the early discussions with the REC. The REC was initially interested in receiving direct financing of items such as the printing of ballot papers and the provision of computers. There was not sufficient time to work with the REC on items as extensive as this. By the time the REC issued an invitation to IFES, it was perilously close to the date where no objectives at all could have been achieved. The Project Manager arrived in Serbia only 12 days prior to the election. He focused on preparing a high quality and fairly extensive press advertising campaign and the voter information poster and checklist.

D. OSCE South Serbia Redistricting Assessment

Delimit urban constituencies: Unfortunately, the task force was unable to delimitate the urban constituencies in Bujanovac and Medvedja due to lack of detailed statistics as well as time.

Conduct of fieldwork in Presevo. Fieldwork could not be conducted in Presevo as well due to the ambiguity with regard to its inclusion on the assessment. The task force recommends that a study similar to that conducted in Bujanovac and Medvedja be applied to Presevo as well.

Conduct of Serbia Census. According to the assessment report, "the Agreement of the Basic Principles for the holding of Municipal Assembly By-Elections in South Serbia" states that the map of the new constituencies shall be finalized after a census is completed at the beginning of April 2002. There was some uncertainty among the task force as to what influence the census would have on their proposed delimitation of the constituencies.

Recommendations

As a result of the election support work done under this cooperative agreement, IFES recommends targeted future work in Serbia. Supportive development focusing on building democratic institutions could begin with collaborative work with the REC to review and revise election legislation and develop the REC as an institution. Voter lists could be reviewed and redone, although at this time the REC is not responsible for their development and maintenance. Joint redistricting work could begin with the REC and other relevant local and federal authorities to establish a Boundary Commission to examine, develop and implement redistricting where required. Other work could focus on election assistance to NGOs. This could include the continuation of observer training and expand further to provide development assistance to political parties. During the project, positive collaboration took place with other international NGOs and donor organizations; some recommended activities could be facilitated by continued collaboration with USAID and these organizations.

A. 2000 Pre-Election Assessment

The full text of the Pre-Election Technical Assessment details the recommendations for further programming in Serbia. Highlights included here include:

Assistance to Political Parties

- Training Candidates on Campaigning Strategies
- Developing a System and Logistics for Gathering and Processing Election Results from the Protocol Copies Parties Received from Polling Stations
- Poll worker Training
- Conducting a public opinion poll to assess issues of important to the electorate
- Preparing and delivering a motivational election campaign emphasizing citizens exercising voting rights.

Election Assistance to Non-Governmental Organizations: NGOs' requests for assistance focused on:

- Training poll workers and observers
- Voter education

Civic Education with NGOs: General considerations include:

- Clear division between opposition parties and NGO – currently made only in limited circles in cities.

- Support to campaigns begin at the grassroots level to avoid dilution of assistance from the center to the regions.
- Use of local scholars with specific expertise to participate in NGO assistance programs.

B. Observation Training

Several lessons were learned that assist future missions. Recommendations include:

- In some instances, the division of labor among international organizations, USAID, and the Office of Yugoslav Affairs, caused duplication of effort. Regular coordination meetings and clearer lines of responsibility might produce a smoother overall operation.
- Applying for accreditation from a hostile government was not handled in the most efficient manner. Requests for accreditation should be filed as early as possible, and pressure for clarification of accreditation requirements must be strong and steady in order to produce positive results from recalcitrant governments. Finally, the government ministries through which the NGOs worked were not altogether efficient in pressing the requests with the FRY government.

C. Assistance to the REC 2000 Serbian Elections

Despite the acceptance of the December 2000 elections by international and domestic observers as free and fair, a great deal of work is needed to ensure that elections in Serbia comply with international standards. There is a need for further development work on the election law and procedures in the future to raise the standards of elections in the FRY. The REC appears to have a commitment to that process and would benefit from further international assistance.

IFES could provide support to the REC in reviewing and revising election legislation to achieve international standards, including:

- **REC Restructuring:** To eliminate increased politization resulting from the revised election law and reexamine the utility of mid-level election commissioners.
- **Provisions for Voter Education:** Specific responsibilities for this work need to be included in the law. There should be provisions for encouragement of voters to turn out to vote and to tell them how and where to do so.
- **Polling Boards and the Allocation of Resources:** Current provisions allow for one polling board for up to 2500 electors. With a low 50% turnout this means a voters' list should not exceed 1600. Review the 2500 electors, it would be necessary to split the list if staffing permitted, but there are currently no provisions for this.
- **Election Materials:** Election materials and their packaging need to be improved.
- **Voters Rolls:** The maintenance of the voters' roll is currently not the direct responsibility of the REC. A number of errors highlighted by the REC itself immediately prior to polling day could not be rectified. A thorough review of current practices is needed. Special voter categories (e.g. disabled electors, the elderly) need to be noted on the roll.

Every aspect of the election legislation and practice is in need of review. This work may be best begun while the REC is open to consultation. IFES recommends exploring this legislation revision and the revision of other appropriate work with USAID. This project has built up excellent rapport between IFES and the REC.

D. OSCE South Serbia Redistricting Assessment

Full recommendations can be reviewed in Electoral Arrangements of Local Authorities in South Serbia, a Report Prepared at the Request of the Joint Working Group. Initial conclusions highlighted here indicate that in the municipality of Bujanovac there should be a review of electoral boundaries in accordance with acceptable objectives, guidelines and procedures. The TFEB's assessment of the current arrangement indicates that the electoral map of the municipality of Medvedja should also be redrawn.

The TFEB recommends the application of general Guidelines in Relation to Electoral Arrangements which we consider will be applicable throughout the country, in particular, the idea of an independent Boundary Commission, and we commend these for the consideration of the Government of the Republic of Serbia.

IFES is prepared to explore with USAID a redistricting activity to take place collaboratively within Serbia, working with the REC and all local authorities and institutions to develop and implement a redistricting plan that would ensure equal and fair voter representation among all populations.

The recommendations noted below should also be considered for specific assistance in South Serbia. Despite the notable improvements in the conduct of elections in South Serbia, there still remain considerable shortcomings such as deficiencies in the legislative framework, voter registers, relationship between RECs and MECs, and need for greater training of electoral board staff.

E. Other Programmatic Activities

Despite overall improvements in conduct of elections as exemplified in the December 2000 Serbian Elections and 2002 by-elections in South Serbia, there still remain deficiencies in Serbia's administration of elections. As political tensions increase as they have throughout the second half of 2002, it will be important for the stability of Serbia to take necessary steps to improve the overall conduct of elections in Serbia and the FRY to lead to transparency and the democratic process in the region. As highlighted in the 2000 Final report on assistance to the REC, additional assistance in election administration is necessary to include:

- Legislative reform
- The role of the government, the parliament and the respective RECs in future elections;
- The authority and activities of the RECs over the electoral process and training needs assessment;
- Review of existing election legislation, other relevant laws, and other codes and regulations, taking into account existing available studies;
- Level of training of election officials;
- Framework for adjudicating grievances before and after the election;
- Evaluation of the problems associated with the absence of an intermediate election administration level between national and precinct commissions, and evaluation of the existing Election Law which has a number of serious shortcomings; and
- Update of the voter's List to improve the accuracy and transparency of the voter registers.

IFES also recommends that similar technical assistance continue in Montenegro. The Ministry of Justice has requested IFES' assistance for the October 2002 Parliamentary election with regard to election law reform and Law on media, as well as on-site pre-election training specifically focused on voter registration lists, polling board work and legislative review. This assistance is also essential to democratic reforms in the region, in light of the federal constitutional changes currently under review, and the political tensions surrounding the forthcoming Montenegro elections.

VII. CONCLUSIONS

As IFES' electoral assistance programs in Serbia and the Federal Republic of Yugoslavia have demonstrated, international assistance has proven successful from the momentous events in FRY in 2000, to the noted improvements in the administration of the December 2000 election. However, as stressed in each of IFES' assessment and final activity reports conducted through this cooperative agreement, there is still a tremendous need for reforms to meet international election standards and democratic reform in both Serbia and Montenegro. IFES hopes that it can provide its continual expertise in this area to USAID as the new union between Serbia and Montenegro is adopted later this year.

Appendix A: IFES Pre-Election Technical Assessment Report, June 2000

REPUBLIC OF SERBIA

PRE-ELECTION ASSESSMENT JUNE 2000

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The opinions expressed in this Report are solely of the International Foundation for Election Systems (IFES).*

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I. INTRODUCTION

A. MISSION BACKGROUND AND OBJECTIVES

The International Foundation for Election Systems (IFES) conducted a two-week assessment in the Republic of Serbia, FRY in order to analyze the opportunities for technical assistance in preparation for potential local and/or federal elections this Fall. Using previous experience in Serbia as a guide, IFES assessed a number of critical elements of the democratic election process, including: the administration of elections; voter awareness; the need for training and the ability of election administrators to undertake their duties; and the level of current international assistance efforts. A two-person team met with most major opposition political parties, non-governmental organizations active in elections, local government officials, some local election commissioners, media representatives, representatives from the international community in Belgrade, among others. The assessment team traveled to several municipalities outside of Belgrade in order to determine whether there was room for assistance at the local level since the team believed greater cooperation may be possible there. Repeated attempts were made to meet with the Federal Election Commission, Republican Election Commission, and Supreme Court without success. Likewise, repeated requests to schedule meetings with governing parties both in Belgrade and in local branches went unanswered despite earlier indications from these bodies that they would be willing to meet with the IFES team.

A disturbing development at the end of the two-week mission was the confiscation of the Bulgarian team member's documents by Serbian police and his expulsion from the country for allegedly "disrespecting the positive legal regulations of the Federal Republic of Yugoslavia." Police seized documents from the team member's hotel room and questioned him on the content and participants of his meetings.

II. BACKGROUND

A. COUNTRY BACKGROUND

The tradition and history of statehood in the area of modern day Serbia dates back one thousand years. It is believed that multiple uprisings and subsequent wars against the Ottoman Empire between the 14th and 19th centuries cultivated and strengthened the notion of statehood, and in 1878, the independent Principality of Serbia was formed and granted international recognition. It formally became a kingdom in 1882. Serbia was integrated into the constellation of European states and the first political parties were founded, giving new momentum to political life.

As a result of the post-World War I peace concluded at Versailles, the kingdoms of Serbia and Montenegro, among several other provinces of the dissolved Hapsburg and Ottoman Empire, were combined into a common Slavic state. With the conclusion of World War II, Yugoslavia fought alongside of the Allied Forces. After the war, Serbia became one of six constituent republics of the Socialist Federal Republic of Yugoslavia (SFRY). Under this framework, Serbia retained authority over its administrative and budgetary matters and its citizens were able to preserve their historical and cultural identity.

Beginning in 1991, the Socialist Federal Republic of Yugoslavia began to disintegrate as the republics of Slovenia, Croatia, Bosnia and Herzegovina, and Macedonia seceded and formed independent states. In 1992, the citizens of Montenegro, through the referendum process, opted to remain within Yugoslavia with the Republic of Serbia. As a result, the Federal Republic of Yugoslavia (FRY) was established with each of the constituent republics enjoying *sovereign and equal status* according to the Constitution adopted by the Federal Parliament on 27 April 1992. It is debatable to what extent this has been achieved, given that Serbian authorities have dominated federal power structures responsible for foreign, fiscal, and customs policies and national defense as well as the adjudication of constitutional disputes.

B. ORGANIZATION OF THE STATE

The Constitution establishes Serbia as a democratic and sovereign state with power vested in its citizens. As stated in the Constitution, State structure is organized according to the principle of separation of powers, with judicial, legislative, and executive powers operating independently.

In accordance with the Constitution, the National Assemblies of Serbia and Montenegro are unicameral while the Federal Assembly is bicameral, composed of the Chamber of Citizens (lower house) and the Chamber of Republics (upper house). The Serbian National Assembly is the constitutional and legislative power in that republic. It consists of 250 representatives elected through direct and secret ballot for a term of four years. The deputies elect the Government of the Republic of Serbia which, together with the President of Serbia, constitutes the executive power. Regular sessions of the National Assembly are convened twice a year in October and March, with the possibility of additional extraordinary sessions. An extraordinary session is convened at the request of at least one-third of the representatives or at the request of the Government of Serbia, with the agenda drafted in advance.

Currently, nine political parties are represented in the National Assembly of Serbia. The breakdown of seats is as follows¹:

POLITICAL PARTY	NUMBER OF SEATS
Socialist Party of Serbia-Yugoslav Left	110
Serbian Radical Party	83
Serbian Renewal Movement	45
Alliance of Vojvodina Hungarians	4
National Peasants' Party	3
Democratic Action Party of Sandzak	2
Coalition "List for Sandzak"- dr Sulejman Ugljanin	1
Democratic Activity Party	1
Peasants' Party of Serbia	1

Composed of two chambers, the Federal Assembly represents the two constituting elements of the Federation - citizens and federal units. The Chamber of Citizens is the general representative body, comprised of deputies who receive the majority of votes in the direct elections in both republics. The Chamber of Republics is a Federal House composed of 20 deputies from the constituting republics who have equal participation in decision-making in the Federal Assembly. While previously, these deputies were selected by the assemblies of each republic, Constitutional amendments passed on 6 July dictated that they would be popularly elected in each republic.

The federal President was previously elected by the Federal Assembly for a maximum of one term. The Constitutional amendment of 6 July 2000 altered this system, providing for direct election of the President.

¹Information from the last Parliamentary Elections (21 Sept. 1997) Source: Serbian Ministry of Information 2000. Information on the broader political party situation can be found in Chapter IV of this report.

According to these amendments, the President is now elected on the basis of four-tail suffrage - general, equal, direct, and secret ballot for a four year term of office with a maximum of 2 terms in office. Duties of the presidency include: representation of the republic domestically and internationally, promulgation of legislation, nomination of the Government, calling of legislative elections, and proposing public referenda. The President can be recalled by the Assembly based on findings of the Constitutional Court that he/she has breached provisions of the Constitution.

The federal government has a four year mandate and is composed of the Prime Minister, the Deputy Prime Minister and Ministers. The President of the FRY must present his/ her recommendations for ministerial appointments and government programs for approval by the Federal Assembly. The Government is responsible for: the setting and conduct of domestic and foreign policies; introduction of executive acts and regulations necessary to enforce legislation; development of the state budget; conclusion of international treaties within its authority; organization of the state administration, supervision of ministries and state administrative structures, and enactment of decrees during a state of emergency. The Federal Assembly may take a vote of no confidence in the Government based on a motion by the majority of deputies in both Chambers. If the Government receives a vote of confidence, its mandate is revoked and it remains in office until the election of a new Government. The affairs of state are conducted by the ministries, secretariats, and other administrative authorities. Serbia is divided into 161 municipalities, excluding Kosovo, each of which exercises power on the basis of local self-government according to legislation.

C. ELECTORAL CONDITIONS

Based on the meetings of the assessment mission, the general opinion in Serbia is that the upcoming elections will not be "free and fair", nor allow for the true expression of the majority will. Interviews suggest the ruling Socialist Party of Serbia and its coalition partners, Serbian Radical Party (SRS) and Yugoslav Left (JUL) are attempting to keep a façade of legality while using its institutional strength to keep tight control over legal regulations in order to maintain its power.

As it has done in the past, SPS has recently relied on its majority in the federal parliament to adopt and change legislation suddenly, without consulting or even informing the opposition parties and the citizenship in advance. The most recent examples were the attempt to pass an antiterrorist law, the text of which was known and submitted to the Parliament only the day before it was supposed to be voted (June 30), and the unexpected constitutional amendments (voted July 6), which substantially modified the framework for 2000 elections and beyond².

In addition, the governing coalition also typically receives "special treatment" from the government-controlled media, particularly the mass media, during the electoral campaign. Furthermore, in order to prevent any attempts to challenge its power in the media, the ruling party has systematically cracked down on independent media around Serbia over the past several months. In June and July, the regime also intensified the use of violence against activists of the student opposition movement OTPOR, and other political opponents of the current regime.

Along with the current "institutional" advantages, the status of the media, and police domination, most non-governmental political actors anticipate significant election irregularities which will benefit the ruling coalition during the upcoming electoral process. Based on observer reports and allegations of political parties and NGOs of the 1996 local elections and 1997 Serbian presidential and parliamentary elections, these irregularities may include: multiple voting, reuse of ballots, forging of electoral lists and electoral board protocols, and adding votes. As demonstrated during the 1996 local elections, even in the case of unequivocal opposition party victories, results may be annulled or altered by Court rulings. These events were verified and denounced during past elections by domestic and foreign observers, such as The Center for Free Elections and Democracy (CeSID) and the Organization for Security and Cooperation in Europe (OSCE) monitoring missions.

² Recent amendments to the election laws are further described in chapter III B.

NATO's bombing of Serbian cities in 1999 has created a more hostile electoral environment. Not only has the ruling party increased its nationalist propaganda, presenting Serbs as the victims of an undeclared and unjust war by the West, but other opposition sectors are also using nationalism as an ingredient in their political discourse.

The opposition parties interviewed voiced concern that President Milosevic will use upcoming local elections to remove many -if not all- of the approximately 30 local opposition governments elected in 1996. The opposition parties claim Milosevic plans to manipulate election laws and encourage electoral fraud, and that he may annul unfavorable results and promote police suppression of opposition protests. Opposition parties identified the following obstacles for the upcoming elections:

- The threat of the Antiterrorist Law, which could be resubmitted to Parliament anytime for quick approval since the refusal of Serbian Radical Party (SRS) to vote for it is perceived merely as a bargaining strategy;
- The current state of the independent media, many outlets closed by the government;
- Everyday propaganda broadcasted by the regime's media;
- A feeling of fear in the citizenship;³
- The current view of the population about the international community, in a twofold sense: they fear new attacks, and they feel demoralized in the sense of *"If the US could not take Milosevic down, what can we do?"*;
- The difficulties in uniting all opposition parties -despite surveys indicating that most people want a unified opposition, the Serbian Renewal Movement (SPO) is not participating or willing to participate in an opposition coalition.

Another problem is potential electoral absenteeism. The SCAN Survey Agency produced a survey indicating a recent trend towards electoral abstention, following the reverse trend observed from November 1999 to March 2000. The survey also concluded that a coalition opposition party will likely have the best chance of defeating the current regime since undecided voters may not vote for multiple opposition parties, or may vote for the ruling party because they do not see a real alternative.

The present estimate of undecided registered voters in Serbia is 30% to 40%⁴. From the available data, and the analyses of both NGO and political party members interviewed, undecided voters tend to be citizens from rural areas, those with limited education, individuals between 30 and 45 years of age and women. Women and men had approximately equal participation in the last election, but women constitute a greater proportion of undecided voters.

All sectors interviewed agreed that the most important target groups for election motivation campaigns include:

- *Young people and first-time voters*, who may be unwilling to vote under the present political situation;
- *Women*, who currently constitute a large percentage of the undecided voters, and, if they do vote, often follow their husbands' position, and;
- *Retired individuals*, who do vote but generally for the ruling party.

Opposition parties' chances for success in the next elections depend on a combination of political, educational, and organizational factors. As one representative said to the assessment team, *"The key for success in the next election are the 3 'Cs': (i) good and well-prepared candidates, (ii) good door-to door campaigning, and (iii) good control of the election process."*

³ SCAN Survey Agency, based in Novi Sad, Vojvodina, stressed that highlighted its recent surveys which indicate a prevailing feeling of hope among voters, but also considerable disillusion and fear. This contradiction is caused by a typical *"losers psychological factor"*. Opponents of the regime claim that fear is used as the principal campaign strategy of the current government.

⁴ OTPOR representatives provided the percentages of undecided voters. The total number of voters is still uncertain, but CeSID estimates it is between 6,800,000 to 7,200,000.

III. ELECTION FRAMEWORK

A. CONSTITUTION

The governing system of the Federal Republic of Yugoslavia is founded on basic rights guaranteed by the Constitution created in 1992, which established the two sovereign and equal republics of Serbia and Montenegro. The opening provisions of the Constitution establish Serbia as a democratic state based on the rule of law. Citizens over the age of 18 have the right to elect and be elected to public office. Suffrage is exercised according to a general, equal, direct, and secret ballot. Citizens are also afforded the rights of initiative, representation, and petition. The calling of elections is the responsibility of the President of the Assembly in the case of elections to the Presidency of the Federal Republic. Elections for the Federal Assembly are called by the President of the Federal Republic.

B. LAWS ON FEDERAL ELECTIONS

Under Art. 80 of the Constitution, one federal deputy is elected to the lower house per every 65,000 voters, with a minimum of 30 federal deputies in each of the republics. This measure is aimed at preventing discrimination against the Montenegrin voting body, which is considerably smaller than that of Serbia. Strict application of the one citizen - one vote principle would significantly weaken participation of the Montenegrin representatives in the working bodies of the Chamber of Citizens. The electorate chooses individuals to fill the 138 seats of the Chamber of Citizens by direct and secret ballot. 108 deputies are elected in Serbia and 30 deputies are elected in Montenegro. The electoral formula for the Chamber of Citizens has not yet been amended to reflect the status of Kosovo based on the current information of the assessment team.

Recent constitutional amendments have changed the election framework for the Chamber of Republics and the FRY President. On 6 July 2000, both Chambers of the Federal Assembly passed amendments to the Constitution that will allow Deputies in the Chamber of Republics and the President of the Federal Republic to be elected by a simple majority of popular votes from the citizens of Yugoslavia. Under these amendments, an individual may serve two terms as President of the Federal Republic. Prior to the amendments, the 40 seats in the Chamber of Republics were filled by the National Assemblies of Serbia and Montenegro, each parliament appointing 20 deputies. While each republic will continue to be represented by 20 deputies, they will now be directly elected. Previously, the President of the Federal Republic of Yugoslavia was elected by separate Federal Assembly chamber decisions for one four year term.

The main provisions for the last federal elections in 1996 were governed by "The Law on the Election of Federal Deputies in the Chamber of Citizens of the Federal Assembly" (Official Gazette of the Federal Republic of Yugoslavia, No. 57/93). The 108 federal deputies from Serbia were determined by a proportional representation formula (d'Hondt rule) applied separately in each of the 29 constituencies. The constituencies were prescribed in "The Law on Electoral Districts for the Election of Federal Deputies in the Chamber of Citizens of the Federal Assembly" (Official Gazette of the Federal Republic of Yugoslavia, Nos. 40/92, 28/96). This law also stipulates the number of seats for each constituency. The number of constituency seats ranges from 3 to 5 and are based on the number of voters in each constituency. Elections are called by the President of the Federal Republic.

C. LAW ON LOCAL SELF GOVERNMENT (LOCAL ELECTIONS)

1. Legal Base

There is no unique legal document on local elections. "The Law of the Local Self-Government" (Official Gazette of the Federal Republic of Yugoslavia, No. 49, 1999) contains the provisions for local elections. Article 162 stipulates that questions on electoral rolls, election materials, candidacy, ballot papers, voting and other general provisions shall be governed by "The Law of the Federal Representatives" in the National Assembly of the Republic of Serbia (Official Gazette of the Federal Republic of Yugoslavia, Nos. 79/92,...32/97). Article 132 states that in the case of simultaneous elections, i.e. local elections concurrent with federal or republican level elections,

the polling station boards formed under the upper level (federal or republican) election law shall serve as polling boards for the local elections.

2. Structure of the Municipality Governing Bodies

The Municipal Assembly is the only governing body formed by direct municipal vote. The Municipal Assembly in turn elects its president, vice-president and the Executive Board of the municipality by majority vote. The President of the Municipal Assembly usually holds the title of Mayor. The structure of the City Governing Bodies described below is similar. Ruling parties currently control about 120 municipalities and the opposition has majority in some 40 Municipal Assemblies.

3. Types of Elections

Upcoming local elections in the Republic of Serbia will be for Municipal and City Assembly Deputies. The electorate from each of Serbia's 161 municipalities established in 1999 will elect Municipal Assembly Deputies. Belgrade, Novi Sad, Nis, Kragujevac and Pristina (in Kosovo) will also elect City Assembly Deputies. Each city must consist of at least two municipalities to participate in elections. At the time of the assessment mission, there were sixteen municipalities in Belgrade, Nis had recently been divided into two municipalities, four municipalities were planned for Novi Sad, and there were no indications for divisions in Kragujevac.

In the Serbian province of Vojvodina, Provincial Assembly elections will also be held along with municipal elections. Kosovo is currently under international administration and thus has a unique election process which is outside the scope of this assessment

4. Electoral Systems

Municipal and city territories are divided into single-seat constituencies equal to the number of Municipal/City Assembly Deputies. Every voter votes for one of the candidates in the constituency. Candidates are elected by the "first-past-the-post" system, according to the new legislation, also known as the relative majority or plurality system. The candidate with the most votes in the constituency wins the seat. This is a one round system different from the two-round system of absolute majority used in the 1996 elections. Previously, the candidate with greater than half of the valid votes in the first round won the election. If no candidate received at least 50% of the votes in the first round, a second round of elections was held for the two candidates with the greatest percentage of first round votes. The winner of this contest won the race. Under the two-round system used in the 1996 *provincial* elections, the candidate with greater than half of the valid first round votes wins the election. If no candidate receives at least 50% of the first round votes, the top *three* candidates advance to the second round, and the candidate with the relative majority of votes wins.

The current Municipal and City Assembly determines the number of deputies in the next Municipal and City Assembly. It is based on the number of inhabitants in each municipality and city and ranges from 25 to 90 deputies per municipality (Art. 81); from 75 to 100 for a city (Art. 179); and from 75 to 110 for the city of Belgrade (Art. 187). Under Art. 124 of the Law on Local Self government, the Municipal Assembly is tasked with determining the territory of the constituencies with an approximately equal number of voters in each.

5. Consequences of the New Electoral System

In general, the "first-past-the-post" rule heavily favors the biggest party or coalition. Political parties seem to clearly understand the mathematical imperative of this electoral system. The competition in many of the municipalities will likely be between the ruling coalition and an opposition coalition, though there are several obstacles to this. Voters supporting the ruling coalition (SPS, SRS, JUL) tend to be loyal supporters, where the opposition has yet to unify the opposition vote. SPO, considered the biggest single opposition party, does not currently support the creation of united opposition lists and has recently nominated its own presidential candidate. A potential consequence of this new electoral system is the creation of a bi-polar political world in Serbia

The assessment team observed an increase in the number of constituencies in the municipalities it visited. Scholars the team met with confirmed that this is a country-wide trend which is changing the electoral geography of Serbia. Drawing proper boundaries could foster more transparent elections by establishing numerically equal voting populations across the various constituencies. However, even if relatively equal numbers of voters per constituency are ensured, gerrymandering is still possible depending on how constituencies are defined. In fact, it seems that this has been a frequently-applied and commonly-accepted method of electoral manipulation in Serbia. The 1996 local elections provided several examples of variations in the number of voters per constituencies. It is expected that similar problems will continue for the next elections if election laws to prevent this behavior are not enforced.

6. Election Commissions Structure

All election commissions consist of core staff and extended staff.

The core staff is determined by hierarchy:

- For the federal elections, the Federal Assembly appoints the Federal Election Commission (FEC), consisting of a president, 2 members, a secretary and a secretary of every District Election Commission (DEC). The Republican (National) Assembly makes nominations for core DEC staff. Each DEC appoints a president and at least 2 members for every polling board (PB).
- For the local elections, the Republican Assembly appoints a president, 6 members and secretary of the Republican Election Commission (REC). In every municipality, the Municipal Assembly appoints a president, at least 4 members and a secretary of the Municipal Election Commission (MEC). MECs appoint a president and at least 2 members for every polling board. MECs follow REC regulations during Serbian parliamentary elections (Art. 131) and FEC regulations during federal elections.

Every party/coalition which has nominated a prescribed number of candidates or candidate lists has the right to appoint one extended staff representative on the election commission. The number of candidates required varies by commission. For local elections, for example, a party/coalition must have nominated candidates to two-thirds of its constituencies before it may appoint representatives to MECs and polling boards. The extended commission members join the commissions once they are approved by the core staff. Every commission member has a deputy assigned to replace him in his absence. All commission members except secretaries have the right to vote on commission decisions. Decisions are taken by a majority of core and extended staff votes.

The election commission structure in Serbia poses a challenge to opposition parties in terms of their representation on commissions in significant numbers. If opposition parties choose to form a united opposition list, as they have indicated they will, they have the right to only one MEC and polling board member regardless of the number of parties represented on the list. The potential for irregularities, therefore, increases because it is difficult for polling board representatives to simultaneously monitor the ballot box and the voters' list. In order to improve security and ensure two or more representatives on polling boards, opposition parties must nominate a corresponding number of candidates in at least two-thirds of the constituencies. If opposition parties chose that option, however, this may increase their chances of losing the elections due to the plurality electoral system. Many of the opposition party representatives the team met with expressed the need for united opposition party lists to improve their chances of success under the "first-past-the-post" electoral system.

At the municipal level, the Municipal Election Commission (MEC) in Nis has begun a targeted anti-election fraud program that includes: putting voter lists on the Internet; publicizing the borders of polling stations and single-seated constituencies and the number of voters in them, with the goal of ensuring an approximately equal number of voters in every constituency. It is also undertaking to develop a MEC manual for polling station members, emphasizing the implementation of polling place procedures. This manual would differ from any eventual Federal Election Commission/ Republican Election Commission manual and also outline irregularities from the previous elections and provide instruction to commission members on what to do if they occur.

Expansion of the Nis project model to other MECs could be an important step in curbing the pervasive problem of election fraud in Serbia⁵.

7. Calling the Elections

According to Art. 126 of the Law on Local Self Government, the President of the Republican Assembly calls local elections. Elections must be held no less than 45 days and no more than 90 days after they are called. The President of the Federal Republic calls federal elections. Elections must be held no less than 60 days and no more than 90 days after they are called and no later than 15 days before the expiry of the 4 year term of office of the current Federal Assembly.

The next local and federal elections in Serbia will be held simultaneously. This recent decision means that some provisions for local elections will be over-ruled by those for federal elections (see section on legal base above). In particular, the Federal Assembly will determine the core staff of the FEC and DEC. In turn, DECs will determine the core staff of polling boards. This allows the ruling coalition to change the core staff of polling boards in opposition-controlled municipalities and is likely one reason the government decided to call simultaneous elections. Montenegro and Kosovo must also be considered in this equation. Simultaneous elections may create conflict between MECs and DECs in the polling station areas and constituencies. Under Art. 131.2, the Municipal Election Commission determines the polling station areas. This gives MECs the right to draw the borders of the polling station territories and could create tension with DECs which would complete this task under separate elections. It is important to note that the polling station territory should necessarily belong to a municipal single-seat constituency.

8. Compiling Voters Lists

Municipal agencies are tasked with maintaining electoral rolls. Prior to elections, they compile voter lists for every polling unit. Only citizens on the voter lists have the right to vote. In addition to the corresponding articles in the election laws, there is a special "Instruction on the Adjournment of the Electoral Roll of the Minister of Justice" (Official Gazette of the Federal Republic of Yugoslavia, No. 37/97) on the subject. However, it fails to adequately address many problem areas.

For example:

- Who may apply for updates in the rolls. Art. 5 states that modifications in the rolls shall be made "in reaction to requests submitted by citizens or based on a ruling of a competent court". In practice, a person may apply for his inclusion in the rolls and, in some municipalities, the relatives of a deceased individual may apply to have the individual's name removed from the rolls. Centralizing voter lists could improve the efficiency of voter list updating by ensuring that any changes made at the municipal level were also reflected at the republican/ federal level;
- The legal provisions for change;
- The penalties imposed on municipal agencies managing the rolls which do not fulfill their obligations;
- The legal ramifications for non-compliance with Art. 6 of the Instruction, which requires authorities to provide adequate information to the electoral roll municipal agencies.

Serbs interviewed during the assessment mission sighted the above examples as proof of the poor quality of the electoral rolls. Though some municipalities and NGOs have taken measures to improve the rolls, these partial efforts are not sufficient for correcting the widespread problem. A more effective approach may be for state authorities, municipal authorities, citizens and civic organizations to combine efforts. The assessment team was unable to contact the corresponding state authorities and it appears that state authorities still consider the information in the electoral rolls as classified. Political parties cannot receive copies of the lists for review in hard or electronic copy.

⁵ More information on this project and the possibility for assistance are provided in the programming options section of this report.

Problems with the electoral rolls are aggravated by the situation of internally displaced people (IDPs) who constitute a substantial part of the population in some municipalities. The assessment team was told that the procedures for guiding the settlement of refugees are inefficient, thus slowing the process by which IDPs obtain residency in the municipalities. This could impact upcoming elections since IDPs will not be entitled to vote if they are not registered.

9. Voting Procedures

There are numerous problems with some of the voting procedures which have remained unchanged since the last elections:

a. No effective standard for voter identification at the polling stations

Currently, a voter is marked "voted" by simply circling his/her number on the voter list. There is no sequential numbering and voters are not required to provide a signature. In addition, ballot papers are not properly secured, making "stuffing" an easy form of election fraud should someone be inclined.

b. Non-traditional voting methods

- Mobile ballot boxes. Mobile boxes are used for disabled or ill citizens who cannot get to the polling stations. At least two members of the polling board must accompany a mobile box to an individual's residency in order to decrease the potential for fraud. According to some local experts, a very limited number of votes were collected by mobile boxes in the last election.
- Voting by mail. The voting-by-mail option is designed for military personnel, individuals working or studying in a location other than where they have permanent residency, crews of riverboats, etc. The military has been singled out for suspected intimidation of individuals who vote by mail according to allegations. Personnel have been accused of abusing the absence of monitoring mechanisms associated with this alternative voting method to commit election fraud.

Military voting is covered by Art. 84 of the "Law on the Election of Representatives" and Section IV.2 of the REC Instructions for the implementation of the Law on the Election of Representatives (Official Gazette of the Republic of Serbia, No. 36/97). Election procedures for these units are administered by permanent employees of the army. There are no provisions on establishing these authorities nor supplementary written guidelines on their duties. DEC provides the authorities with separate extracts from the electoral rolls, stamped ballots, envelopes, etc. and the authorities return the sealed official envelopes containing the completed ballots of military personnel to the DEC. In the case of local elections, the DEC role is to be replaced by the MEC. The larger number of MECs would cause serious delays in processing ballots if local elections were to be held alone.

The assessment team learned that in military units during the past elections:

- voter turnout was approximately 100%;
- the vast majority of voters voted for the SPS;
- soldiers are guided or observed during the voting by their commanders;
- there is no pre-election campaign in the military units other than official TV, radio and newspapers.

c. Problems with Transparency

Art. 69.4 of the "Law on the Election of Representatives" which forbids loitering at polling places by "any and all persons who have no rights and duties regarding the carrying out of elections" does not mention candidates' proxies, domestic and international observers or journalists. The problem with international observation was legally "solved" by FEC instructions for the 1996 federal elections (Official Gazette of the Federal Republic of Yugoslavia, No. 41/96) and REC instructions for the 1997 republican elections (Official Gazette of the Federal Republic of

Yugoslavia, No. 36/97) which effectively prevented international observers from monitoring elections⁶. Both motions are based on the right and duty of the FEC/REC to "follow the application and give explanations in regard to this Law". It should be noted that in response to a written inquiry, the REC did issue written permission for OSCE observers to be present at all stages of the electoral process as well as allow the OSCE to receive a copy of the 1997 results, upon inquiry. Nonetheless, this does not guarantee any kind of precedent since it is assumed that observers will not be allowed during these upcoming elections. Any observation assumes significant good will from the state authorities in order to ensure a legal base of transparency according to the international standards. It should be noted that REC permission did not apply to domestic observers, who were not allowed in polling stations, nor is it anticipated that they will be allowed in stations for these elections.

d. Problems with Counting and Aggregation of Election Results

The 1997 IFES Assessment Report includes comments on some problems with counting and aggregation of election results. In order to ensure a degree of control over the aggregation of the election results, the members of the united coalition are planning a parallel count during these elections. The plan includes:

- having candidates in every single-seat constituency;
- obtaining an official copy of the polling board protocol for every representative in the polling board; collecting copies of the polling board protocol in the municipality coalition offices;
- transferring copies of the protocols or an electronic version for print to the coalition computer center in one of the 29 district centers;
- processing the protocols;
- announcing the aggregated results as soon as possible and providing feedback to representatives in MECs.

Some potential problems with implementing this plan include: finding properly skilled persons for polling boards, transportation, financing, hardware and data center staff.

e. Nullification of 1996 Court Rulings on Local Elections

Current legislation implies that the 1996 court case rulings may go unrecognized. Art. 156 of "The Law on Local Self-Government" states that MEC decisions may be appealed in the corresponding municipality court. Art. 162 implies that "The Law on the Election of Representatives" governs voting and counting procedures. Two clauses from this law are important to the upcoming elections:

- Art. 90.9 stipulates, "If it is established that the number of ballots in the ballot box is larger than the number of electors who have voted, the polling board shall be dissolved, a new one named, and voting at that polling place shall be repeated."
- Art. 66.7 states, "Every voter must vote personally. A voter may vote only once in the course of an election. Voting is secret. Voting shall be performed on stamped ballots. The use of pagers, mobile phones and other means of communication are forbidden in the polling place. Symbols of political parties and other propaganda materials may not be displayed within a 50 meter radius of the polling place, [...] If the rules from the previous paragraphs are violated, the polling board shall be dissolved, and voting at that polling place shall be repeated." It is difficult to ensure the uniform application of these articles by the municipality courts.

⁶ The English translation of the 1997 REC instructions are provided in Appendix I. An English translation of the 1996 FEC instructions is not available, but the language used in both is similar.

D. DATA FROM THE LAST ELECTIONS

1. Federal Level

a. Chamber of Citizens⁷

Serbia - 108 deputies

Number of voters - 7,141,484

Number of electors who voted - 4,308,502

Invalid votes - 231,175

Countrywide distribution of the valid votes and the seats:

Party	valid votes	%	seats	%
SPS-JUL-ND	1848669	45.41	64	58.26
Zajedno	969296	23.81	22	20.37
SRS	764430	18.78	16	14.81
Other 3 parties with seats	201067	4.95	6	5.56

Montenegro - 30 deputies

Number of voters - 450,303

Number of electors who voted - 299,278

Invalid votes - 11,691.

Countrywide distribution of the valid votes and the seats:

Party	valid votes	%	seats	%
DPS CG	146221	50.88	20	66.67
NS CG	66165	23.02	8	26.67
Other 2 parties with seats	38455	13.38	2	6.66

b. Chamber of Republics

The Federal Constitutional Court and the Federal Assembly did not recognize the results of the Montenegrin parliamentary elections on May 31st, 1998. As a result, they refused to allow the delegation of the newly-elected Republican Assembly to take their seats as mandated by law. Instead, former appointees maintain their seats, consisting primarily of the supporters of the Prime Minister Momir Bulatovic. Montenegrin authorities have questioned the legitimacy of all acts by this Federal Assembly and have not recognized the appointment of Momir Bultanovic as Prime Minister.

c. President of the Federal Republic

Slobodan Milosevic's term was to end at the end of 2001. Under the recent constitutional amendments, he will be eligible for 2 more 4-year terms.

⁷ Data from the Federal Election Commission elected on November 3, 1996

2. Republican Level

a. Republican Assembly⁸

Serbia- 250 deputies

Number of voters - 7,210,386

Number of electors who voted - 4,139,080

Invalid votes - 164,307.

Distribution of the valid votes and the seats:

Party	valid votes	%	seats	%
SPS-JUL-ND	1418036	34.20	110	44.00
SRS	1162216	28.10	82	32.80
SPO	793988	19.1	45	18.00
Other 5 parties with seats	288069	6.89	13	5.20

b. President of the Republic of Serbia

President Milan Milutinovic was elected on December 21, 1997. Milutinovic's term in office ends in 2001.

3. Local Level, Serbia (excluding Kosovo)

Two rounds of elections for deputies in the Municipal Assemblies were held in November 1996. After some of the election results were contested in court, several more rounds were held in some constituencies. Court orders in favor of the ruling party triggered massive civic protests. In the end, the government was forced to declare the Municipality Election Commissions' results official.

⁸ Data from the Republican Election Commission elected on September 21, 1997

IV. MAJOR SERBIAN POLITICAL PARTIES

SERBIAN NAME (ABBREVIATION)	ENGLISH TRANSLATION	LEADER(S)
A. COALITIONS		
RULING COALITION:		
1. SOCIJALISTICKA PARTIJA SRBIJE (SPS)	SOCIALIST PARTY OF SERBIA	Slobodan MILOSEVIC
2. JUGOSLOVENSKA UDRUZENA LEVICA (JUL)	YUGOSLAV UNITED LEFT	Mira MARKOVIC, Ljubisa RISTIC
3. SRPSKA RADIKALNA STRANKA (SRS)	SERBIAN RADICAL PARTY	Vojislav SESELJ
"ALLIANCE FOR CHANGE" COALITION:		
1. DEMOKRATSKA STRANKA (DS)	DEMOCRATIC PARTY	Zoran DINDIC
2. GRADANSKI SAVEZ SRBIJE	CIVIC ALLIANCE OF SERBIA	Goran SVILANOVIC
3. DEMOHRISCANSKA STRANKA SRBIJE	DEMOCHRISTIAN PARTY OF SERBIA	Vladan BATIC
4. NOVA SRBIJA	NEW SERBIA	Velimir ILIC, Milan St. PROTIC
and several smaller parties and associations of citizens.		
"DAN" COALITION		
1. DEMOKRAISKLICENTAR	DEMOCRATIC CENTER	Dragoljub MICUNOVIC
2. DEMOKRATSKA ALTERNATIVA	DEMOCRATIC ALTERNATIVE	Nebojsa COVIC
3. NOVA DEMOKRATIJA (ND)	NEW DEMOCRACY	Dusan MIHAJLOVIC
"SDP (ALLIANCE OF DEMOCRATIC PARTIES)" COALITION		
1. SOCIJALDEMOKRATSKA UNIJA	SOCIALDEMOCRATIC UNION	Zarko KORAC
2. LIGA SOCIJALDEMOKRATA VOJVODINE	LEAGUE OF SOCIALDEMOCRATS OF VOJVODINA	Nenad CANAK
3. REFORMSKA DEMOKRATSKA STRANKA VOJVODINE	REFORMIST DEMOCRATIC PARTY OF VOJVODINA	Mile ISAKOV
4. KOALICIJA SANDZAK	COALITION SANDZAK	Rasim LJAJIC
5. KOALICIJA SUMADIJA	COALITION SUMADIJA	Branislav KOVACEVIC
B. OTHER RELEVANT PARTIES		
1. SRPSKI POKRET OBNOVE (SPO)	SERBIAN RENEWAL MOVEMENT	Vuk DRASKOVIC
2. DEMOKRATSKA STRANKA SRBIJE (DSS)	DEMOCRATIC PARTY OF SERBIA	Vojislav KOSTUNICA
3. SOCIJALDEMOKRATIJA	SOCIALDEMOCRACY	Vuk OBRADOVIC
4. POKRET ZA DEMOKRATSKU SRBIJU	MOVEMENT FOR DEMOCRATIC SERBIA	Momcilo PERISIC
5. KOALICIJA VOJVODINA	COALITION VOJVODINA	Dragan VESELINOV
6. SAVEZ VOJVODANSKIH MADARA	ALLIANCE OF VOJVODINA HUNGARIANS	Jozef KASA

Some of the parties listed above receive countrywide support. Others are local, but receive sufficient regional support to participate in municipality assemblies and the federal parliament.

A. GOVERNING COALITION

1. SOCIJALISTICKA PARTIJA SRBIJE - Socialistic Party of Serbia (SPS) is the descendent of Tito's Communist Party. SPS has been the constant ruling party of Serbia since that time.

2. JUGOSLOVENSKA UDRUZENA = Yugoslavian United Left (JUL). The electoral strength of JUL is not yet known because it is entering the elections as coalition partner of SPS. Electoral support for JUL is generally considered negligible compared to that for the SPS. JUL is a party of Marxist orientation.

3. SRPSKA RADIKALNA STRANKA = Serbian Radical Party (SRS) was established in mid 90's. It has the same name as the ruling party of Serbia in the first half of the century. The tradition was broken during the Tito regime, however, and it unclear how similar the two parties are beyond their ultra-nationalism. The party has had an inconsistent relationship with the Milosevic regime, at times loyally supporting it, and at other times condemning Milosevic for betraying Serbian national interest.

Some authors consider JUL as "communist", SPS as "leftist" and SRS as "rightist" parties. But these ideological nuances have very little impact on the parties' coalition behavior relative to the personal relations of their leaders and the impacts their rule might have on the country.

B. MAJOR OPPOSITION PARTIES

1. DEMOKRATSKA STRANKA = Democratic Party (DS) began as a liberal democratic party but has adopted fairly nationalistic rhetoric. It was supported by Republika Srpska during the war and is now part of the anti-Milosevic coalition "Alliance for Change".

2. SRPSKI POKRET OBNOVE = Serbian Renewal Movement (SPO) began as a nationalistic party but slowly turned towards adopting an anti-war policy.

3. DEMOKRATSKA STRANKA SRBIJE = Democratic Party of Serbia (DSS) began as a liberal democratic arm of DS and has become more nationalistic since it broke from DS.

Opposition parties also minimize ideological differences in the same way, promoting themselves as anti-Milosevic and pro-democratic. Though the degree of nationalism among opposition parties varies and is generally smaller than in the SRS and SPS, it does exist. Opposition party coalitions have been short-lived to date due to distrust among the leaders, differences in their approaches to Milosevic, and suspicions of police informers within the various parties.

There is a current move to form united opposition lists in Serbia for the local elections, stimulated in large part by the plurality election system introduced in the election system. Many of the opposition parties have agreed on the united list, but SPO is an important dissenter. Most opposition parties are less eager to support the united lists for federal elections. It should be noted that support for united opposition lists is also stronger in the small cities and rural areas where SPS is the dominant political party. Opposition party activists in those areas have vowed to form a united list even if party leaders in Belgrade do not support the decision.

Boycotts and coalition participation camouflage the current electoral strength of individual opposition parties. Some scholars assume the SPO has the largest opposition support, followed by DS and DSS. Many citizens seem eager to vote for some of the party alliances or the united opposition with no real preference for a specific party. Various opinion polls estimate current support for the ruling coalition between 22% and 30% and support for a united opposition list between 35% and 38%. All surveys show a narrowing margin between the ruling parties and the opposition as elections draw near. However, the substantial number of undecided voters and a persistent negative attitude toward all politicians make it difficult to predict election outcomes at this time.

V. THE CITIZENRY

Serbia has a highly varied ethnic population of about 10 million, with Serbs making up some 66% of that population. There are also a great number of national minorities, ethnic and religious groups. By far the largest among them are ethnic Albanians, who account for 17% of the total population in the Republic, followed by ethnic Hungarians, Romanians, Romanies, Slovaks, Croats, Bulgarians, Turks, and others. The official language is Serbian and the alphabets in official use are Cyrillic and Latin. Members of national minorities are permitted to

use their own language and script in the areas they inhabit. Citizens have equal rights and responsibilities under the Constitution. The main religion of Serbia is Christian Orthodox. The Serbian Orthodox Church has played an important role in the development and the preservation of the Serbian national identity. The Romanian, Bulgarian and the majority of the Romani population are also Christian Orthodox. In addition to the Christian Orthodox population, there are other religious communities in Serbia including Islamic, Roman Catholic, Protestant, and Jewish, among others.

VI. RECOMMENDATIONS

This chapter provides recommendations for means to address the concerns raised and weaknesses observed during the team's mission to Serbia.

A. VOTER REGISTRY

- The establishment of a central Register of Electors, a methodical and reliable means of updating and correcting voter registries at the municipal level and on a routine basis is strongly recommended.

B. VOTER INFORMATION

- More extensive provision of non-partisan voter information and education is required to educate voters about: the civic responsibility to register as voters, means of checking the voter registry, and information on measures to improve the accuracy and currency of voter registries; voter rights and obligations under the law; opportunities for oversight of the election process; and modifications to election law and practice as well as polling day procedures which will directly affect voters. Confidence building measures may also be in order.
- Programs should aim to (i) fill specific identified gaps in voter education -such as providing the general public specific technical information about the elections, and (ii) reinforce weak areas -such as training and voter education at the local/provincial level, particularly in rural cities which receive less coverage, including those indicated in the Vojvodina province (Srem in the east, Banat in the west, and the northern city of Subotica.) These actions will fulfill concrete needs while reducing the risk of duplicating actions already under way.
- The production of bilingual or multilingual electoral training/educational materials (in print or radio) in minority languages spoken in the country (for example, Albanian, Hungarian, and Roma) is a recommended step in fostering more democratic elections.

C. POLLING SITE PROCEDURE

- All mechanisms for voting outside the polling site premises should be clearly defined and distinguished. The procedure for voting outside the polling station and criteria under which voters can utilize this option should be enforced.
- Language throughout the law, which provides for the nullification of voting based on technical violations, should be removed. It is possible that minor technicalities may be breached as a result of mistakes rather than malfeasance. Moreover, the ease with which polling stations can be dissolved and voting nullified is open to purposeful manipulation by political participants. The invalidation of election results should be based only upon fraudulent acts which can be proven in a court of law to have affected the outcome of elections. Technical violations should be dealt with through a graduated penalty system.
- The practice requiring voters to sign the voter registry upon receipt of their ballot should be built into the law. Current procedures of circling the ordinal number in front of the voter's name on the list allow greater opportunity for questions. Invisible ink may serve as a partial solution to the problem.

C. BALLOT SECURITY AND CONTROL OF THE ELECTION PROCESS

- Improved ballot security measures need to be introduced during voting outside of the polling premises.
- The election process in the military units should be administered by qualified multi-party Polling Board Commissions.

D. TABULATION AND REPORTING OF RESULTS

- The aggregation and finalization of election results, as with the rest of the election process, must be carried out in the most transparent manner, including the reporting of results as soon as they are available. Any delay in the announcement of results will lead to the *perception* of fraud and undermine public confidence in the integrity of the election process and validity of election results. Political parties, the mass media, and voters must be kept fully informed at this most crucial stage of the electoral process.

E. REGULATIONS ON OBSERVATION

- Clear guidelines should be set for specifying the rights and obligations of domestic and international observers throughout the election process.

VII. PROGRAMMING OPTIONS AND CONCLUSIONS

Based on the information gathered during the assessment mission, and in the light of the current political situation in Serbia, the members of the assessment team conclude and recommend the following:

A. TECHNICAL ASSISTANCE TO ELECTORAL COMMISSIONS

Given the implausibility of working with the Federal Election Commission (FEC) which was demonstrated by unanswered requests for meetings and the fact that the FEC will be responsible for appointing municipal election commissions (MECs) who will appoint Polling Station Commissions (PSCs), there is little opportunity for conducting government sponsored training of poll workers. The project from the Municipal Election Commission (MEC) in Nis described in chapter III C "Consequences of the Electoral System" above will likely be abandoned with FEC governance over MECs. IFES would have been in a position to assist the Municipal Election Commission (MEC) in Nis in realizing its programming goals and expand the project model to other MECs throughout Serbia.

B. ASSISTANCE TO POLITICAL PARTIES

While the team attempted to schedule meetings with the Socialist Party of Serbia (SPS), the Serbian Radical Party (SRS), and Yugoslav United Left (JUL) both in Belgrade and in other municipalities, party representatives were not interested in meeting with them. The team, therefore, met only with opposition parties. Preparations for elections by opposition political parties are well underway. Training and educational activities have been planned by some opposition parties. Requests for international assistance were expressed in certain areas, including:

- Training candidates on how to conduct their campaigns;
- Developing a system and the logistics for gathering and processing election results from the protocol copies parties receive from polling stations; and
- Additional financial support for pollworker training

1. Training Candidates on Campaigning Strategies

The cities of Kragujevac and Novi Sad requested assistance for training candidates on how to conduct their campaigns. Local and regional opposition parties specified the need for targeted assistance to candidates who have no prior political experience. Party representatives in Kragujevac identified the desire for technical assistance in:

- Conducting a public opinion poll to assess issues of importance to the electorate from which candidates can formulate their political platforms;
- Preparing a motivational election campaign emphasizing the need for citizens to exercise their voting rights;
- Funding particular campaign activities such as door- to-door visits; transportation costs; printed materials, and payment for volunteers, especially women who cannot financially afford to donate their time free of charge.

Party representatives in Kragujevac emphasized the need for an international presence there that could assist in the coordination of local democratic forces. They cited the recent experience in Croatia as proof of the importance of cooperative relations among democratic organizations. In brief, political parties' interests for international assistance reflect the "3 Cs" earlier in this report. Their main concerns tend to be short-term, aimed at improving their chances to win votes. In the words of one opposition candidate to the assessment team, *"first we need to work to win the election, we can work for free and fair elections later."*

2. Developing a System and the Logistics for Gathering and Processing Election Results from the Protocol Copies Parties Receive from Polling Stations

IFES received a request from the Alliance for Change headquarters in Belgrade to develop a system and the logistics for gathering and processing election results from the protocol copies party representatives receive at the polling stations. The goal of the project is to consolidate election results from all municipalities so that projections can be made prior to official election results. One lawyer would be designated to each municipality to address conflicting results in a timely manner. The Alliance for Change is willing to collaborate with opposition parties outside the Alliance on the project. Expert help and funding for the project are still lacking.

3. Pollworker Training

Specific requests for pollworker training were at the local level. The city of Kragujevac and the autonomous province of Vojvodina made requests for broad support that includes training of trainers and expert advice from experts familiar with recent elections in Croatia.

IFES can provide necessary non-partisan technical support to opposition parties. For example, IFES can work with democratic parties and civil society organizations on voter education and electoral training projects which benefit the entire population. Many NGOs are performing or planning activities related to the electoral process that include political parties among its beneficiaries.

Despite the limited opportunity for conducting government-sponsored training of pollworkers, there is an opportunity for training expanded membership of polling station commissions. A pollworker guidebook and training materials should be designed and, together with local experts, political party representatives should be trained on new legislation, proper polling place practices, training methodology, and provide direction on the training program. Trainers would then conduct training through political party structures so that they could train their representatives in PSCs. Manuals could be distributed through political parties and seek to reach as many polling stations as possible.

C. ELECTION ASSISTANCE TO NON-GOVERNMENTAL ORGANIZATIONS

Civil society is expanding in Serbia despite the country's authoritarian regime. A recent report indicates that approximately 1,200 NGOs have been formed in the country since 1990, of which 150-200 are citizen action groups dedicated to the democratic process. Serbian NGOs are organizing in networks and larger "umbrella" organizations in order to consolidate their efforts and increase their political influence.

NGOs' requests for assistance focused on two lines of work : 1) training of pollworkers and observers (if the latter were eventually authorized by the government); and 2) voter education. NGOs requested the following assistance to complete both general and very specific tasks related to these goals:

- Gaining further knowledge from electoral experts who have already worked in the region and can provide a comparative perspective. In particular, CESID requested more information on how other electoral systems solve problems, what can be done in terms of training pollworkers and observers to prevent irregularities, etc;
- Members of CESID in Novi Sad and Kragujevac requested assistance in the training of pollworkers (and observers), especially in more remote towns where there are difficulties in reaching and mobilizing people;
- Civic Initiatives, OTPOR and ANEM (Association of Independent Electronic Media) all requested assistance in the "Get Out the Vote" campaign for the general public;
- Civic Initiatives asked for assistance to extend their "Candidate Forums" to more towns. Currently, programs are planned for 10 cities;
- Civic Initiatives also requested assistance in publishing a 2nd, enlarged edition of the book "Human Rights for Everybody"; and
- Both Civic Initiatives and ANEM asked for assistance in the production of new materials for motivating voters and providing them with election-related information in print and electronic format.

There does not yet seem to be adequate development of materials providing the general public specific technical information about the election, such as: how to confirm they appear on the voter lists; how the elections should be conducted according to the law; the procedures voters should follow to vote, etc. These materials could be prepared and broadcast throughout Serbia through ANEM-affiliated stations which would be receptive to broadcasting them. There is also the very interesting and useful possibility of producing information materials for different target populations (youth/first-time voters, women, the elderly) and in different languages (Albanian, Hungarian, Roma - languages ANEM uses in some of its radio and TV programming)

The production of materials for different target populations sends an important democratic message of recognition and respect for the country's cultural diversity. Print materials could be distributed through a training program for political party representatives described above, as well as through local NGOs.

D. CIVIC EDUCATION WITH NGOS

Only the civil society sector expressed an interest in long-term educational actions and strategies. As evidenced by the recently constituted Donors Forum⁹, much international assistance to Serbia now focuses on supporting non-governmental "capacity building" and "knowledge building" initiatives. Various international bodies are devising long-term work plans to realize these goals. Both national and local NGOs highlighted the important function an informed active citizenry serves in the creation of sustainable democracy. Discussions with NGO representatives suggest that a significant effort will need to be undertaken to educate Serbian citizens about the nature of democracy and to prepare them for their right and obligations in a democratic society. Of particular interest to the NGO Civic Initiatives was long-term civic education to be conducted during and after the election

⁹The Donors Forum was created recently in Serbia following the experience in Slovakia during the 1998 Elections. Its main goal is to coordinate cooperation efforts given the current proliferation of assistance actions, which are creating the risk of duplicated funding and activities while there is under funding for other necessary areas of work.

period. It would be aimed at educating activists from NGOs, political parties, trade union leaders, and others about both elections and how to become citizens and participate actively in a democracy.

Some general considerations for any international assistance in this area are:

- A clear division between opposition parties and NGOs is made only in limited circles in large cities. In rural areas, opposition party activists are also members of NGOs and vice versa.
- It seems most favorable for any support or campaign to be organized locally - at least at the district level (29 districts in Serbia without Kosovo). The conditions vary from district to district (and within districts too) and they are best known to the inhabitants of each district. Local activists also expressed concerns that some assistance is perhaps lost on the way from the center (umbrella NGO or party headquarters) to the regions.
- Groups of local scholars with specific expertise should be invited to participate in assistance programs (e.g. local lawyers for explaining voter's rights, members of the polling station commissions for clarifying procedures during election day, etc.). Their knowledge and local experience should be utilized.

E. POSSIBILITY FOR OBSERVATION OF THE ELECTIONS

Pre-conditions for a proper observation include the existence of a legal base and the willingness of authorities to cooperate. In Serbia, neither of these conditions is currently satisfied. Since Serbian government authorities were not willing to meet with IFES, there is no indication as to whether a genuine observation mission will be allowed. There are concerns, however, that under current conditions in Serbia, any international observation will be seen as only legitimizing the ruling authorities given that it will be impossible to achieve full coverage of polling stations. In addition, it is not likely that domestic observers will be allowed in polling stations given that this is not provided for in the law. During Serbian presidential and parliamentary elections in 1997, they were not allowed in polling stations and it seems unlikely that in a tense situation, the Serbian government would relent. Further attention will need to be paid to the possibility of an observation mission as elections draw near and efforts are made to pull one together.

VIII. APPENDIX

A. ELECTION MONITORING BY REPRESENTATIVES OF FOREIGN GOVERNMENTS AND INTERNATIONAL INSTITUTIONS.

From "REC Instructions for the Implementation of the Law on the Election of Representatives" (Official Gazette of the Republic of Serbia, No. 36/97)

The activities of the bodies in charge of the implementation of the elections can be attended by authorized representatives of international organizations and foreign governments.

1. Interested representatives of foreign governments and corresponding international institutions and non-government organizations that wish to monitor the elections in the Republic of Serbia are to submit applications on the attendance of the elections to the Government of the Republic of Serbia. The application should contain: the name of the country, i.e., organization or institution the representative comes from, the number and the functions of the representatives, the purpose and the duration of their stay.

2. One day after receiving the application for the presence of monitors at the elections, the Government of the Republic of Serbia is to send the application to the Republic Electoral Commission which will then issue official authorization to the representatives of the foreign monitoring missions granting them the right to attend the elections. Persons defined in paragraph 1 of this section will be given an identification card by the Republic Electoral Commission, containing first and last name of the person, the name of the country of origin, i.e. of the institution or organization he is a member of, which must be worn on the person in a visible way.

3. The polling board is to enable the foreign monitor to observe the elections without any obstructions. Representatives of foreign monitoring missions have to obey the rules for maintaining the order in polling places.

4. In accordance with a report presented by any of the bodies implementing the elections, the Republic Electoral Commission can withdraw the authorization and the identification card from a representative of a foreign monitoring mission, should he fail to comply with the rules for maintaining the order in polling places.

5. The polling board will record in the minutes that representatives of foreign monitoring missions were present during the voting.

Appendix B: Observation Training and Assistance Report, August-September, 2000

FEDERAL REPUBLIC OF YUGOSLAVIA

OBSERVATION TRAINING AND ASSISTANCE

AUGUST - SEPTEMBER 2000

PREPARED BY:

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MAKING DEMOCRACY WORK

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I. INTRODUCTION

In early 1999, the International Foundation for Election Systems (IFES) signed a cooperative agreement with the United States Agency for International Development (USAID) to conduct election-related activities in the Federal Republic of Yugoslavia (FRY). As part of that agreement, IFES was invited in August 2000 to plan and coordinate training programs for international observers to the 24 September federal elections in FRY and to participate in defraying costs of these observers. This report summarizes the various aspects of this project.

A. POLITICAL BACKGROUND

In July 2000, at the direction of President Slobodan Milosevic, the FRY parliament enacted sweeping constitutional and statutory changes that significantly altered the electoral system of FRY. The most important changes were (1) to mandate the direct election of the President of FRY, (2) to mandate the direct election of the upper chamber of Parliament -- the Chamber of Republics, and (3) the removal of a requirement for at least 50 per cent turnout to validate the election. On the heels of these changes, President Milosevic called for federal, parliamentary and presidential elections to be held on 24 September.

Both Serbian municipal parties and the government of the Republic of Montenegro vigorously protested these changes, insisting that they were passed illegally. The Montenegrin government even announced a boycott of the election, stating that it would refuse to acknowledge the results, but the FRY government moved forward with preparing for the election.

While the elections involved many races -- selecting the federal president, both houses of the federal parliament, municipal councils throughout Serbia, city councils in two places, and a provincial assembly in Vojvodina -- all eyes quickly focused on the presidential race. While polls showed that Milosevic was clearly unpopular with most of the citizenry, efforts to unify the opposition went awry, as they had often in the past. A partial victory emerged when 18 parties and coalitions were able to unite behind one candidate -- Vojislav Kostunica of the relatively small Democratic Party of Serbia. But the largest single opposition party at the time -- the Serbian Renewal Movement -- refused to participate and fielded its own candidate. (The Serbian Radical Party, part of the ruling coalition government, also fielded its own candidate, as did a small fringe party.) Since the new electoral law required a presidential candidate to receive an absolute majority (50% + 1) of votes cast in order to be elected, election watchers were quick to question whether the opposition, only semi-united under a relatively unknown candidate, could muster the votes to take a first round victory away from Milosevic. Adding to the equation was the unknown depth and breadth of fraud that, based on recent elections run by the Milosevic regime, was certain to occur. Those that wished to see Milosevic defeated had a double challenge -- to make Vojislav Kostunica the people's choice, and to defend as much as possible against electoral fraud at the polling places and at the Federal Election Commission.

B. PROGRAM BACKGROUND

In June 2000, IFES sent a two-person consultant team to Serbia to conduct a pre-election technical assessment. While this mission was completed, it was not without difficulty. The two

consultants, an Argentinean and a Bulgarian, were attempting to perform their work in a politically hostile environment with virtually no support or cooperation from Yugoslav authorities, election commissioners, or ruling party officials. In the end, the Bulgarian member of the team was detained, questioned, relieved of all his documents, and ordered out of the country. In addition, their visit was in the context of the previous electoral system and laws, since the major changes outlined above were passed after the assessment was completed (see Appendix 6).

When the September elections were formally announced, IFES staff considered how IFES activities could have a positive impact on the election environment given that it was impossible to work with election authorities at any level. After consultations with USAID in early August, IFES decided to send an observation specialist to set up a temporary IFES office in Budapest, the location of many American and international organizations and agencies involved in Yugoslav democracy-building programs. The observation specialist was tasked with developing and delivering a training program and materials for three would-be election observer missions being organized by NGOs in Bulgaria, Romania and Slovakia. Upon the observation specialist's deployment, IFES also decided to expand the program by funding expenses for two of the three observer missions – Bulgaria and Slovakia. This report describes the activities involved in the training program.

Shortly after the announcement of the election date, the FRY government issued a decree and statements permitting citizens from non-NATO countries to apply for accreditation as election observers. The Bulgarian Association for Free Elections and Civil Rights (BAFECR), the Pro Democracy Association (PDA) of Romania, and the Slovak Democratic Initiative – a conglomeration of three Slovakian NGOs (Civic Eye, Memo 98, and the Slovak Foundation for Civil Society) all expressed interest. Each group had a history of domestic and/or international election monitoring and had worked previously with international funders. Their interest was made known to USAID, who then sought funding, coordination, and training assistance for the three missions. Closer to the election, a fourth delegation – from Ukraine – made plans to serve as an adjunct to the Slovak delegation.

The probability of any or all of the delegations receiving accreditation was questionable from the beginning. The decree permitting international observers was vague and government authorities provided little guidance concerning the process of applying for and receiving accreditation. Furthermore, later statements by government spokespersons suggested that citizens of any countries that had been friendly towards last year's NATO bombing of Kosovo would not be welcome. All three countries fit that criterion. However, all necessary planning went forward.

II. PROGRAM OBJECTIVES

There were four major objectives of the FRY election observer training program:

A. TRAINING CURRICULUM

First, a training curriculum had to be developed. This curriculum needed to include information on the political landscape in FRY, general principles of election observation,

information on past fraudulent practices, discussion of observer conduct, detailed information on the relevant election laws and regulations, information on safety and security precautions, reporting requirements, and a review of the survey instruments or checklists that observers would be using to record their observations.

B. TRAINING MATERIALS

Second, training materials needed to be gathered and reproduced. These materials included a training manual, copies of election laws, assessments of the election laws, and reports on fraudulent election practices, among others.

C. TRAINING MANUAL

A major objective of the observation specialist was the development of a training manual. Since nearly all the would-be observers had participated in election monitoring activities in their home or other countries, the manual could focus less on basic rudimentary observer information and more on the details of laws and practices that they would confront in the Yugoslav election environment.

D. TIMELINE

Finally, the observation specialist developed a timeline for materials dissemination, recruit and coordinate presenters, and delivery of the training program to each of the observer groups.

III. PROGRAM IMPLEMENTATION ACTIVITIES

A. FORMING AN IFES OFFICE

The IFES observation specialist arrived in Budapest, Hungary on 25 August and immediately began work on finding and equipping a suitable office environment. On 31 August, IFES sublet a small office from the National Democratic Institute (NDI). The office was in the same building where NDI and USAID's Office for Transition Initiatives had their offices and was near to the USAID main office and the Office of Yugoslav Affairs of the US State Department. Based on the recommendation of the Secretary of ACEEEO, a Budapest resident was hired as the office assistant.

The IFES office remained open until 29 September.

B. PLANNING MEETINGS

The breadth of the project and the speed with which it had to be organized and delivered necessitated many planning and coordination meetings among the international funders and the observer NGOs. The initial meetings focused on what role each international organization would play in assisting these observer missions. These organizations, and their involvement in the missions, is outlined below:

IFES : Responsible for developing and implementing training program. Responsible for funding of Slovakian and Bulgarian NGOs.

NDI: Responsible for hosting planning meetings. Responsible for serving as "information clearinghouse" for funders and observer missions. Responsible for assisting with training.

Freedom House: Responsible for funding Romanian NGO.

USAID: Responsible for overseeing funding development and delivery. Responsible for coordination with Office of Yugoslav Affairs.

International Republican Institute (IRI): Responsible for assisting with training.

Other organizations played support roles in the development of the missions. The Office of Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Cooperation in Europe (OSCE) provided consultation and advice on fraudulent election activities in FRY and on questions to be addressed on observer checklists. However, it was unable to provide direct assistance with training programs. The Center for Free Elections and Democracy (CeSID), the chief domestic observation organization in FRY, was asked to provide presenters for the training programs. USAID's Office of Transition Initiatives (OTI) was prepared to provide financial support to the Ukrainian delegation if it received accreditation.

Throughout the four-week period leading up to election day numerous planning and coordination meetings were held among the parties involved. Chief among these was an all-day planning session on 4 September that included leaders of the three delegations and representatives of the funders and other relevant organizations. At this meeting, the Observation Specialist presented an outline of the training program agenda and garnered agreement from the delegations on training dates. At a follow-up meeting on 14 September, final training plans were adopted by all parties. Also at this meeting, deployment strategies were developed for each of the delegations.

C. DEVELOPMENT OF TRAINING PROGRAM

Prior to the arrival of the Observation Specialist, staff from NDI and IRI had drafted a proposed training agenda. During the following days, several meetings were held among staff from IFES, NDI, and IRI to finalize the agenda, determine other training materials to be used, and decide which presenters would be available for each training session.

Ultimate responsibility for arranging the training location, interpretation services, and overall agenda rested with each delegation. Due to this, and to the fact that most of the would-be observers were already "trained" in election observation, the term "briefing" was used for both the manual and the sessions.

Due to the unique nature of the election – an election held in a hostile environment based on vague and confusing election laws and with predictions of massive election fraud – the briefing agenda concentrated on the following items:

- an overview of the various elections to be held on 24 September
- an overview of the new election laws
- an overview of the political climate in FRY
- a discussion of the types of fraud committed in recent elections – and which types were expected for this election
- a discussion of how to observe different types of fraud
- a walk-through of the observer checklists
- a discussion of proper conduct for observers, translators, and drivers
- a discussion of appropriate safety and security measures each observer should take

The briefing sessions were designed to last approximately seven hours each. They were scheduled for the following dates:

- Bratislava, Slovakia on Sunday, 17 September
- Sofia, Bulgaria on Friday, 22 September
- Timisoara, Romania on Friday, 22 September

The Slovakian briefing was scheduled to coincide with a deployment strategy session scheduled for the Slovakian NGOs a week before the election. The briefings in Sofia and Timisoara were scheduled to coincide with the gathering of the respective observer teams at their staging areas just prior to going in to FRY. Timing issues dictated that they be held simultaneously.

D. PRODUCTION OF BRIEFING GUIDEBOOK

In the two weeks prior to the first briefing session, the IFES observation specialist concentrated on researching and writing the main components of the training manual, known as the "Guidebook." The Guidebook contained the following items:

1. Election Overview

An overview of the elections to be held on 24 September. Depending on location in the country, between three and five elections were scheduled for that day. The Overview presented a quick chart of who was to be elected and what electoral system was to be used for each election. The Overview also included a brief discussion of two special cases – (1) Kosovo, where it was unclear whether polling places would be open, as well as what procedure would be used to allow voting by displaced Kosovars living in other parts of FRY, and (2) Montenegro, where the government was officially boycotting the election and it was unclear where polling places would be set up and who would oversee them.

2. Political Update

The International Republican Institute prepared a political update which was a concise overview of the political environment, the parties and coalitions contesting the election, and profiles of the major candidates.

3. Highlights of the Election Laws

This section provided a digest of the four sets of election laws that governed the election – the FRY Law on Presidential Elections, the FRY Law on Elections to the Chamber of Citizens, the FRY Law on Elections to the Chamber of Republics, and the Serbian Law on Local Self-Government. Only those law sections that related to election procedures, vote counting, and the make-up of the election commissions and polling boards were covered, since these were the sections that were of most use to observers. Editorial comments were included where laws were particularly vague, confusing, or in conflict with one another.

4. Proposed Observation Schedule

This document gave observers a flexible guide to how to carry out their election day work.

5. Briefing Manual

This section included a code of conduct as well as a discussion of the most important things that observers should look for on election day. Many of the items discussed came from a memorandum concerning predicted election irregularities that was produced for this project by staff at ODIHR.

6. Observer Checklists

Four checklists were included. The first covered the poll opening and election day procedures. The second covered the poll closing and counting. The third covered post-election observation at the election commission offices where polling boards were to bring their protocols and election materials. (This checklist was to be used only by five special teams that were mandated to follow the election results as they moved up the election authority hierarchy.) Finally, there was a "Special Incidents" Report to be used in case an observer witnessed a major disturbance or incident. It should be noted that not all questions used in the checklists were developed by IFES staff. Some were proposed by the Office of Yugoslav Affairs.

7. Index of Serbian Municipalities

An index of Serbian municipalities and their corresponding electoral unit in the election for the Chamber of Citizens was also included.

8. Maps

Maps of the electoral units and of current political dominance were included.

Due to time constraints, the training session in Bratislava, Slovakia was conducted using the English language version of the Guidebook. (Key sections were later translated into Slovakian.) For the other two sessions, the Guidebook was translated into Romanian and Bulgarian. A copy of the English version of the Guidebook may be found in Appendix 1.

E. PRODUCTION AND DISTRIBUTION OF OTHER TRAINING MATERIALS

Consultations with cooperating organizations and with leaders of the observer delegations resulted in a list of other documents that were deemed useful for the observers. Delegation leaders were given the opportunity to pick which and how many items they wanted. These materials included:

- a paper by Goran Vesic, a leading opposition figure, called "How the Regime Steals the Elections"
- a book published by CeSID, the leading domestic observer organization in Yugoslavia, entitled "Guide through Electoral Controversies in Serbia"
- CeSID's manual for domestic observers
- CeSID's voter education guide for the general public (this guide was produced in several languages, including Slovakian and Romanian)
- a complete set of the election laws for President and the two houses of the Federal Parliament
- a manual for opposition polling board members produced with the assistance of IRI (published in both Serbian and English)
- an assessment of the election laws prepared by ODIHR
- a report by the International Crisis Group entitled "Serbia: the Milosevic Regime on the Eve of the September Elections"
- the IFES Pre-election Assessment

Production and distribution of these documents is shown on the table below:

BRIEFING DOCUMENT PRODUCTION

Document	Slovakia	Bulgaria	Romania	Total
Training Manual	60	0	0	60
Goran Vesic Paper	25	0	30	55
CeSID Election Controversies	25	10	30	65
CeSID Observer Manual	10	10	10	30
CeSID Voter Ed Guide	0	10	10	20
Complete Election Laws	10	10	0	20
Pollworker Manual - Serb	25	30	0	55
Pollworker Manual - Eng	25	10	26	61
ODIHR Law Assessment	10	10	10	30
ICG Report	10	5	5	20
IFES Assessment	10	10	30	50
TOTAL	210	105	151	466

In addition, 30 Yugoslav road maps were purchased for the Romanian delegation.

F. BRIEFING SESSIONS

1. Bratislava

The first briefing session was held in Bratislava on 17 September. It was attended by 54 observers. Training was conducted by Jim Heilman, IFES Observation Specialist; Paul Rowland, Program Director of NDI's Serbia Program; Ellen Yount, Balkan Program Officer for IRI; a coordinator for CeSID; and the leader of the Slovak delegation. The session was also attended by IFES Consultant Julie Mashburn. The agenda for this briefing may be found in Appendix 2.

The program emphasized techniques for observing the various types of fraud that were predicted for the election as well as extra communications and personal security precautions the observers should take. It was extremely helpful that a representative from CeSID was able to travel from Belgrade to Bratislava to assist with this part of the program. (At the time of the briefing sessions, CeSID members were the subject of significant harassment by the ruling government - both at their offices and while going into and out from Serbia. They were also heavily involved in planning their election day observation activities.

The briefing program lasted approximately six hours. Simultaneous translation services were used, although most of the observers were fluent in English. According to verbal reports from presenters and observers, the program was worthwhile and presented valuable information. Following the conclusion of the briefing, the delegation leaders continued the meeting in order to review deployment details.

2. Sofia

The Sofia briefing session for the BAFECR delegation was held on Friday, September 22. It was attended by 69 observers. Presenters included: the director of BAFECR and the delegation leader; Paul Rowland of NDI; IFES Consultant Julie Mashburn; and two representatives from CeSID. The program lasted approximately six hours. While presenters reported that the program ran well, they noted some disillusionment on the part of the observers due to the fact that the chances of obtaining credentials had become remote by this time.

3. Timisoara

The Timisoara briefing session for the Pro Democracy Association delegation was also held on Friday, September 22. 45 observers attended. Presenters included: the Executive Director of PDA; John Anelli, CEE Program Director for IRI; Jim Heilman; and a representative from CeSID. This program lasted over eight hours - the longer time was due in part to the use of consecutive rather than simultaneous translation and in part to the extreme interest shown by the participants. Again, verbal reports from participants suggested that the program presented valuable information. After the briefing concluded, the entire delegation continued to meet to discuss deployment issues.

G. OTHER PROGRAM ACTIVITIES

In addition to the Observation Specialist, two other IFES consultants were deployed to Budapest for short periods. The consultants worked with the Bulgarian and Slovak delegations to develop their deployment budgets, assisted with development of deployment plans for all three delegations, and assisted the delegations in developing media strategies for reporting on their delegation activities.

IV. PROGRAM RESULTS

A. DEPLOYMENT AND ACCREDITATION

1. Bulgaria

The Bulgarian delegation began its planning in late August. BAFECR's first advance team - sent primarily to make deployment arrangements - went into Serbia on 9 September and stayed for two days. Subsequent to this advance trip, the delegation leaders decided to concentrate their observation in the Nis and Vranje areas, among others. Vranje was considered a particularly sensitive area, since about half of Kosovo comes under the Vranje electoral unit. (The situation with voting by Kosovars remained fluid throughout the pre-election season. Many analysts believed that manipulation of Kosovo votes could be the major source of election fraud by Milosevic supporters.)

BAFECR applied for accreditation through the Bulgarian Embassy in Belgrade on 12 September.

The full delegation of 69 members gathered in Sofia (most were from the Sofia area) on Friday, 22 September, for their briefing and to await accreditation papers.

A larger advance team - nine members in three cars - went to Serbia on 21 September but stayed only for the day. On this trip they continued to make deployment arrangements. A final advance team of seven members traveled into Serbia on election eve - even though it was now apparent that no accreditation was forthcoming -- and stayed overnight in Nis. In the early morning, they were taken from their hotel rooms to the Nis police station where their money and mobile phones were taken, some of them were beaten (with one suffering major hearing damage), they were questioned for over seven hours, and then they were taken to the border and ejected from the country.

2. Romania

The Romanian delegation conducted the first advance visit of the three delegations. On 30 August, three members of PDA visited Serbia and remained there for three days. Beginning 11 September, PDA maintained a constant presence in Serbia of between two and four people until 23 September. Their deployment plans called for teams in Vojvodina (with a significant Romanian population), Prokuplje (the electoral unit with roughly half of the Kosovo voters),

and various other parts of the country. The advance team succeeded in setting up a base in a Belgrade apartment from where they planned to coordinate the observer teams.

PDA attempted to gain clarification of the accreditation process by sending a letter of intent to the Yugoslav government on 11 September. Receiving no response, PDA sent a formal request for accreditation to the Yugoslav Ministry of Foreign Affairs on 18 September.

A final pre-election visit was planned by the PDA Director on the morning of 22 September, but she was turned away at the Serbian border.

Arrangements were made for Timisoara, a Romanian city near the Serbian border, to serve as the deployment staging area for the Romanian delegation. 45 delegates gathered there on 21 September, participated in the all-day training session on 22 September, and waited for a response to their request for accreditation.

3. Slovakia

Some members of the Slovak NGOs had been traveling regularly into FRY as part of a media-monitoring project, so a basis for advance logistics teams had already been established. The first formal observer advance team traveled to Serbia on 14-15 September. Additional advance members went to Serbia on 18-19 September. On 23 September, all of the Slovak advance team members were expelled from the country by Serbian authorities.

Accreditation for 54 members of SDI was requested on 19 September at the FRY embassy in Bratislava. A copy of the request was also forwarded to the FRY Federal Election Commission. (The Slovakian Ministry of Foreign Affairs had also requested accreditation for the SDI contingent in an earlier meeting with the FRY Ambassador to Slovakia.) Requests for visas were also made, since Slovakia is the only one of the three countries where visas are required to enter FRY.

SDI had decided to establish its deployment staging area in Szeged, Hungary - a location about five hours from Bratislava and close to the Serbian border. Delegates left Bratislava for Szeged on 22 September and stayed there until 24 September. A total of 49 delegates gathered at the staging area.

The proposed Ukrainian delegation was prepared to fly to Szeged and convene with the Slovakian delegation on 22 September. But no accreditation was received by that date, so their flight and mission were cancelled.

B. ACCREDITATION DENIED

The vagueness of the "offer" by Serbian authorities for foreign observers, volatile statements by Serb politicians concerning the governments of the three countries, and increasing harassment of advance teams by Serbian police all gave cause for reduced expectations that accreditation would be received by any or all of the observer teams. The prediction that no response - positive or negative - would be received came true. In fact the only response received by any of the delegations was the denial of visas for the SDI from Slovakia.

As a result, the Bulgarian and Romanian delegations disbanded on Saturday afternoon, 23 September. The Slovak delegation followed suit on Sunday afternoon.

IV. PRESS COVERAGE

All three delegations held press conferences and/or issued press releases to decry the lack of response by the FRY authorities to their requests for accreditation. The general theme of these press statements was that FRY authorities had interfered with the rightful travel of citizens into FRY and that the refusal of authorities to allow anyone other than handpicked foreign observers into the country called into question the transparency of the election.

The Bulgarian delegation issued a formal press release on Saturday, 23 September. This was followed by a press conference on Monday, 25 September. The incident involving the final BAFECCR advance team became a source of major interest in the Bulgarian press and ultimately resulted in strained relations between the Bulgarian and FRY governments.

The Romanian delegation issued its press release at a press conference in Timisoara on 24 September and followed up with another press briefing in Bucharest on 25 September.

The Slovakian delegation issued a press release on 24 September and then delivered the release at a press conference the same afternoon in Budapest at the Yugoslav Election Monitoring Center.

In general, the press releases and conferences were covered by local and national media but received little play in the international media.

Copies of each delegation's press release and a sampling of subsequent media reports are included in Appendix 3.

V. THE ELECTION

Election day dawned with most analysts believing that fraud would occur - the only question being the breadth and depth of the expected fraudulent activities. Efforts to prevent fraud, through international or domestic observers and through the watchful eyes of opposition polling board and election commission members, had one-by-one been neutralized by the Milosevic regime. About 250 international observers were on the scene - but each had been handpicked by the regime and were not expected to be given the opportunity to witness any irregularities. The major domestic observer organization, CeSID, had been denied observer accreditation and had been publicly vilified and harrassed by Serbian authorities for weeks before the election. And while polling boards and election commissions were mandated by law to include opposition representatives, it was unclear whether these members would actually be permitted to fully participate in the election.

One of the biggest concerns of fraud centered around the reporting of results after the polls closed. The laws mandated that polling boards publicly post their results and then deliver them to the appropriate election commission. The election commissions then must deliver the

aggregated results to the Federal Election Commission, which must announce the results by the following Thursday. Since there was very little provision for outsiders to monitor this process, some analysts believed that there would be wholesale doctoring of the polling place results and, if necessary, outright invention of numbers by the Federal Election Commission.

In an attempt to defend against fraud in the only manner possible, CeSID placed about 3,500 volunteers outside polling places - to monitor what they could and to report on the posted results. The major opposition coalition - the Democratic Opposition of Serbia (DOS) - conducted a parallel vote count in about 300 selected polling places and used its polling board members to provide reports from as many other polling places as possible. Finally, in Kosovo KFOR soldiers were dispatched to the few polling places that were open in order to report on the total turnout of Kosovo voters.

A. IRREGULARITIES

Throughout election day, reports of irregularities filtered through from both CeSID and DOS. With no ability for independent verification, it is impossible to determine the degree to which these reports were true and accurate or were based on unfounded rumor. In general, it appeared that most of the expected types of fraudulent activity occurred, but in a more-or-less random fashion. It did not appear that any massive systematic fraudulent activities occurred on election day. By the end of the day, CeSID produced a 26-page report from its field observers of irregularities. Add to these the reports received before the election began, and the following (albeit incomplete) list of irregularities emerges:

- Marked ballots were allegedly mailed to some voters before election day.
- Company employees were given allegedly marked ballots and instructed to bring back blank ballots after they voted.
- Polling places opened early or late.
- DOS members were not allowed to be part of some polling boards.
- Opposition polling board members were not allowed in some polling places. In one report, the opposition members broke into the polling place to find the ballot box stuffed.
- CeSID observers outside the polling place were harrassed by polling board members or police and, in some cases, forced to leave.
- Polling board members attempted to influence the voting.
- Voter lists were being altered.
- More than the required number of extra ballots for President were delivered to the polling board.
- Armed persons were inside and outside the polling place.
- People in line at poll closing were not permitted to vote.
- DOS members were not permitted to participate in the vote-counting.
- Results were not posted outside the polling place.

B. ELECTION RESULTS

The results of the election are now a matter of murky history. On only one issue did there seem to be no question nor conflict - Vojislav Kostunica received more votes than Slobodan

Milosevic. But the question of how many more votes led to the Thursday, 5 October, people's revolution that toppled the Milosevic regime.

By early morning on the day after the election, DOS, CeSID, and even the Serbian Radical Party were reporting that Kostunica had received between 55 and 57 percent of the popular vote. Over the course of the next two days, that percentage gradually sank, and by Wednesday, DOS was publicly reporting 54.5 percent for Kostunica, while privately reporting 52.5 percent. The Federal Election Commission had stated that it would not release results until Thursday, but the rising tide of public protest resulted in a preliminary official announcement on Wednesday that Kostunica had beaten Milosevic by 48 to 40 percent - thus presaging a second round election. When the Commission released its final results on Thursday, the margin was even greater - 49 to 38 percent. DOS and its supporters refused to accept the "official results" - citing the fact that they were handwritten on a plain sheet of paper and certified without debate by the regime supporters who controlled the Commission. Opposition members of the Commission resigned in protest and DOS demanded to see proof of the results from the Commission. Meanwhile, the DOS leadership declared that they would boycott any second round (proclaiming Kostunica the first-round victor by absolute majority) and called a country-wide general strike. The world watched.

On Wednesday, 4 October, four days before the supposed second round, the Constitutional Court declared a portion of the election annulled. While some news reports said that this finding was based on the voting in Prokuplje and Vranje - the two election commissions that included all of Kosovo - it was still a matter of conjecture as to what the decree met and which side it favored. Even so, it was the trigger to a chaotic 48 hours in which the Court stated that the first round would be held over again, the people occupied Parliament and other state institutions, the international community began to formally recognize Kostunica as the new President, the Constitutional Court declared him the victor, and - in a move beyond anyone's wildest imagination a few days earlier - Milosevic went on national television to concede defeat and announce that he would take time off to play with his grandchild. On Saturday, 7 October, Vojislav Kostunica was sworn in as the new President of the Federal Republic of Yugoslavia.

Final official results for the federal parliament - Chamber of Citizens and Chamber of the Republics - and presidency are detailed in Appendix 10. Unofficial results for Serbian municipal council seats and the provincial parliament in Vojvodina are listed below.

VOJVODINA PROVINCIAL PARLIAMENT

Political Party	Number of Seats	Number of Votes Received
Democratic Opposition of Serbia (DOS)	117	
Socialist Party of Serbia - Yugoslav United Left Coalition (SPS-JUL)	3	
TOTAL	120	

MUNICIPAL ELECTIONS (MAJOR CITIES/TOWNS)

Municipality	Democratic Opposition of Serbia (DOS)	Socialist Party of Serbia - Yugoslav United Left Coalition (SPS-JUL)	Serbian Radical Party (SRS)	Serbian Renewal Movement (SPO)	(VDO)	Democratic Party of Vojvodina Hungarians (DSVM)	Group of Citizens	TOTAL
Belgrade	105	4	1					110
Cacak	67						3	70
Nis	85	6		4				95
Subotica	59	6	1				1	67
Novi Sad	59	10					1	70
Sombor	44	10			1	1	4	60
Pozega	40	12						52
Uzice	50	10		7				67
Zrenjanin	53	13	1					67
Krusevac	43	25		1			1	70
Smederevo	45	23					1	69
Bor	23	23		1				47
Sremska Mitrovica	39	17					1	57
Prokuplje	24	31						55

VI. FINAL EVALUATION AND LESSONS LEARNED

The IFES Observation Mission Training Program ended in obvious failure - none of the observers received accreditation and none observed the election. But there were several positive outcomes of this mission that should not be overlooked.

- The NGOs from Bulgaria, Romania, and Slovakia gained valuable experience. In past international missions in which they participated, all the logistics had been done for them by other parties (usually OSCE). In this instance, they were responsible for all their own operations and logistics. As such, they learned many practical lessons that can be utilized in future international missions
- The NGOs also received a more intensive training on election fraud practices than normally would be provided in an international mission. It is hoped that this information will also be of value to them in future missions.
- The international organizations involved in this effort - IFES, NDI, IRI, and Freedom House - were put in a situation that required maximized coordination and expediency without the usual requisite MOUs, sub-grants, etc. On the whole, these organizations worked with exemplary cooperation under less-than-ideal circumstances.

However, a few lessons were learned that could provide for better missions in the future.

- In many cases, the division of labor among the various international organizations, USAID, and the Office of Yugoslav Affairs, caused duplication of effort. In such situations, regular coordination meetings - and clearer lines of responsibility - could produce a smoother overall operation.
- The issue of applying for accreditation from a hostile government was not handled in the most efficient manner. Requests for accreditation should be filed as early as possible, and pressure for clarification of accreditation requirements must be strong and steady in order to produce positive results from recalcitrant governments. In the case of this mission, the formal requests were submitted too near the deadline. Finally, the government ministries through which the NGOs worked were not altogether efficient in pressing the requests with the FRY government.

APPENDICES

1. Guidebook for International Observers
2. Press Statements by BAFECR, PDA, and SDI
3. Media Reports
4. Election Legislation
5. OSCE Preliminary Statement on Election
6. Final Official Federal Election Results:
Presidency, Chamber of Citizens, Chamber of the Republics

Appendix 1
Guidebook for International Observers

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**OVERVIEW OF
FEDERAL REPUBLIC OF YUGOSLAVIA (FRY)
24 SEPTEMBER, 2000 ELECTIONS**

PRESIDENT

- Elected by direct popular vote
- Must have 50% + 1
- If no one with absolute majority on the first round, a second round will be held within 14 days between the top two vote-getters from the first round

FEDERAL PARLIAMENT

- Two houses, both directly elected
- Both houses elected by proportional representation (D'Hondt system) with 5% threshold required for a party or coalition to receive mandates
 - **CHAMBER OF REPUBLICS**
 - 40 members – 20 from Serbia, 20 from Montenegro
 - Each republic elects their 20 in a republic-wide vote
 - **CHAMBER OF CITIZENS**
 - 138 members – 108 from Serbia, 30 from Montenegro
 - Montenegro elects their 30 delegates in a single republic-wide electoral unit
 - Serbia elects their 108 from 26 electoral units
 - Each Serbian electoral unit has from 3 to 10 mandates, with most having 3, 4, or 5

MUNICIPAL ELECTIONS

- For Serbia only
- 161 municipalities
- Elected in single-member districts within each municipality by first-past-the-post system

CITY ELECTIONS

- For Serbia only
- Belgrade, Novi Sad, Nis, Kragujevac, and Pristina are the only localities that are cities
- Each city is composed of several municipalities

PROVINCIAL ELECTIONS

- In Vojvodina only
- 120 Deputies to be elected to the Assembly of the Autonomous Province of Vojvodina
- Elected in single member districts
- 2-round system with top three vote-getters from first round going on to second round

Polling Places open at 7.00 and close at 20.00

Political Update Federal Republic of Yugoslavia

Updated September 12, 2000

Summary

On September 24th, the citizens of the Federal Republic of Yugoslavia (FRY) will go to the polls to elect a new President, Federal Parliament and local city councils/assemblies. In addition to a crackdown on the resistance movement, Otpor, political intimidation and arrests and ongoing media repression, the following conditions are present:

- Pro-democracy forces in Montenegro under the leadership of democratically-elected President Milo Djukanovic, have announced a boycott of the elections. However, those loyal to FRY President Slobodan Milosevic, are mounting a campaign and polling will take place at "official" polling places (although the Montenegro government will NOT organize it);
- The opposition party Serbian Renewal Movement or SPO, under the leadership of Vuk Draskovic, previously announced a boycott of the federal parliament elections but later decided to put forth a slate of candidates separate from the Democratic Opposition of Serbia (DOS). It has also put forth its own, independent slate of candidates in the local elections and a presidential candidate.
- There remains ongoing confusion surrounding the voting on the territory of Kosovo. UNMIK recently announced that it would allow the FRY elections from being held in Kosovo but it would not take part in their organization.

In addition to these conflicting conditions, the ability of the opposition to mount an effective campaign remains the source of contention. While popular support for Milosevic has continued to decline, in recent months, the general public remained highly skeptical of the opposition's ability and frustrated by its lack of a concise program. Fortunately, the tide may be changing for the opposition as they are mounting a unified campaign and the leaders are traveling around Serbia to reach voters directly. The percentage of undecided voters has declined in recent weeks, but cynicism remains that the regime will steal the elections and not allow a legitimate transfer of power to take place. Great efforts to attract undecided voters are being spearheaded by the domestic NGO community, closely mirroring similar successful efforts in Slovakia and Croatia.

The DOS is united behind a single presidential candidate, Democratic Party of Serbia (DSS) president, Vojislav Kostunica. However, the SPO's decision to run a candidate almost ensures that no single candidate can win in the first round. Thus, a second round is likely to take place in early October. In addition, the SPO's decision to run candidates on a separate slate from the DOS at the local elections has caused a firestorm of accusations and difficulties between anti-Milosevic activists in numerous communities.

Election Summary

The FRY consists of two Republics, Serbia and Montenegro. The country is governed on three levels: federal, republic (Serbia and Montenegro) and local. At the federal level, Slobodan Milosevic currently serves as President. His party, the Socialist Party of Serbia (SPS), also controls the Federal Parliament. Although posting sizable gains in the 1996 local elections, the opposition is still outnumbered by the Socialists in controlling local city councils.

In an effort to consolidate his grip on power, President Milosevic called elections in July for September 24th. Even prior to this hasty announcement, the regime had begun a systematic campaign to muzzle the independent media, crackdown on street protests and arrest those active in Otpor. Amendments to the federal Constitution, enacted in a day, cleared the way for the elections.

Elections will be held for the following positions:

1. The FRY Presidency
2. The Federal Parliament – Chamber of Republics (40 MPs)
3. The Federal Parliament – Chamber of Citizens (138 MPs)
4. Municipal elections
5. City Assembly (Belgrade and Nis)
6. Regional elections (Vojvodina)

The announcement of the election date came on the heels of what many outside observers believe was a well-orchestrated effort to silence the political opposition and all those opposing the regime. After his NATO defeat, Milosevic regained momentum in recent months by cracking down on the opposition movement, closing down Radio B2 92 in Belgrade and seizing control of Studio B television and targeting the burgeoning student movement. Predictably, a systematic pro-regime campaign has increased in intensity in recent months fueling xenophobia and touting the government's redevelopment and reconstruction successes.

Prior to the July constitutional changes engineered by Milosevic, the Federal Parliament consisted of 2 councils -- the Chamber of Citizens, where MPs were elected in direct elections, and the Chamber of Republics, where MPs were sent from the respective republic parliaments (20 each). The last federal elections were held in 1996 at the same time as local elections.

According to the questionable constitutional changes, citizens from Serbia and Montenegro will directly elect representatives to the Upper House of Parliament, or Chamber of Republics -- 20 from each republic to the 40-seat chamber. Voters in Serbia and Montenegro will also elect 138 legislators to the Chamber of Citizens. This move was clearly intended to further isolate Montenegro's anti-Milosevic forces, by removing the power of the Montenegro Parliament to choose these individuals.

For the lower house races, electoral districts have been redrawn to allot Serbia 26 districts instead of the previous 29. More electoral weight has been placed on the districts near the border with Kosovo where a large number of Serbian citizens relocated in recent months. Three election districts previously covering the territory of Kosovo have been merged with two other districts of Serbia proper. In addition, voting will be allowed on the territory of Kosovo.

Voters in municipalities, towns and cities will elect their governments and local assembly deputies. Balloting will also take place for the assembly of Vojvodina, Serbia's northern province with a substantial Hungarian minority.

Finally, in an unprecedented election, voters of FRY will vote directly for the President of the country. Although currently serving in that post, Milosevic was appointed to that position by the Federal Parliament in 1997; prior to that, he served as Serbian President.

The candidate for the president, who wins a simple majority in the first round of the elections, will be declared the victor. Should no candidate win a simple majority, a second round will occur two weeks thereafter. There is no longer a turnout threshold as in previous elections.

Local elections will be decided in one round ("first passed the post").

Political Parties/Coalitions and Acronyms

Serbia's Opposition

DA - Democratic Alternative (Nebojsa Covic, president)
DAN - Coalition of DA, DC, ND
DC - Democratic Center (Dragoljub Micunovic, president)
DHSS - Christian Democratic Party of Serbia (Vladan Batic, president)
DOS - Democratic Opposition of Serbia (18 parties united for elections)
DS - Democratic Party (Zoran Djindjic, president)
DSS - Democratic Party of Serbia (Vojislav Kostunica, president)
G-17 - Group of independent economists (Mladjan Dinkic, coordinator)
GSS - Civic Alliance of Serbia (Goran Svilanovic, president)
LSV - League of Vojvodina Social Democrats (Nenad Canak, chairman)
ND - New Democracy (Dusan Mihajlovic, president)
NS - New Serbia (Milan Protic, Velimir Ilic, co-presidents)
Otpor - Youth movement "Resistance"
PDS - Movement for Democratic Serbia (Momcilo Perisic, president)
Reform Democratic Party of Vojvodina (Mile Isakov, chairman)
Sandzak Coalition (Rasim Ljajic, chairman)
SD - Social Democracy (Vuk Obradovic, president)
SDA- Party of Democratic Action of Sandzak (Sulejman Ugljanin, president)
SDU - Social Democratic Union (Zarko Korac, president)
SPO - Serbian Renewal Party (Vuk Draskovic, president)
SZP - Alliance for Change (Zoran Djindjic, coordinator)
Vojvodina Coalition (Dragan Veselinov, president)
SNV -Serb National Council of Kosovo (Metropolitan Artemije, chairman)

FRY/Serbia Ruling Coalition

SPS - Serbian Socialist Party (Slobodan Milosevic, FRY President)
SRS - Serbian Radical Party (Vojislav Seselj, Serbia's Deputy PM)
JUL - Yugoslav United Left (Mira Markovic, president)

The Regime

The ruling parties are the Serbian Socialist Party (SPS), led by President Slobodan Milosevic, the Yugoslav United Left (JUL) led by Milosevic's wife, Mira Markovic, and the Serbian Radical Party (SRS).

Socialist Party of Serbia (SPS)

The SPS today reports membership of over half a million. Strong in rural enclaves and with the country's older population, the party inherited the infrastructure of the former League of Communists of Yugoslavia, which was led by Milosevic. The SPS has held power since the first multi-party elections were held in 1990 but it had a majority in the parliament only in the first two elections (in 1990 and after early elections in 1992).

In 1997, the SPS formed a governing coalition with JUL and with the Serbian Radical Party, led by ultra-nationalist Vojislav Seselj. Many observers believe that a power struggle is occurring within the party. This was most recently illustrated by the resignation of former Serbia president and high-ranking SPS official, Zoran Lilic. JUL is also in competition for power and influence largely as a result of the extreme influence that Markovic has on Milosevic. (*see below*)

The party boasts many professional members and activists (mainly because it inherited the Communist party, its infrastructure and money). It recently celebrated 10 years of existence and 10 years in power. The party is campaigning on promises to rebuild the country and provide apartments for tens of thousands of young families. Together with their electoral coalition partner, JUL, they continue to promote the myth of Milosevic as the savior and father of the country. Predictably, state-controlled television perpetuates the myth of Serbia as an economically-strong country respected by numerous countries while fighting the interference of the United States and the West.

Yugoslav United Left (JUL)

The Yugoslav United Left has grown in influence in recent years in proportion to the influence that party president Mirjana Markovic exerts over her husband. Milosevic, who does not rely on a circle of confidants for information or advice, has increasingly relied on his wife and her slanted political judgment.

This party is a mixture of people who got rich in Serbia throughout the 1990's. Calling themselves communists, they are owners of most of Serbia's economy. Many are party members simply because this is the only path to get rich. Although the party never won a significant number of seats in parliament, they are members of the ruling coalition because of Markovic's influence.

The party election posters feature hands clasped in adoration toward a figure of Milosevic with the words "Slobo Da!" emblazoned on them. (Meaning both Slobo, yes! and Free!). JUL is also touting the regime's reconstruction efforts since the NATO air strikes.

Serbian Radical Party (SRS)

The SRS is what some would consider a populist movement led by ultra-nationalist and former paramilitary leader, Vojislav Seselj. The party has grown in strength in recent years and many believe that Seselj actually won the 1997 Serbian presidential election but the results were manipulated. The party labels themselves a right-wing party and are known for extremists views.

A member of the government, the party is in contention with JUL for control for the government, education, media and business sectors. Two high-ranking SRS officials recently resigned from the executive board of the state-run Serbian radio and TV (RTS), contending discrimination against them by SPS and JUL representatives. The opposition, however, views this as an attempt by the SRS to paint themselves as Milosevic opponents on the eve of the elections.

SRS is mainly supported by workers or people who lost their job and now are surviving on the street economy and black-market.

SRS presidential candidate is Tomislav Nikolic, vice-president of the party. He recently announced that if he does not qualify for the second round of the presidential elections, that his party will not support Milosevic.

Opposition Parties/Coalitions

Democratic Opposition of Serbia (DOS)

This broad coalition was organized on January 10th, 2000. It consists of 18 parties. It is a gathering of all the parties with a democratic orientation in Serbia. The SPO, once a member of the united opposition, withdrew its support largely over concerns that the elections would not be conducted freely and fairly. Although, as noted, the party announced initially that it would not take part in the federal elections, this decision was reversed in late August.

Democratic Party (DS) president Zoran Djindjic is leading the campaign of the DOS. In the first week of August, Democratic Party of Serbia (DSS) president, Vojislav Kostunica, was nominated as the DOS presidential candidate.

The public remains guardedly optimistic regarding the opposition and its ability not only to win – but to govern in a post-Milosevic era. The regime's willingness to hand over power, should the opposition win fairly, remains a great concern to a large percentage of the electorate. Public opinion polls show (excluding Kosovo), however, that if the election were held today, the DOS would win at all levels.

Alliance for Change (SZP)

A member of the DOS, the Alliance for Change or Savez Za Promene (SZP) coalition, is a 5-entity coalition. The largest member is the Democratic Party (DS) led by party president Zoran Djindjic. The Civic Alliance of Serbia (GSS), New Serbia, the DemoChristian Party of Serbia (DHSS) and the Association of Free and Independent Trade Unions (ASNS) are also members. SZP functioned as a more intact opposition coalition for many months prior to the solidification of the DOS.

One of most well-respected leaders of SZP is the charismatic figure Dragoslav Avramovic. In failing health, he was brought from the USA to Serbia in the early 1990's by Slobodan Milosevic to help establish a strong economy in a country devastated by years of hyperinflation. Avramovic established a strong dinar (local currency), but was soon discarded by Milosevic. Many people remember Avramovic as the "Super grandfather" who saved Serbia. Today, unfortunately, he is too old and ill to play a significant public role in the opposition block.

Two months after the end of the NATO bombing campaign, SZP started demonstrations in Belgrade and in towns throughout Serbia. In the beginning, the demonstrations gathered thousands of people and there was real hope for change. However, due to lack of unity, tired campaign promises and lack of a clear vision about the elections, the support dwindled.

Nevertheless, the SZP managed to stay together and ultimately has served as a brand image for the DOS in the month preceding the election. Even before the DOS began an election campaign, the SZP began a billboard campaign under the title of "Our Obligation, Better Serbia." SZP has also run a series of television ads on independent stations featuring various opposition leaders.

The Zajedno Coalition

Zajedno ("Together") coalition holds an important place in the history of the Serb opposition. The coalition still exists in pale traces in local governments in some towns and municipalities. "Zajedno" -- formed in 1996, during opposition preparations for local elections -- consisted of three parties (SPO, DS and Civic Alliance of Serbia, GSS). The DSS joined the coalition for the federal elections.

Zajedno won many victories in the 1996 local elections. However, the regime tried to steal this victory and annul the election results. After this attempt, three months of lively and often contentious demonstrations commenced in Belgrade and towns throughout the country -- gathering tens of thousands of protesters from all walks of life. Ever the tactful politician, Milosevic eventually reversed his electoral decision, but in the meantime, used several tactics to drive wedges among the opposition leaders.

It was the first time that the opposition parties won a significant number of places in local governments. It eventually led to a fight for power among the parties, particularly the DS and SPO.

Democratic Party (DS)

The Democratic Party is both a member of the Alliance for Change and DOS.

DS was the first opposition party in Serbia, formed by the leaders of today's opposition. Eventually, the DS split and three minor parties were formed from its members (DSS, Democratic Center, DC, and DemoChristian Party of Serbia, DHSS).

The DS boycotted the Serbian presidential and parliamentary elections in 1997 and thus only has real power at the local level.

Party president Zoran Djindjic, is a controversial figure with very high negative public ratings, both due to the regime media attacks on him as well as the blame that many place on him for the disintegration of the Zajedno coalition. The 48-year-old leader lived for many years in Germany, is pro-western and has strong ties to the West. He is currently the coordinator of the Alliance and the DOS campaign manager.

The party, however, has had its share of internal struggles leading up to the elections. Several months ago, Djindjic was challenged by a party vice-president for the party's presidential post – he survived but internal dissention remains. In addition, Djindjic and the party have reacted harshly to local chapters (dismissing some altogether) who have chosen to go into local electoral coalitions with the SPO for the local elections.

Nevertheless, the party has a strong, extensive local network of activists and party chapters. In addition, the party seems to have strong financial backing and an ability to wage an effective, grassroots campaign.

Civic Alliance of Serbia (GSS)

Best known for its anti-war stance under former party president, Vesna Pesic, the party is growing in support today under the leadership of 39-year-old lawyer Goran Svilanovic. Svilanovic took over the post of party president last year, during the NATO air strikes. A former university professor, he was expelled from the Law School in 1998 for his participation in a strike organized in protest to a new, restrictive university law. Like Djindjic, he is pro-Western and maintains good relations with the international community.

The party has a reputation for attracting intellectuals but has been active in recent months reaching out to a larger public audience. A founding member of SZP, the party took an active part in the pro-democracy rallies and anti-Milosevic protests organized after the NATO air strikes ended.

In the months preceding the election announcement, the GSS ran an active, public campaign to boost both Svilanovic's exposure as well as generate interest in the opposition.

DemoChristian Party of Serbia (DHSS)

DHSS is a member of the Alliance for Change and DOS. It is led by Vladan Batic, who was the first coordinator of the Alliance. The party formed in 1997 after Batic left the DSS. A small party, it still lacks infrastructure and local members. It has a center-right, nationalist ideology.

New Serbia (NS)

A member of the Alliance for Change and DOS, New Serbia is the only party in Serbia with two presidents – Milan St. Protic and Velimir Ilic. The party was formed in 1998 after Ilic left the SPO. He is a very popular mayor in the city of Cacak, in central Serbia. Milan St. Protic is a popular historian from Belgrade who taught at the University of Santa Barbara (California) for several years. He will likely become the Mayor of Belgrade should the opposition prevail there. The party is still underdeveloped and lacks infrastructure and members. It has a nationalist orientation and supports a return of the monarchy.

Union of Free and Independent Trade Unions (ASNS)

A member of the Alliance for Change and DOS.

Social Democracy

The party was formed in 1997. It is led by Vuk Obradovic, a former Yugoslav army general who resigned in protest to the regime's handling of the 1990's Balkan wars. The party was a member of the SZP but left that coalition several months ago. However, it is an active participant in the DOS. Party members are mainly disappointed SPS voters. The program of Social Democracy is central-left.

Democratic Party of Serbia (DSS)

Led by Vojislav Kostunica, the party was founded from a wing of the DS. The party is nationalistic in orientation and pro-democratic. The party lacks an extensive infrastructure.

DAN Coalition

Formed from three small opposition parties – the DC (Democratic Center), DA (Democratic Alternative) and ND (New Democracy). The Democratic Center is led by

former SPS member and Mayor Nebojsa Covic; and New Democracy was formerly a member of the regime. The coalition has small ratings but is a member of the DOS.*

** Additional parties, including several smaller regional parties, are also members of the DOS.*

Serbian Renewal Movement (SPO)

Formerly the largest opposition party in Serbia, the party is led by charismatic leader, Vuk Draskovic. As noted previously, the SPO is not a member of the DOS.

Draskovic was one of the first opposition leaders to publicly challenge Milosevic (in March 1990 demonstrations) and has paid a heavy price for that decision, often jailed and beaten. Today, his relationship with the other opposition leaders has been strained severely due to several decisions and actions. Draskovic was a candidate for the Serbian presidential office in 1997 but finished third and was not supported by the DS, which boycotted the elections.

One of the largest blows to opposition unity was the decision by Draskovic in 1999 to enter the federal government. He became vice-president of the federal government. The SPO has since left the government.

The party is also in control of the Belgrade city government. This has led to charges of mismanagement and corruption as well as further dissention within the opposition.

There were two assassination attempts against Draskovic in recent months, including a June assassination attempt in Budva, Montenegro. As a result, Draskovic is in self-imposed exile in Montenegro and is not standing for President. However, his name will appear at the top of the lists for both the Chamber of Republics and the Chamber of Citizens.

As noted previously, the SPO announced after the calling of the elections that they would "go for the elections for the president, and in local level, but will not participate in elections for the chambers of the Federal parliament". They stated that this decision was made because of unfair and irregular electoral conditions, but that they are forced to participate in the presidential elections because the other parties made an "irresponsible" decision to participate. In late August, the party then decided to also run a slate of candidates for the parliamentary elections.

The SPO's presidential candidate is Vojislav Mihailovic, the mayor of Belgrade.

Who's Who in the Presidential Race

Vojislav Kostunica (DSS) -- A constitutional lawyer, Kostunica is the candidate of the DOS. He has been described as a moderate nationalist, anti-Communist and democrat. While critical of the United States and its policies toward Milosevic, he has a pro-European orientation and believes that there should be more of a balance in relations with the United States. However, he bristles at the mention of American meddling in Serbian affairs and holds the opinion that the Hague Tribunal is more a political tool of the U.S. rather than a legitimate legal model. According to media reports from Serbia, Kostunica recently stated that Milosevic should not be sent to the Hague, calling the Milosevic indictment "senseless."

A founder of the DS in the late 1980's, today Kostunica presides over a small, Belgrade-based party. Largely due to his "clean hands" and strong public opinion ratings, Kostunica was chosen as the presidential candidate of DOS in early August. At times, he seems like a reluctant candidate. Nevertheless, he is campaigning throughout Serbia and taking his message directly to the citizens, as well as conducting an advertising campaign which consists of billboards, posters newspaper ads. His campaign plays to his consistency and honesty, with one campaign poster asking "Who can look you straight in the eye?" Kostunica. Another claims "Kostunica, Of Course!"

Kostunica was fired from the University of Belgrade Faculty of Law in 1974 when he defended a senior professor who was jailed for criticizing the government.

Recent public opinion polls show Kostunica garnering as much as 45% of the vote to approximately 38% for Milosevic.

Tomislav Nikolic (SRS) -- former director of the a city cemetery in Kragujevac, a central Serbian town. He is a man with the calm of an undertaker, good in pubic appearance, and well known among the people.

Public opinion polls show Nikolic garnering less than 10% of the votes. He recently stated that if he does not prevail in the first round of voting, he will not lend his support to Milosevic in the second presidential round.

Vojislav Mihailovic (SPO) – Without Draskovic's participation in the presidential race, the party turned to Belgrade Mayor Vojislav Mihailovic. He is the grandson of Chetnik guerilla leader, General Draza Mihailovic.

Characteristic of Serbian politics, rumors abound concerning the SPO's handling of financial affairs in the capital. Not surprisingly, recent polls show that he has a favorability rating in Belgrade of only 28% (unfavorability of 54%) – making him considerably less popular than opposition mayors in cities such as Novi Sad, Nis and Kragujevac. In the match-up with the three other presidential candidates, Mihailovic attracts less than 5% of the electorate.

Slobodan Milosevic (SPS) – current president of the SPS; president of FRY; former president of Serbia. Public opinion polls currently show him losing to DOS candidate Kostunica. However, the extent to which Milosevic is willing to commit fraud remains the key question. Most observers doubt that he will lose the elections freely and fairly, given the possibility of extradition to the Hague for war crimes committed in Bosnia and Kosovo.

HIGHLIGHTS OF THE FEDERAL REPUBLIC OF YUGOSLAVIA ELECTION LAWS

PREFACE

The following is a digest of the most important aspects of the FRY election laws. It is designed to give you a good background to the law, particularly in regard to election day processes. In many cases, questions you will answer on your observer checklist are based on the laws highlighted here.

Most of the highlights shown below come from the *Law on the Election of Federal Deputies to the Chamber of Citizens in the Federal Assembly* and the *Law on the Election of Federal Deputies to the Chamber of Republics in the Federal Assembly*. The numbers in parentheses following each highlight refer to the appropriate articles from the above two laws (Chamber of Republics law first, followed by Chamber of Citizens). In a few instances, there are specific highlights from the *Law on the Election and the Termination of the Mandate of the Federal President* and the *Law on Local Self-Government in the Republic of Serbia* (which governs Serbian municipal elections). Article numbers from these laws are shown also.

Note: Guide to English Usage

Several key Serbo-Croatian words and phrases dealing with elections have multiple translations in English, and this can be confusing. For the sake of consistency, we have used the following translations:

Serbo-Croatian	English
biracko mesto	polling place
izborna komisija	election commission
biracki odbor	polling board
izborna lista	candidate list
biracki spisak	voter register
izvod iz birackog spiska	polling place voter list

THE ELECTORAL RIGHT

- A voter must be:
 - A citizen of Yugoslavia
 - 18 years old
 - Legally capable
 - A resident of the electoral unit for which s/he is voting (Art. 10/10)

ELECTION AUTHORITIES

There are four levels of electoral authority in FRY – at the top is the Federal Election Commission, at the intermediate levels are the election commissions, at the municipal level are the municipal election commissions, and at the polling place level are the polling boards.

- The **Federal Election Commission** is the highest election authority. It has nine permanent members – appointed by the Federal Assembly – plus an expanded membership of up to eight additional members representing parties or citizen groups that are competing in the election. The makeup of the additional members is based on those parties who field nearly full lists of candidates and those who gathered the most petition signatures. (Art. 31/30 and Art. 5 of the Law on Election of the President)

Note: The law is very unclear on the criteria for selection of the expanded membership when several federal elections are being held simultaneously. However, it is assumed that, for this election, opposition parties have a right to membership on the expanded Federal Election Commission.

- The Federal Election Commission functions in its **expanded** basis from the day its composition is established (soon after the certification of candidates and parties) until the final results are announced. (Art. 26/25)
- The Federal Election Commission:
 - has general oversight of election activities of all bodies implementing the elections (Art. 35/32a);
 - prescribes detailed rules for the work of the polling boards (Art. 40/36);
 - publishes the final vote results of the federal elections (Art. 33/31).
- The **Election Commission** is the implementing body at the electoral unit level. (In the case of the Chamber of Republics, the unit is each republic; in the case of the Chamber of Citizens, the unit is one of the 27 electoral districts in FRY.) It also is composed of nine permanent members – appointed by the Federal Election Commission – plus up to eight expanded members. (Art. 36/33)

Note: It is unclear whether separate election commissions have been established to supervise the Chamber of Republics election and the Chamber of Citizens election. This is especially true in Montenegro, where the whole republic functions as one electoral unit. The criteria for selection of the expanded membership depends on whether these commissions are merged or are separate. However, it is assumed that, for this election, opposition parties have a right to membership on these commissions.

- The election commissions:
 - report results to the Federal Election Commission;
 - determine the sites for polling places; and
 - appoint members of the polling boards. (Art. 37/34)

- The **polling board** consists of three members (appointed by the election commission) and one representative of each party that meets “at least one of the requirements for inclusion.” (Art. 39/35)

Note: The criteria for membership on the polling board is different in the different laws. However, it is clear that in simultaneous elections there is only one polling board for each polling place. For this election, it is also assumed that opposition parties have a right to membership on the polling boards.

- The polling board:
 - conducts the election at the polling place;
 - ensures the secrecy and legality of the vote;
 - determines the results at the polling place; and
 - maintains order at the polling place. (Art. 40/36)
- The polling board appoints two of its members to be responsible for voters who cannot come in to the polling place. (Art. 40/36)

Note: The Law on Local Self-Government describes the composition, role, and function of the municipal election commissions. However, the law also states that when simultaneous elections are held the polling boards are appointed by the election commissions with authority over the parliamentary and/or presidential elections. (Art. 132 of the Law on Local Self-Government.) Therefore it is unclear what role, if any, municipal election commissions play in the upcoming election.

CANDIDATE LISTS

A candidate list, often translated as “election list,” includes the names of all individuals running for office for a particular party or citizens group.

- A candidate list can be no larger than the number of people to be elected and no smaller than half that number. (Art. 43/39)
- A voter may sign a petition for only one candidate list for each office. (Art. 48/44)
- The order of the candidate lists on the ballot is determined by the drawing of lots. The complete list, known as the collective list, and the order on the ballot must be announced at least 20 days before the election. (Art. 53/49)

THE PRE-ELECTION PERIOD

- Radio and television stations founded by the government are obligated to provide, “in equal duration and at the same time,” presentations by the various political parties that are on the ballot. (Art. 55/51)

- All mass media founded by the government are required to provide “equal conditions” for presentations of the political parties that are on the ballot. At the same time, parties “have the right to be presented in the media under equal conditions, regardless of who the founder is.” (Art. 58/54)
- There is a “pre-election silence” period that begins 48 hours before the day of the elections. During this period, there can be no election propaganda in the mass media or at public gatherings. Publication of pre-election polls is also forbidden during this period. (Art. 4/4)

THE REGISTER OF VOTERS

FRY has passive registration, i.e. citizens are automatically registered when they become eligible. The law speaks of “the body in charge of administering the register of voters” but does not define what or who this body is.

- The register of voters is a public document. (Art.13/13)
- Voters are listed on the register according to their place of residence. Voters who are residing temporarily outside the country, who are in military service, or who are confined in prison, are entered into the register according to their last place of permanent residence. (Art. 14/14)
- The register closes 15 days prior to the election. Within three days of the close of the register, the Federal Election Commission must make public the total number of voters in the country and in each electoral unit. (Art. 17/17)
- Within 24 hours of the close of the register, “the body in charge” must issue a polling place voter list for each polling place and send it to the appropriate election commission. (Art. 19/18)
- Any changes in the register after the close of the register can only be made on order from a “competent court” and none can be made within two days of the election. (Art. 17/17)
- The “body authorized to maintain the voter register” must deliver to each voter at least five days in advance of the election a notice of the date and time of the election, the address of his/her polling place, and his or her serial number on the polling place voter list. (Art. 61/57)

THE BALLOT

Although the electoral laws do not specify this, it is widely assumed that there will be a separate ballot for each office for which voters are voting.

- Ballots for the Chamber of Republics and the Chamber of Citizens must contain:
 - The name of the electoral unit
 - The name of each candidate list along with the first and last name of the first candidate on the list
 - An ordinal number before each candidate list name
 - Instructions that the voter must vote for only one candidate list and should do so by circling the number in front of the list. (Art. 66/62)

- The ballots for President of FRY and for municipal councilors are similar in makeup and contain:
 - The name of the electoral unit
 - The full name of each candidate and the name of the candidate's nominating group
 - An ordinal number before each candidate's name
 - Instructions that the voter must vote for only one candidate and should do so by circling the number in front the candidates name. (Art. 9 of Law on the Election of the Federal President and Art. 143 of the Law on Local Self-Government)

- The ballots for municipal councilors may also contain "additional marks of the candidate" next to his/her name, but the law does not specify what types of marks are allowable. (Art. 143 of the Law on Local Self-Government)

- The ballots for the Chamber of Republics and Chamber of Citizens must be notarized by the election commission and must be printed on watermarked paper. Candidate list submitters have the right to be present during the printing, counting, packing, and distribution of ballots. (Art. 67/63) The laws governing the election of President and municipal councilors are silent in regard to these issues, but one may assume that the same rules would apply for these ballots as well.

- The transfer of election materials, including ballots, from the election commission to the polling board must happen at least 48 hours prior to election day. (Art. 68/64)

THE POLLING PLACE ENVIRONMENT

- The Federal Election Commission establishes detailed rules regarding the polling place. (Art. 59/55)

- There should be no political propaganda within 50 meters of the polling place while the election is being conducted. (Art. 62/58)

- Police on duty may enter the polling place only with the permission of the polling board chairman and only if peace has been disturbed. (Art. 65/61)
- Persons with “no rights or responsibilities” for conducting the election may not remain in the polling place. (Art. 65/61)

Note: The law is unclear as to who has “rights and responsibilities.” Art. 29/28 states that the functioning of election implementing bodies is public and then mentions candidate list submitters and “persons who follow the work of the election implementing bodies,” but it does not spell out who these are or the rights of such persons to observe the election inside the polling place.

- Cell phones, pagers, and other communication devices are prohibited in the polling place. (Art. 62/58)
- The “collective candidate list,” which contains the names of all candidate lists and all candidates, must be displayed at the polling place. (Art. 69/65)

OPENING THE POLLS

- The empty ballot box is to be inspected by the polling board in the presence of the first voter. The results of this inspection are to be recorded on an inspection sheet which is signed by the polling board members **and** the first voter. The inspection sheet is then placed in the ballot box and the ballot box is sealed. (Art. 73/69)

Note: The election laws give no more detail on the process of opening the polls. One may assume that regulations will specify if the number of ballots delivered to them and the number of voters on the polling place voter list will be announced by the polling board before voting begins, but there is no mention of this in the law.

CONDUCT OF THE VOTING

- Each voter must state his or her full name and provide a personal ID card or “another document” to prove his or her identity. The voter may not vote without proving his/her identity. (Art. 74/70)

Note: The election laws do not specify what other types of documents are acceptable as proof of one’s identity.

- A member of the polling board finds the voter’s name on the polling place voter list, circles the number next to it, explains the voting procedure, and then gives the ballots to the voter. (Art. 74/70)
- No changes may be made to the polling place voter list on election day. (Art. 77/73)

Note: Since the polling board member must circle the number of the voter on the polling place voter list, and since no changes to the polling place voter list are permitted on election day, then one may assume that a citizen not found on the polling place voter list will not be permitted to vote. However, the laws do not address this issue.

- The polling board must ensure complete secrecy of the vote. (Art. 75/71)
- A voter may vote for only one candidate (for President or municipal councilor) or one candidate list (Chamber of Republics or Citizens). (Art. 76/72)
- The proper voting procedure is for the voter to circle the number next to the candidate's or candidate list's name. (Art. 76/72) However, a ballot is considered valid if the voter circles the name of the candidate or candidate list, the name of the first candidate on the candidate list, or all three. A ballot is considered invalid if it cannot be determined which candidate list was selected. (Art. 87/82)
- A voter may vote only once and only for him/herself. (Art. 62/58)
- Illiterate or disabled voters have the right to be accompanied by "a person" who votes for them. The manner in which this is done should be entered in the polling place records. (Art. 78/74)
- If voting is discontinued during the day for more than one hour, then voting will be extended for a similar period of time. (Art. 64/60)
- The polling place must open at 7.00 and close at 20.00. All voters at the polling place at the time of closing must be allowed to vote. (Art. 63/59)
- Members of the polling board and their deputies must be present at the polling place for the entire time that voting is being conducted. (Art. 61/57)

Note: The laws state that violation of many of the laws cited above under "Conduct of the Election" and "Polling Place Environment" will result in dismissal of the polling board and a repeat of the voting at that polling place. These include the laws that require: voting only for oneself; voting only once; voting in secret; voting on notarized ballots; and all members of the polling board remaining in the polling place while it is open. They also include laws that prohibit: use of cell phones and pagers; campaign propaganda near the polling place; on-duty police entering the polling place without invitation; and persons with no rights or responsibilities remaining in the polling place. (Arts. 62,65/58,61)

ABSENTEE VOTING AND VOTING OUTSIDE THE POLLING PLACE

- A voter who is unable to go to the polling place due to a disability or being "otherwise hindered," may vote by the following method:

- Two designated members of the polling board will take the voter a ballot, a “confirmation of voting rights” form, and two envelopes.
 - After marking the ballot and completing the confirmation form, the voter will place the ballot in one envelope, which will be sealed by the polling board members.
 - The ballot envelope and the confirmation form will be placed in the second envelope, which will also be sealed by the polling board members.
 - The polling board members will return the envelope to the polling place. If the confirmation form is valid, the voter’s number will be circled on the polling place voter list, and the envelope containing the ballot will be placed in the ballot box.
 - The manner of voting in this way will be recorded in the records of the polling board. (Art. 79/75)
- Voters who are in the military, merchant marines, or diplomatic missions vote at special polling places set up on their base, ship, or mission. The election commission must send special polling place voter lists and ballots to these sites. (One may assume that names on these special lists are deleted from the regular polling place voter lists, although the laws do not address this.) The ballots, enclosed in official envelopes, must be returned to the election commission. (Arts. 80, 84/76,79)
 - Voters who are still in FRY but away at school or work shall vote by absentee (postal) ballot. The polling board must send ballots to them which, after marking, they shall return to the polling board. (Art. 81/77)

Note: By law, ballots from voters described in the above two paragraphs must arrive at the polling board or election commission by 20.00 election day. However, an exception is made if long distances are involved; then they may arrive by 20.00 the day after the election. The laws do not address how such late ballots will be added to the vote count. (Art. 86/81)

- Voters who are temporarily residing abroad will vote at the polling board of their last residence in FRY. The laws do not address how this will be done. (Art. 83/78)
- Prisoners will vote by absentee ballot in their prisons. The election commission will send special polling place voter lists along with ballots to the appropriate prisons. The voted ballots will be put in official envelopes, but the law does not state to whom or how these ballots will be returned – only that the Federal Election Commission shall issue more detailed rules. (Art. 85/80)
- Voters who are unable to vote at their normal polling place “due to justifiable reasons” will vote before special bodies authorized by the Federal Election Commission. (Art. 82,35/32a,77a) **It is believed that this provision is designed to address voters in Kosovo and Montenegro.**

COUNTING THE VOTES

- The results will be determined by each polling board at the polling place. (Art. 87/82)
- The polling board determines:
 - the number of voters who voted (based on the polling place voter list),
 - the number of unused ballots,
 - the number of used ballots,
 - the number of valid ballots,
 - the number of invalid ballots,
 - the number of absentee ballots, and
 - the number of votes for each candidate list or candidate. (Arts. 87,88/82/83)
- All the information above is entered on the polling board report, along with any comments from polling board members or candidate list submitters. (Art. 87/82)

Note: The law is unclear as to whether “candidate list submitters” refers to political party representatives who are members of the polling board, or observers from political parties. Art. 29/28 states that the functioning of election implementing bodies is public and then mentions candidate list submitters and “persons who follow the work of the election implementing bodies,” but it does not spell out the rights of such persons to observe the election inside the polling place.

- If the number of ballots (valid and invalid) is greater than the number of voters voting, then the polling board is dismissed and voting at the polling place is repeated. (Art. 88/83)
- A ballot is considered invalid if the ballot is not marked *or* it cannot be ascertained which candidate list or candidate was selected *or* more than one candidate list or candidate was circled *or* it was in an envelope from outside the polls that did not contain the “confirmation of rights” form. (Arts. 87,88/82/83)
- A copy of the polling board report must be displayed at the polling place for public viewing. Copies of the report must also be given to the representatives of the four political parties or candidates who received the highest number of votes. (Art. 88/83)
- The polling board must submit to the election commission by 14.00 the day after the election:
 - its report,
 - the polling place voter list
 - all unused and used ballots, separately,
 - all valid and invalid ballots, separately, and
 - all other election materials. (Art. 89/84)

Note: The law is unclear as to which election commission or commissions these materials are to be forwarded. It is believed that they will be forwarded to the appropriate electoral unit election commission, of which there is one for each of the 27 electoral units used in electing the Chamber of Citizens.

- The election commission must determine the results from all polling places within its electoral unit and forward its report of all relevant election statistics to the Federal Election Commission by 20.00 on the Wednesday after the election. (Art. 90/85)
- From the conclusion of voting to the announcement of results by the Federal Election Commission, the election commission shall announce provisional results for its electoral unit through the mass media. (Art. 97/92)
- The Federal Election Commission must announce final results within 24 hours of receiving reports from the election commissions. At the latest, this would mean 20.00 on the Thursday after the election. (Art. 97/92)
- Political parties and candidates have the right to inspect all election materials, including ballots and polling place voter lists, within five days of the election. (Art. 70/66)

PROPOSED OBSERVATION SCHEDULE

It is important that you get a good picture of what is going on at each polling place you visit. You cannot get this in a ten-minute visit. In general, you should expect to stay about 45 minutes at each polling place. If the polling place is especially busy or you think that questionable activities are happening, you may need to stay longer. Likewise, if you are at a small polling place with very few voters, you may wish to stay for a shorter period.

Plan to **be** at your first polling place **no later than 6.30**. If you arrive before the polling board members, that is good! Then you will see everything from the beginning.

Below is a proposed schedule for you for the day. By this schedule, you will visit 10 polling places. No one is expected to follow this schedule exactly, but please try to visit no fewer than 8 nor more than 12 polling places.

15 minutes is allowed between each visit for travel time. Under this proposed schedule, you will complete the day at the same polling place where you began it.

Note: If there is a major change in the observation plan (for example, working in shifts), your group leader will inform you of the change.

6.30 - 7.30	Polling Place #1	14.15 - 15.00	Polling Place #7
7.45 - 8.30	Polling Place #2	15.15 - 16.00	Polling Place #8
8.45 - 9.30	Polling Place #3	16.15 - 17.00	Polling Place #9
9.45 - 10.30	Polling Place #4	17.15 - 18.00	Polling Place #10
10.45 - 11.30	Polling Place #5	18.00 - 19.15	Rest
11.45 - 12.30	Polling Place #6	19.30 - End of Count	Polling Place #1
12.30 - 14.00	Rest		

SERBIAN ELECTION OBSERVER'S BRIEFING MANUAL

1. Role of the Observer

Your role as an international observer is to provide a clear international presence at the polling places, to observe the electoral process as it takes place, and to make an informed assessment of the conduct of the election. Your role is unique. Your assessments will be an important part of the international community's evaluation of the freeness and fairness of the election.

Election observation is more than just a technical exercise. An election is a celebration of human rights, especially the right to freely choose the representatives of one's government (Article 21 of the Universal Declaration of Human Rights). Just by your presence and visibility, you may contribute to preventing violations of human rights associated with elections.

The questions that you will be answering on the observation checklists are all designed to address the following questions:

- Are polling board members conducting the voting and counting according to the law?
- Are voters free from intimidation and threats and are their votes secret?
- Is the voting process free from fraud?
- Is the counting process free from fraud?

2. Code of Conduct for Observers

Observers must conduct themselves according to the following fundamental principles for election observation:

- Observers must wear their official accreditation from the Government of the Federal Republic of Yugoslavia (if issued) at all times when they are inside polling places, outside polling places, or in transit between polling places.
- Observers must be non-partisan and neutral and must never express any bias or preference toward parties, coalitions or candidates.
- Observers must recognize and respect the sovereignty of the host country and not interfere in the internal jurisdiction of the host country.

- Observers must not display or wear any partisan symbols, colours, or banners.
- Observers must not interfere in the election process at the polling places. Observers should never offer advice or direction to polling board members. Observers should never talk to voters inside the polling place. Observers should never handle election materials.
- Observers must be comprehensive in their review of the election, considering all relevant circumstances.
- Observers should refrain from making **any** personal comments about the conduct of the election to the media and should limit their remarks to **general** information about the nature of their activity as observers.
- Observation of the electoral process must be transparent.
- Observation of the electoral process must be accurate.

3. What to Bring

To observe the voting and counting procedures, bring with you:

- Any accreditation badges or documents that have been issued;
- Your passport and other identity cards;
- all observer checklists and a writing utensil;
- this manual; and
- snacks and refreshments.

4. What to Do

When you arrive at each polling place, introduce yourself to the polling board chairman and other board members. Show them your accreditation. *If possible*, find out to which parties or coalitions each of the board members belongs.

Sit or stand to the side of the polling place, ensuring that you do not cause any obstruction to the voting process, but making sure you can clearly see the process.

If, for any reason, the polling board chairman directs you to leave, then *leave*. Make sure that you document this on your checklist or your serious incident report.

Do not talk to voters inside the polling place. If you wish to talk with them, leave the polling place and talk with them outside. If there are any other observers, you also should talk with them only outside the polling place.

If you see a problem with the process, do *not* bring it to the attention of the polling board; instead, make note of it on your checklist. Do not interfere with the process. Remember, you are only there to observe.

Do not, under any circumstances, use your cell phone inside the polling station!

5. What to Look For During the Voting

This is not a normal election. Therefore, some of the things that are important to look for during a “normal election,” are not quite so important here. You should be less concerned with trivial procedural mistakes, and more concerned with fraudulent activities.

Many, but not all, things you should look for are included in your checklist questions. If you see some activity that you consider questionable, please make a note of it on your checklist, even if there is no specific checklist question about it.

All of the checklists ask you to report whether there were opposition party members on the polling board. This is important information but sometimes may be difficult to obtain. Do your best!

It is important that you know the procedures in the FRY election law that relate to opening the polls, conducting the vote, and counting the ballots. Before election morning, please be sure to read the sections of the “Highlights of the FRY Election Laws” that describe these procedures.

Opening the Polls *(Please refer to Checklist A.)*

At your first polling place in the morning:

Try to get a count of the number of voters on the polling place voter list, even if the polling board chairman does not announce it.

Be sure to observe whether the polling board chairman showed the empty ballot box to those in the polling place before the first voter is allowed to vote.

If the polling place did not open on time, was the early or late opening due to minor technical difficulties or did it appear that some questionable activity was occurring?

During the Day

Observe whether there are any things (such as campaign propoganda) or people (campaign workers, army, police, etc.) in or around the polling place that would influence or intimidate voters.

Talk to party observers, domestic observers, and, if possible, polling board members to determine if anything fraudulent or intimidating has occurred during the day at the polling place. Be careful! Use your judgment as to whether incidents reported are speculation, rumors, or real occurrences. Please try to verify such reports through your own observation and/or by asking others who may have observed such incidents.

In some circumstances you may wish to talk to a voter. If so, **you must do this outside the polling place!** Be very careful -- someone may say you are intimidating voters -- and use your judgment as to whether the voter is telling you about a real occurrence.

You may wish to visit one or more party headquarters during the day to gain information from party workers on any incidents or expected trouble. This is fine, but make sure that it does not interfere with you getting to your minimum number of polling places.

In the pre-election period, there have been many reports of fraudulent activities that are expected on election day. Some but not all of these are listed on your checklist. Some are difficult, and perhaps impossible, to observe but do your best. The questions below cover some of these types of fraudulent activity:

Are people that are not on the polling place voter list being permitted to vote?

Are people that have already voted returning to vote again or are they voting in more than one polling place?

Are people that appear to be on the polling place voter list and appear to have acceptable identification being denied their right to vote?

Are people walking into the polling place with marked ballots and/or coming out with blank ballots?

Are polling board members adding or deleting names on the polling place voter list?

Are polling board members "suggesting" to voters which party they should vote for?

Are there many instances of voters being permitted to vote without showing identification?

Are opposition party members of the polling board being "called out" of the polling place for suspicious reasons?

Are polling board members assigned to take ballots to sick and disabled voters fulfilling an exceptionally large number of such requests?

Were there people in the polling place that had no legal reason to be there?

Was there any evidence of sudden and unexplainable sharp increases in the number of voters voting? Was turnout questionably high?

When the Polls Close *(Please refer to Checklist B.)*

In many cases, the most blatant election fraud happens after the polls close and the voters are gone. This is when you will be most tired – but when you must be most alert!

Your "Proposed Observation Schedule" suggests that you return to monitor the closing and counting at the polling place where you began in the morning. This is not mandatory. However, if you were able to obtain the number of blank ballots and voters on the polling place voter list in the morning, then it is helpful to be able to compare those figures with the number of used ballots and voters voting by the evening.

First, you will observe whether the polling place was closed properly. Did the polling place chairman keep the polling place open late because he knew certain

“friends” were still coming to vote? Or, were people in line at the appropriate closing time (20.00) turned away even though the law gives them the right to vote? Also, please remember – if the polling place was closed during the day for over one hour, the law mandates that it must stay open for a similar period of time beyond the normal closing.

It is extremely important that **all** polling board members be permitted to participate in the counting process. Please note whether the members from the opposition parties are present. It is also important that the room where the votes are counted be free of unknown and unauthorized people who have no business there.

Before the ballot boxes are opened, the polling board should count the number of voters voting by counting the numbers circled on the polling place voter list. The board should also count the number of unused ballots and securely store them. Were both these steps done properly?

When the ballot boxes are opened, pay close attention to the following:

- Were there any bundles or stacks of marked ballots? If so, these were obviously not put in the boxes by “normal” voters.
- Were the boxes opened and emptied one at a time or were they all dumped on the table together?
- Were the unused ballots counted and secured or were they left open and near to the marked ballots?
- Was the table where the marked ballots were placed free from coverings, marking utensils, etc.?

The polling board must separate valid and invalid ballots. The law is fairly specific about how the polling board determines if a ballot is valid or invalid. Basically, if only one candidate or party is marked, and it is clear for which candidate or party the voter voted, then the polling board should count it. Is the polling board following these procedures correctly?

When the counting of ballots is complete, the polling board must determine if the number of marked ballots (both valid and invalid) is not greater than the number of voters who voted. If they are, then the law mandates that the election in that polling place is invalid and that it must be held again. Please watch carefully for any indication that extra ballots were added in order to intentionally invalidate the election.

When the election board report (often called the “protocol”) is prepared, you should watch for several things:

- Did all the polling board members sign the report? If someone refused to sign, what was the reason?
- Were the results accurately recorded on the report?
- Were **all** copies of the report signed? Were there any blank copies that polling board members were forced to sign?

When the report is complete, be sure that it is distributed correctly:

- **Was a copy of the completed report posted outside the polling place?**
- Were copies given to representatives of each of the four top vote-getters?

You should write down on a piece of paper the important statistics from the report: the number of voters voting, the number of valid and invalid ballots, and the counts for each presidential candidate.

Finally, you must observe what happened with the election materials and the official report. They must be taken to the electoral unit election commission by 14.00 the next day. If they are taken home (or to another location) by the polling board chairman, please make note of where they were taken. If they are taken to the election commission immediately after the counting is completed, you should – in your own auto – accompany the auto that is delivering the results. Be sure to note any questionable activities along the way:

- Did opposition party polling board members accompany the auto carrying the election materials?
- Did any questionable people get in the auto while it was en route?
- Did the auto stop anywhere along the way that might be questionable?
- What happened when the auto arrived at the election commission? Did the person with the report go immediately inside?
- Were there questionable people milling around the election commission?

At this point, your election day work is done.

Good luck!

6. Serious Incidents

You may encounter a serious incident. This may be a riot, an action that closes a polling place, a serious fight in the polling place, a massive incident of fraud, or something else. You must use your judgment as to what is a “serious incident.”

The purpose of the serious incident report is to write down a full description of the incident while it is fresh in your mind. It is important to note whether you actually saw the incident or it was reported to you.

Be careful and objective in what you write. The report you write may be used in any investigation of the incident.

While you will be given several Serious Incident Report Forms, we hope that you will not have to use them!

Note on Tabulation Observation Checklist

There will be five special teams that will be stationed at selected election commissions to observe the collection and aggregation of the individual polling place protocols. **Checklist C is only for those special teams**, but it is included in the manual so that all observers will be aware of the information these teams will be collecting.

A POLLING PLACE OBSERVATION CHECKLIST

Team _____ Time: _____
 Polling Place Name/ No. _____ No. of Registered Voters _____
 Election District _____ Municipality _____

A1. Did the polling place open on time? Yes No
 ⇒A1a. If no, why not? _____

A2. Are you allowed inside the polling place? Yes No

A3. Have you been harassed at or in the polling place? Yes No

⇒A3a. If yes, by whom?

- a. police b. army c. party officials
- d. polling board members e. unidentified persons
- f. other (specify)

A4. Have you observed or received credible reports of any closing of the polling place during the day? Yes No

A5. Are DOS and/or SPO representatives present on the polling board? Yes No

⇒A5a. If yes, did they report any serious incidents or fraud to you? Yes No
 Yes No If yes, describe: _____

A6. Are any domestic observers present? inside outside No

⇒A6a. If yes, did they report any serious incidents or fraud to you? Yes No
 Yes No If yes, describe: _____

A7. Have you seen any evidence of intimidation of voters? Yes No
 A7a. If yes, by whom? (Use letter keys in A3a.)

A8. Do you see any party propaganda too close to the polling place (within 50 meters)? Yes No

A9. Have you seen any evidence of fraud in the balloting? Yes No
 ⇒A9a. If yes, in which of the following categories:

- a. unregistered persons voting e. registration list manipulation
- b. repeat or multiple voting f. directed voting
- c. denial of registered voters g. voting without ID
- d. ballot manipulation (specify) h. other (specify)

A10. Any other significant observations? _____

B POLL CLOSING AND COUNTING CHECKLIST

Team _____ Time: _____
Polling Place Name/ No. _____ No. of Registered Voters _____
Election District _____ Municipality _____

- B1. Did the polling place close on time? Yes No
⇒B1a. If not, when and why not? _____

- B2. Are you allowed inside during the counting process? Yes No
- B3. Are DOS and SPO polling board members present? Yes No
⇒B3a. If yes, did they report any serious incidents or fraud to you? Yes No If yes, describe: _____

- B4. Are domestic observers present? inside outside No
⇒B4a. If yes, did they report any serious incidents or fraud to you? Yes No If yes, describe: _____

- B5. Is the polling place secure and free from unauthorized persons during the counting? Yes No
- B6. Is the polling board properly counting the number of voters who voted **and** the number of unused ballots? Yes No
- B7. Are unused ballots properly secured? Yes No
- B8. Is the polling board properly identifying **invalid** ballots? Yes No
- B9. Is the polling board properly counting **valid** ballots? Yes No
- B10. Are results being entered properly on the report form? Yes No
- B11. Was a report form copy posted outside the polling place? Yes No
- B12. Were copies provided to appropriate party representatives? Yes No
- B13. Did you accompany polling board members and witness delivery of the materials/report to the election commission? Yes No

B14. Report here any significant observations and indications of mishandling or unauthorized access to the materials: _____

C TABULATION OBSERVATION CHECKLIST

Team _____ Time: _____

Election District _____ Total Registered Voters/Valid Votes _____

- | | | | |
|------|---|-------|----|
| C1. | Are you allowed inside the election commission? | Yes | No |
| C2. | Are DOS and SPO members present?
⇒B3a. If yes, did they report any serious incidents or fraud to you? Yes No If yes, describe: _____

_____ | Yes | No |
| C3. | Are domestic observers present?
⇒B4a. If yes, did they report any serious incidents or fraud to you? Yes No If yes, describe: _____

_____ | Yes | No |
| C4. | Is the election commission secure and free from unauthorized persons, or indications of intimidation? | Yes | No |
| C5. | At what time did the first deliveries of reports and election materials arrive at the election commission? | _____ | |
| C6. | When did the bulk of the reports come in? | _____ | |
| C7. | Is the election commission able to process the polling board members and their reports in an orderly manner? | Yes | No |
| C8. | Have you seen any indication of manipulation of the reports by polling board members prior to delivery? | Yes | No |
| C9. | Is the election commission processing receipt of the reports and election materials according to regulations? | Yes | No |
| C10. | Is the election commission entering the data accurately on its accounting forms or computer system? | Yes | No |
| C11. | Have you seen evidence that any reports have been altered ? | Yes | No |
| C12. | Have you seen any evidence of unexplained reports or data being entered into the totals? | Yes | No |
| C13. | Has the election commission completed its own report according to regulations? | Yes | No |

C14. Report any significant observations here: _____

Index of Serbian Municipalities and Election Units

Municipality	Electoral Unit	Municipality	Electoral Unit
Ada	6	Gnjilane	26
Aleksandrovac	22	Golubac	15
Aleksinac	24	Gora	24
Alibunar	7	Gornji Milanovac	20
Apatin	8	Grocka	2
Arandjelovac	16	Indjija	11
Arilje	19	Irig	11
Babusnica	23	Istok	24
Bac	10	Ivanjica	20
Backa Palanka	10	Jagodina	17
Backa Topola	5	Kacanik	26
Backi Petrovac	9	Kanjiza	6
Bajina Basta	19	Kikinda	6
Barajevo	4	Kladovo	18
Batocina	16	Klina	24
Becej	10	Knic	16
Bela Crkva	7	Knjazevac	18
Bela Palanka	23	Koceljevo	13
Beocin	9	Kosjeric	19
Blace	24	Kosovo Polje	26
Bogatic	13	Kosovska Kamenica	26
Bojnik	25	Kosovska Mitrovica	24
Boljevac	18	Kovacica	7
Bor	18	Kovin	7
Bosilegrad	26	Kraljevo	21
Brus	22	Krupanj	12
Bujanovac	26	Krusevac	22
Cacak	20	Kucevo	15
Cajetina	19	Kula	8
Cicevac	22	Kursumlija	24
City of Kragujevac	16	Lajkovac	12
City of Nis	23	Lapovo	16
City of Novi Sad	9	Lazarevac	4
City of Pristina	26	Lebane	25
Coka	6	Leposavic	24
Crna Trava	25	Leskovac	25
Cukarica	4	Liljpan	26
Cuprija	17	Ljig	12
Decani	24	Ljubovija	12
Despotovac	17	Loznica	13
Dimitrovgrad	23	Lucani	20
Djakovica	24	Majdanpek	18
Doljevac	24	Mali Ilos	5
Gadzin Han	23	Mali Zvornik	13
Glogovac	26	Malo Crnice	15

Medvedja	25	Sopot	4
Merosina	24	Srbica	24
Mionica	12	Srbobran	10
Mladenovac	2	Sremska Mitrovica	11
Negotin	18	Sremski Karlovci	9
Nova Crnja	6	Stara Pazova	11
Nova Varos	19	Stari Grad	1
Novi Becej	6	Stimlje	26
Novi Beograd	3	Strpce	26
Novi Knezevac	6	Subotica	5
Novi Pazar	21	Surdulica	26
Novo Brdo	26	Suva Reka	24
Obilic	26	Svilajnac	17
Obrenovac	4	Svrljig	23
Odzaci	8	Temerin	10
Opovo	7	Titel	10
Orahovac	24	Topola	16
Osecina	12	Trgoviste	26
Palilula	1	Trstenik	22
Pancevo	7	Tutin	21
Paracin	17	Ub	12
Pec	24	Urosevac	26
Pecinci	11	Uzice	19
Petrovac	15	Valjevo	12
Pirot	23	Varvarin	22
Plandiste	7	Velika Plana	14
Podujevo	24	Veliko Gradiste	15
Pozarevac	15	Vitina	26
Pozega	19	Vladicin Han	26
Presevo	26	Vladimirci	13
Priboj	19	Vlasotince	25
Prijepolje	19	Vozdovac	2
Prizren	24	Vracar	1
Prokuplje	24	Vranje	26
Raca	16	Vrbas	10
Rakovica	4	Vrnjacka Banja	21
Raska	21	Vrsac	7
Razanj	24	Vucitri	24
Rekovac	17	Zabalj	10
Ruma	11	Zabari	15
Sabac	13	Zagubica	15
Savski Venac	1	Zajecar	18
Secanj	6	Zemun	3
Senta	6	Zitiste	6
Sid	11	Zitoradja	24
Sjenica	19	Zrenjanin	6
Smederevo	14	Zubin Potok	24
Smederevska Palanka	14	Zvecan	24
Sokobanja	18	Zvezdara	2
Sombor	8		

Appendix 2
Press Statements by BAFECR, PDA, and SDI

Press Release: *Statement by the Slovak Democratic Initiative (SDI)*

***Three Slovak Observers forced to leave Yugoslavia and
54 Election Monitors Stuck in Szeged***

*Belgrade-Szeged, September 24, 2000
For Immediate Release*

*For more information please contact:
SDI, Bratislava, Marian Gabriel, 00421 905 640 175*

Three representatives from the Slovak Democratic Initiative (SDI), a coalition of three Slovak NGOs: Civic Eye, Memo '98 and the Slovak Foundation for Civil Society (NOS), were expelled from Yugoslavia as a team of 54 election monitors have been left waiting in Szeged, on the border between Hungary and the Federal Republic of Yugoslavia (FRY).

The Slovak Democratic Initiative officially submitted its request to observe today's elections in the Federal Republic of Yugoslavia on September 19, 2000. Simultaneously, it recruited and trained 54 election observers in preparation for its mission. The three NGO representatives expelled from Yugoslavia were conducting a pre-electoral assessment of FRY and ensuring logistical preparations for the arrival of SDI's election monitoring delegation.

While its recent election monitoring missions to the Ukraine, Croatia, Bosnia and Herzegovina, Montenegro and Kyrgyzstan, along with its current Yugoslav initiative confirms the growing role of Slovak NGOs in the promotion of free and democratic elections in Central and Eastern Europe and the Balkans, SDI regrets to report that as of today, it has received no response from the Yugoslav Government regarding its request for observer status.

As delegations from Slovakia, Romania and Bulgaria continue to demonstrate their commitment to democratic development in the region, the Yugoslav Government headed by President Slobodan Milosevic persists in rejecting observers from the region. Indeed, SDI, Pro Democracy (Romania) and BAFE (Bulgaria) now join the ranks of the OSCE and the EU as international organizations for whom access to the Yugoslav elections was denied.

Instead, the Yugoslav State-run media report that Milosevic's government has hand-picked 210 foreign observers from 52 countries to act as monitors in Belgrade. All come from Parliaments, political parties and selected institutions, a practice contrary to the spirit of the 1990 OSCE Copenhagen Document and international standards which call for elections to be monitored by non-partisan observers.

Under these circumstances, SDI must raise serious concerns about the good faith demonstrated by Yugoslav officials in the lead-up to today's elections. Peter Novotny (one of representatives forced to leave Yugoslavia), Project Coordinator with the

Civic Eye, expressed his hope that "domestic observers such as CeSID and Yugoslav voters, will not fall victim to the kind of harassment experienced by our advance team in recent days."

"Despite our frustration at Belgrade's refusal to acknowledge our request," added Marian Gabriel, Executive Director of Civic Eye, "it is time for us to assure our Yugoslav partners that they can count on our support."

Appendix 3
Media Reports

PRESS COVERAGE September 26, 2000

“DUMA” Daily

BAFE ACTIVISTS BEATEN BY POLICE IN NISH

BAFE reported police violence over some activists of the association, during their private visit to Nish on Sunday. The people were held by the police for 7 hours where they were beaten and thrown out of Yugoslavia. BAFE will thoroughly research the incident and will make an official statement. Mobile phones, money and some valuables were taken away from the activists, while their car was taken apart.

BAFE was not allowed as an observer of the elections in Yugoslavia. A day before the elections, BAFE had not received an official answer from the yugo authorities for participation of the associations activists as observers. BAFE had then said that this is a quiet refusal.

“STANDART” Daily

SOFIA REQUESTS AN EXPLANATION FROM THE YUGOSLAVIAN EMBASSY

The Bulgarian Foreign Ministry insisted that the Yugoslavian official authorities grant the correspondent of the Bulgarian national Radio Ivialo Vassilev a one year permit to remain in Belgrade. The accreditation term of the journalist in FRY is 12 months. This is the position expressed by deputy foreign minister Marin Raikov yesterday during his meeting with the plenipotentiary of the FRY Embassy in Sofia Danko Prokic. Marin Raikov also confirmed the decision of the Bulgarian Foreign Ministry to apply the same measures concerning the leave to remain in the country of the Yugoslavian correspondent of TANUG in Bulgaria. Marin Raikov has requested an explanation concerning the incident on September 24, 2000 when Serbian police beat representatives of Bulgarian NGOs and of the state administration and threw them out of the territory of FRY.

“DEMOCRACY” Daily

OBSERVERS FROM BAFE THROWN IN JAIL IN NISH

There are serious suspicions concerning manipulations of the lections and violations during the election day on Sunday in neighboring Yugoslavia. This was announced yesterday by BAFE. The governing party had used its force structures so as not to allow foreign journalists and observers to observe the elections. The Yugoslavian authorities had not granted accreditation to any NGO. The statute of local observer was granted only

to the local CFED, but that statute was taken away the minute the election day was over and the activists have been subjected to violence and threats.

BAFE representatives which were in Yugoslavia as tourists during the weekend, were arrested and thrown in jail in Nish and beaten. The mobile phones of the activists was taken away and their cars taken apart. Early in the morning on Monday the activists were thrown out of FRY. The director of BAFE Anton Hidjiov promised, that the association will come out with a declaration against the brutal violation of civil rights by Miloshevic's people.

“TRUD” Daily

BULGARIAN OBSERVERS ARRESTED IN NISH

Activists of BAFE were arrested by the police in Nish. This was announced for journalists by Anton Hidjov from BAFE. The activists went to Nish on Sunday. There they were detained for 7 hours, after which they were thrown out of the country. BAFE was not allowed to observe the elections in Yugoslavia. BAFE had sent a letter to the FRY Embassy in Sofia asking for accreditation of 50 volunteers to be present at the voting. By Saturday the organisation had not received an answer. BAFE stated that that was a quiet refusal. The actions of Belgrade make one think that the governing party wants to cover up the violations during the elections.

In the meantime during Sunday evening, an International centre was working from the National Palace of Culture. This centre was conducting parallel counting of the elections in Yugoslavia. The centre was organized by the Political academy for Central and South East Europe. Journalists were waiting for a telephone call from Voislav Koshtunitsa, but at 2am it became clear that such a phone call will not be made.

Earlier contact was made with the leader of the Democratic party Zoran Dzindzic. The conversation was conducted mainly by the deputy director of UDF Dimitar Abadziev. The organizers willfully left the questions to the journalists which were given in written form. The organizers cut out a question and a half from a total of two of the reporter from “Trud” daily.

“I wouldn't say that the euphoria is big. During the entire day there were two critical moments. The first was whether our controllers will manage to do their work, and the second – whether the young will come out to vote. These moments were favorably solved and that is when we knew we were winning”, said Dzindzic.

“24 HOURS” Daily

SERBIAN POLICE BEATS BULGARIAN REPRESENTATIVES from BAFE. This happened on Sunday in Nish, where they were on a private visit. The Bulgarians

were detained and beaten for 7 hours at the police, after which the representatives were thrown out of Yugoslavia. This was confirmed by BAFE. Mobile phones, valuables and money was taken away from the activists and their car was taken apart.

Our Ministry of Foreign Affairs protested concerning this case before the Yugoslavian plenipotentiary in Sofia Danko Prokic. Our Ministry of Foreign affairs demanded an explanation. Yugoslavia did not permit volunteers from BAFE to observe the elections.

Yugoslavia bars Romanian election observers

BUCHAREST, Sept 23 (Reuters) - Serbian border guards turned back a Romanian group who planned to monitor the Yugoslav elections on Sunday, a leader of the group said on Saturday.

Constantin Pirvulescu told state radio 55 members of the Pro Democratia group were denied entry to Serbia on Saturday.

"We were asked to leave Serbian territory immediately. We were prevented from acting as observers of the elections. This is an abuse," Pirvulescu said.

Romanians do not normally need visas to enter Yugoslavia which is holding presidential and parliamentary elections, and local elections in Serbia, the dominant Yugoslav republic.

Relations between Bucharest and Belgrade grew bitter this week after Yugoslav Information Minister Goran Matic said current military exercises in Romania with troops and planes from eight NATO countries were in preparation for a NATO-led invasion in Yugoslavia after the elections.

Matic said the Serbian opposition planned to call on the troops for help when "they face disaster in the polls, after which conflicts in Yugoslavia would escalate into a civil war."

Bucharest denied the allegation, saying the war games were testing Romanian forces' inter-operability with NATO forces.

Romania supported NATO during its air war against Yugoslavia last year to halt Serb repression in the mainly ethnic Albanian province of Kosovo.

07:33 09-23-00

Appendix 4
Election Legislation

Extraction from the Law on local government related to the local elections.
Unofficial translation

Chapter five

Election of council member for the municipal council

1. Basic regulations

Article 120.

Council member of the municipal council (in further text: council member) are elected according to action and manner determined with this law as well as other municipal acts.

Council member are elected every four years.

Elections for council member must be conducted within 30 days before termination of elapsing mandates of council member.

During the state of war municipal council can extend mandat of council member for the lengtht of the state of war, or until conditions are met for conduction of elections.

Article 122.

Right to elect council member has every citizen of the Republic of Serbia, that is yugoslav citizen, who turned 18 years of age, has work ability and has residence on the terithory of election distrect in the municipality in which he implements his right.

For council member can be elected any citizen of Republic of Serbia that is Yugoslav citizen, who turned 18 years of age, has work abbility and has residence on the territory of the municipality in which he was nominated at least 6 months before elections are called.

Article 123.

Citizens elect council member according to free, general, equal and direct right to elect, by means of secret balot.

No one has right, under no basis, to hold the voter liable because of his vote as well as to demand from him to state his vote, or reason for vote or absence or to prevent him from voting.

Article 124.

Council member are elected in the election district determined by the municipal council deccission.

Election districts are determined so that within each election district approximately equal number of voters elects each council member.

Extraordinary from paragraph two of this article election districts can be determined in moutainous areas in the manner that the council member is elected with smaller number of voters in relation to other election districts.

In every election district one council member is elected.

Article 125

Council member can be person who is at the same time member of parliament.

Person employed at the municipal administration can not be member of municipal council at the same time.

On the day of verification of council member mandate employment of the employee of the municipal administration rests.

In the view of incongruous of council member function with conducting of other function, proffession or profesional duty, limitations in acordance with law determined for members of parliament are carried out.

Article 126.

The president of The Parliament calls elections for council members.

From the day the elections are called to the election day there can be neither less than 45 days can pass nor more than 90 days.

The Parliament can decide on government proposal to call for the erly elections for municipal council memebers in certain or all municipalities in the Republic.

With the deccission to call for the elections, election day is determined, as well as day of the beginning of countdown for the period of the election activities.

Deccission to call the election are anounced in " Sluzbeni list Republike Srbije".

2. Bodies for conducting of elections.

Article 127.

Bodies for conducting of elections are municipal election commission and polling boards.

Bodies for conducting of elections are self govern and independent in their work and they work according to the law and rules made according to the law.

They are liable to the forming body for their work.

All bodies and organizations are obligated to offer help to the bodies for conducting of elections and to forward all data necessary for their work.

Article 128.

Members of bodies for conducting of elections and their deputies can only be persons with right to vote, as well with residence on the territory of municipality.

Function of the members of the bodies for conducting of elections and their deputies' functions are terminated when they accept nomination for member of municipal council.

Article 129.

Municipal election commission works in permanent and extended session.

Municipal election commission works in extended session from the day of appointing, to the end of the elections.

Municipal election commission makes decisions with majority of votes in permanent, and extended session.

Article 130.

Municipal election commission in permanent session consists of president, and minimum four members appointed by municipal council – and one representative per proposer of the list of candidates, who nominated candidates for municipal council in at least two thirds of the municipal election districts.

Municipal election commission has secretary who is appointed by the municipal council. Secretary takes part in commission work without right to decide.

President, other members of municipal election commission and its secretary have deputies

President, his deputy and secretary can be a person with law degree.

Municipal election commission determines with decision, whom of the proposers of the lists of candidates meets all requirements for appointment of its representative to the extended session of this body, within 48 hours upon announcing of the lists of candidates for all election districts.

Proposer of the list of candidates appoints its representative to the municipal election commission within 24 hours upon delivery of decision from paragraph 5. of this article, after expiration of this period his right to appoint is terminated.

Municipal election commission determines its session within 24 hours upon period from paragraph 6. of this article is expired.

Article 131.

Municipal election commission:

- 1) Maintains lawful conduct of the elections for members of council.
- 2) determines polling stations with regard to the uniform distribution of voters among polling stations and to accessibility of the polling stations.
- 3) forms polling boards and appoints it's members.
- 4) instructs polling boards in regard to conducting of elections for council members.
- 5) regulates forms and organizes technical preparations for conducting of elections for council members.
- 6) determines whether the proposed lists of candidates are drafted and proposed in accord with rules for conducting the elections for council members.
- 7) determines and announces the lists of candidates for all election districts.
- 8) determines the number of ballots for each polling stations records them in the minutes and forwards them to the polling boards.
- 9) determines election results in election district and number of votes for each candidate.
- 10) determines and announces final election results for members of council.
- 11) submits report about conducted elections for council members to the municipal council.
- 12) forwards data about conducted elections and results of the elections for council members to the Republic body responsible for statistics immediately after end of the elections.
- 13) undertakes other actions determined by the regulations for council members elections.

In its work municipal election commission appropriately implements regulations and other acts of Republic election commission that are in connection with conducting of elections for Parliament.

Article 132.

Polling board works in permanent and extended session.

Election board in permanent session is consisted of president and minimum two members.

In regards to determining the structure of polling board in extended session, regulations within this law in regards to structure of municipal election commission are implemented, with additional requirement that proposer of the candidates who meets requirements to appoint representative to the municipal election commission, also nominated candidate in election district where polling board is formed.

President and members of polling boards have deputies.

Polling board is formed no latter than 10 days prior to the election day.

Proposer of candidates who does not have representative in polling board can appoint person to observe the work of polling board.

In event of simultaneous elections for council members, elections for representatives in chamber of Citizens in Federal assembly, or elections for members of parliament or elections for the President of The Republic, function of poling boards are undertaken by the polling boards appointed by respective bodies for conducting of the elections for federal representatives, member of parliament, or President of the Republic.

Article 133.

Polling boards directly undertakes elections, secures lawful conduct of elections and secrecy of ballot, determines election results at the polling station and undertakes other actions determined by law.

Polling board maintains order at the poling station during voting process.

Municipal election commission regulates detailed rules for the work of polling boards.

3. Nomination of candidates and lists of candidates

Article 134.

Candidates for members of council can be proposed, together or independently, by political parties and other political organizations (in further text: political parties), who are supported by minimum 30 signatures of the voters within election district.

Group of minimum 30 citizens –voters within election district can also nominate candidates for council members.

Voter can sign nomination of only one candidate in election district.

If voter signs nomination for more proposed candidates, valid is considered the signature on nomination submitted to the municipal election commission earlier.

One person can be candidate for only one proposer and in only one election district.

Article 135.

Nomination of candidates for council member is submitted to the municipal election commission on unique form that includes:

- 1) name of the proposer
- 2) name of the election district for which candidate is nominated
- 3) Name and surname of the candidate

If two or more political parties nominate candidate together, as name of the proposer all names of the political parties are stated or name agreed by proposers of nomination.

If the candidate is nominated by group of citizens, the name of proposer so states, proposer can determine the name that closer describes the group.

Nomination of candidates is submitted to the municipal election commission no later than 15 days before election day.

Together with the nomination of candidates to municipal election commission following documents must be filed:

- 1) certification of the election right, stating name and surname, date of birth and personal number of candidate.
- 2) written statement of acceptance for nomination for candidate from candidate.
- 3) certification of residence
- 4) certification of citizenship
- 5) signatures of required number of voters, that is determined by this law as requirement for nomination of candidates, on the form regulated by municipal election commission.

Municipal election commission will regulate form for collection of the needed signatures.

Article 136.

Municipal election commission determines with no delay, and no later than 24 hours upon receiving the nomination for candidates for council members, if the nomination is submitted on time and filed in accordance with this law.

In the event that municipal election commission finds that nomination is in disaccord, it will with no delay and in the period no longer than 24 hours make conclusion that will obligate proposer to correct disaccord stated in conclusion, no later than 48 hours upon its receipt.

In the event when proposer of nomination does not act under regulations from the paragraph 2. of this article, as in event when the nomination is submitted late, municipal election commission will decide to deny it within 24 hours.

Article 137.

When municipal election commission determines that nomination is filed on time and that is in accord, or that disaccords are corrected in required period, it will verify it with its decision no later than 24 hours upon submission, or corrections.

Decision about verification of nomination is forwarded to proposer without delays.

Article 138.

Municipal election commission will draft the list of candidates for every election district, which will include all candidates that are nominated according to the regulations provided by this law, no later than 5 days upon expiration of period for nomination of candidates

Surnames of the candidates on the list will be arranged under alphabetical order.

On the list of candidates next to the personal name of the candidate, mandatory stated is name of the proposer.

Article 139.

Municipal election commission publicly announces the lists of candidates, no later than following day upon verification.

Each proposer of candidates has right to conduct checks of all submitted nominations and additional documents, within 48 hours upon public announcement of lists.

Article 140.

Every candidate can abandon nomination no later than 15 days before the election day. Abandonment of nomination will be stated in writing to municipal election commission.

In the event of abandoning the nomination, death of candidate, or termination of voting right, proposer can submit new nomination no longer than 10 days prior to election day.

Proposer can revoke nomination no longer than 15 days prior to election day.

Article 141.

Citizens poses right to be informed about candidates.

4. Conducting of elections.

Article 142.

Municipal election commission is obligated to prepare election material in timely manner for every polling board, especially needed quantity of ballots, extraction from voter list, voting right certificates, unique official envelopes for voting, as well as minutes of work of the polling board forms.

Transfer of election material is undertaken 24 hours prior to election day.

Article 143.

Voting for council members is conducted at the polling stations.

Voting is conducted by means of ballot prepared and certified by municipal election commission.

Ballot includes:

- 1) indication that vote is for the election of council members.
- 2) name and indication of the election district.
- 3) ordinal number indicated before candidate's name.
- 4) name and surname of the candidate, in order determined on the list of candidates, with indication of proposer. Next to the name and surname of the candidate, other marks and indications can be placed which is determined by municipal election commission.
- 5) note stating that vote can be given to only one candidate by means of circling ordinal number preceding the name of candidate.

Article 144.

Voter can vote for whichever candidate named on the ballot.

Voter votes for only one candidate.

Vote is conducted by means of circling the ordinal number preceding the name of the candidate.

5. Determining of election results

Article 145.

Election results in election district are established by municipal election commission based on results from all polling stations within election district, that are recorded in regulated forms for minutes.

Polling board is obligated to forward the election material and the minutes from polling station no later than 18 hours following closing of polling stations.

After election material from polling stations is received, municipal election commission within 48 hours determines: total number of voters recorded in the voter list, number of voters turned out at the polling stations, number of voters that cast the ballot by mail, total number of ballots received at the polling stations, total number of unused ballots, total number of invalid ballots, total number of valid ballots and number of votes won by each candidate.

Article 146.

Candidate that wins majority of votes in election district is elected for the council member.

Article 147.

In the event that two or more candidates win equal and at the same time the largest number of votes within election district, elections in stated election district are repeated 15 days after the day of announcing of the results.

On runoff elections voting takes part only for candidates that won equal and at the same time the largest number of votes.

Candidate that wins majority of votes on the runoff elections within election district is elected for the council member.

In the event that two or more candidates win equal and at the same time the largest number of votes on the runoff elections within election district, elections are repeated 8 days after announcing of the results until one of the candidates win majority of votes.

Article 148.

Based on established results of the elections for council members within election districts, municipal election commission determines final results of the elections for Municipal council members.

Immediately after establishing the final results of the elections for council members, municipal election commission announces data about:

- 1) number of voters registered in the voters list
- 2) number of voters who voted on the polling station
- 3) number of voters who voted outside the polling station
- 4) total number of voters who voted.
- 5) number of received ballots
- 6) number of unused ballots
- 7) number of used ballots
- 8) number of invalid ballots
- 9) number of valid ballots
- 10) number of votes won by each candidate
- 11) candidates that won largest number of votes in each of the polling stations.

From the closing of polling station to the announcing of the final election results, by means of mass media municipal election commission announces provisional election results.

Article 149.

Municipal election commission issues the certificate to candidates that they are elected for the council member, in period within 24 hours after determining final election results.

Results of the elections are final when in every polling station candidate for council member that received majority of votes is determined, and when action for protection of the voting right determined with this law is exhausted.

If municipal election commission fails to issue the certificates, Election commission of the Republic within next 48 hours will issue them. Municipal election commission is obligated to place all election material necessary for issuing of the certificate on disposal for Election commission of the Republic, without delay.

6. Repeated and additional elections and termination of mandates

Article 150.

Repeated elections are conducted if municipal election commission or respective municipal court annuls the elections because of irregularities in conducting of elections.

If elections are annulled on one polling station, elections are repeated only on that polling station.

Municipal election commission makes decision on repeated elections.

Results of elections are determined after the end of repeated elections.

Repeated elections are carried out no later than 15 days from the day of annulment of the elections in the election district, or 7 days from the day of annulment of the elections at the polling station, in the way and under actions determined for conducting of elections.

The municipal election commission calls repeated elections.

Repeated elections are conducted with the same list of candidates determined for annulled elections, except when elections are annulled due to the irregularities in process of the nomination of candidates.

Article 151.

Additional elections are carried out if elections in certain election district have not been conducted or if mandate of council member is terminated before the end of his term, except in the case of early elections.

When reason for additional elections appears, president of municipal council will, within period of no longer than 30 days following the appearance, inform the president of the Parliament, who will in no later than 6 months from the day of receiving the information, make the decision to call for additional elections.

Additional elections are conducted according to regulations of this law that are valid for regular elections.

In the case when there is less than 6 months to the end of the term, additional elections will not be called.

Mandate of the council member elected on additional elections expires with the mandates of elected municipal council members.

Article 152.

Council member's mandate is terminated before the end of term:

- 1) with his resignation
- 2) with decision to call for early elections

- 3) if sentenced by court decision in effect to jail term of at least 6 months
- 4) if deprived from work ability by courts decision n effect.
- 5) after accepting job or function that is according to law, incongruous with function of council member.
- 6) after end of his residence on territory of municipality.
- 7) with termination of citizenship.
- 8) in case of death.
- 9) with termination of membership to the political party that nominated council member.

After resignation of council member, during first following meeting of municipal council, municipal council terminates council members mandate with decision effective with the date of resignation.

Mandate of the council member is terminated with the day of verification of mandates of newly elected members in case stated in paragraph 1. item 2) of this article.

If mandate of council member is terminated with appearance of the case from paragraph 1. item 3) trough 9) of this article, municipal council determines, during the first session following announcement, that mandate is terminated.

Term of the new council member lasts until expiration of council member term that expired.

7. Protection of the right to vote

Article 153.

Every voter, candidate for council member or proposer of candidates is entitled to protection of the right to vote, under the action determined with this law.

Article 154.

Voter, candidate for council member or proposer of candidates is entitled to file the complaint to municipal election commission due to irregularities in process of nomination and conducting of elections.

Complaint is filed within 24 hours from the day when decision is made, action is taken or mistake is made.

Article 155.

Municipal election commission will make decision within 48 hours from receiving the complaint and forward it to the plaintiff.

If municipal election commission accepts filled complaint, action in process of nomination of the candidates, election of council members will be canceled or election of the council member will be annulled.

Article 156.

Against decision of municipal election commission, complaint may be filed to the respective court within 24 hours upon receiving of decision.

Council session will make decisional complaint.

Municipal election commission is obligated to immediately forward, no later than 12 hours, all necessary data and documents to the court.

In process of protection of right to vote court implements appropriate regulations of the law that regulates administrative disputes.

Decision on complaint will be made no later than 48 hours upon receiving of complaint and documents.

Decision made in this process is final and in effect and no complaint for extraordinary reexamination of the court decision, nor request for repetition of process designated by Law on administrative Disputes can be filed against it.

Article 157.

If the court accepts the complaint, it will cancel the action in process of nomination of candidates or action in process of election of council member or will annul the election of council member.

If under the decision or complaint, action is canceled in process of electing the council member or election is annulled, municipal election commission is obligated to repeat appropriate action in election process, or to repeat the elections within period for repeated elections regulated with this law. Period is counted from the day the decision was made.

Article 158.

Municipal council is inaugurated within the period of 20 days from the election day.

Term of the council members begins with the day of verification of mandates.

Verification of mandates is conducted based on the certification of election to the municipal council and based on the report of municipal election commission on conducted elections.

On inaugural session of municipal council three person commission is formed who establishes accordance of the certifications of election to municipal council and the report of the municipal election commission on conducted elections.

Based on report from paragraph 4. of this article , person chairing inaugural session of the municipal council makes statement that municipal election commission submitted the report on conducted elections and that the certifications of election to the municipal council are in accordance with that report, by which mandate of new elected council members is verified.

Article 159.

In the case that elections within municipality are not conducted or in the case that after conducted elections municipal bodies are not inaugurated within period of 60 days from election day, Government forms municipal committee that conducts work of municipal council and municipal executive board until elections are conducted or until municipal bodies are inaugurated, and informs the President of the Parliament of such action.

In the case from paragraph 1. of this article the President of the Parliament will call for the new elections within one year the longest from the day when elections should have been conducted, or from the day of previously conducted elections. Term of council members elected this way last until termination of mandate of the council members elected on regular elections.

Article 160.

When elections are not conducted within all election districts, but elected is minimal number of council members for making of decisions and acts of municipal council determined by the statute of municipal council, council is inaugurated, for unfilled seats in the municipal council additional elections are called in accordance with regulations of this law.

8. Expenses for conducting of elections

Article 161.

Funds for conducting of elections and financing of election activities for the elections of municipal council members are provided in the budget of municipal council.

Funds for financing of election activities are distributed to the proposers of candidates in the way described with the act of municipal council.

All applications and actions are free off fees.

9. Implementation of regulations for elections of members of the Parliament

Article 162.

Regulations of the Law for election of the members of the Parliament (" Sluzbeni list RS", No. 79/92, 83/92, 53/93, 67/93, 90/93, 107/93, 48/94 and 32/97) about voter list, election material, appointing of the election commission and polling boards, informing the public about proposed candidates, ban on the length of election campaign and announcing of preliminary results or polls on election results, voting, determining and announcing of election results, exemption from the tax for funds paid for work of the persons working in bodies for conducting of elections, exemptions from fees for actions, applications and other documents in connection with conduction of elections and termination of mandates of the members of the Parliament and punishments , are appropriately implemented for the elections for municipal council members, if not regulated otherwise with this law.

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**OFFICIAL GAZETTE OF THE FEDERAL REPUBLIC OF
YUGOSLAVIA**
Monday, July 24, 2000
Belgrade
Number 32, Year IX

383.

On the basis of Article 96, subparagraph 2 of the Constitution of the Federal Republic of Yugoslavia, I

DECREE
**THE PROCLAMATION OF THE LAW ON THE ELECTION AND THE TERMINATION OF
MANDATE
OF THE FEDERAL PRESIDENT**

The Proclamation of the Law on the Election and the Termination of Mandate of the Federal President, is based on the [Law's] adoption by the Federal Assembly, at the session of the Chamber of Citizens on July 24, 2000, and the session of the Chamber of Republics on July 24, 2000.

Decree No. 249
July 24, 2000, Belgrade
President of the Federal Republic of Yugoslavia
Slobodan Milosevic, [signature]

THE LAW
**ON THE ELECTION AND THE TERMINATION OF MANDATE OF THE
FEDERAL PRESIDENT**

Article 1

This Law stipulates the requirements for the election, election procedures, and impeachment and resignation of the Federal President.

Article 2

The right to vote for the Federal President is granted to Yugoslav citizens who are 18 years old, fit to work, and residing in the territory of the Federal Republic of Yugoslavia.

Article 3

Persons eligible to be nominated for the Federal President are those who have been Yugoslav citizens at least ten years prior to the day of the nomination, who are 18 years old, who are fit to work, and who have been FRY residents for at least ten years prior to the day of the nomination.

The Federal Presidential candidate can be nominated by a political party, another political organization, or a group of citizens after collecting at least 25,000 voter signatures.

Article 4

The President of the Chamber of Citizens in the Federal Assembly schedules elections for the Federal President.

Article 5

In the procedure for the election and the termination of mandate of the Federal President, all functions of the election commission are performed by the Federal Election Commission in its permanent composition, formed on the basis of the Law on the Election of Federal Deputies to the Chamber of Republics in the Federal Assembly and the Law on the Election of Federal Deputies to the Chamber of Citizens in the Federal Assembly.

The Federal Election Commission may be expanded to include up to eight representatives of groups nominating the Federal Presidential candidate who have collected the highest number of voter signatures.

Article 6

The voter may sign a nomination for only one candidate.

The nomination of a Federal Presidential candidate is submitted to the Federal Election Commission at the latest 20 days before the scheduled election day, on a form which includes:

- 1) Name of the nominating group with the signature of the authorizing person.
- 2) Candidate's name, occupation, year of birth, and address.
- 3) Names, addresses, personal identification numbers of voters based on Article 3, Paragraph 2 of this Law.

The submitted nomination must include a certificate of Yugoslav citizenship of the candidate, a confirmation of the candidate's right to vote, candidate's written statement of acceptance of the nomination, and a certificate of the candidate's length of residency.

Article 7

The submitter of the nomination for Federal President may withdraw the nomination at the latest up to the day the list of Federal Presidential candidates is finalized.

Candidates may withdraw their statement of acceptance of the nomination up to the day the list of Federal Presidential candidates is finalized.

The nomination statement is submitted in writing to the Federal Election Commission.

Article 8

The Federal Election Commission, at the latest five days after the expiration of the deadline for nominating candidates, will finalize a list of Federal Presidential candidates which includes the name, occupation, year of birth, address, and the name of the nominating party for each of the nominated candidates in alphabetical order of their last names.

The Federal Election Commission publishes the list of Federal Presidential candidates in the "Official Gazette of FRY" and media outlets, at the latest the day following the finalization of the list.

Article 9

The Federal President is elected by a secret vote on a ballot which includes:

- 1) The seal and name of the Federal Republic of Yugoslavia.
- 2) An indication that the purpose for voting is the election of the Federal President.
- 3) The names of all confirmed candidates from the list of candidates cited in the established order, with an indication of the nominating group and an ordinal number preceding each name.

Article 10

The voter may vote for only one candidate on the ballot.

The voter circles the number preceding the name of the candidate of choice.

If the name of the candidate is circled on the ballot or if the ordinal number and the candidate's name are circled together, the ballot is valid.

An invalid ballot is an incomplete ballot, a ballot from which it cannot be ascertained which candidate was chosen, a ballot with several candidates circled, and a ballot which has a new candidate written in.

Article 11

When elections for federal deputies and the Federal President are held simultaneously, election boards, which are formed in accordance with the law stipulating the election of federal deputies, directly oversee both the voting for the Federal President and perform other duties in connection with that election at the polling place determined by the same laws.

Article 12

The Federal President will be chosen from the list of candidates on the basis of receiving the majority of votes cast.

If no single candidate, in the first round of voting, receives the necessary number of votes

determined in the previous Paragraph of this Law, a second round of voting will take place within two weeks of the first round.

Article 13

The second round of voting will either include the two candidates who won the highest number of votes, or several candidates who won an equal and at the same time highest number of votes in the first round of voting.

Article 14

In the second round of voting for the Federal President, the candidate who wins the majority of votes will be elected.

If two of the candidates from the second round of voting receive an equal number of votes, the entire procedure for the election of the Federal President will be repeated.

Article 15

Prior to assuming the duties of the office, the Federal President takes an oath of office before a joint session of both chambers of the Federal Assembly which reads as follows: "I swear to respect and implement the Constitution of the Federal Republic of Yugoslavia and the federal laws, to protect the sovereignty, independence, and integrity of the Federal Republic of Yugoslavia, to contribute to the realization of human and civil rights, and to execute my rights and responsibilities as a Federal President conscientiously and responsibly".

Article 16

The term of office of the Federal President expires prematurely in the event of death, impeachment, or resignation.

Article 17

The Federal President can be impeached by a decision of the Federal Assembly when the Federal Constitutional Court establishes that the President has violated the Constitution.

A proposal for the impeachment of the Federal President (hereafter: the proposal) must be submitted by at least half of the total number of federal deputies in both of the Federal Assembly Chambers.

The proposal is submitted to the presidents of the Federal Assembly Chambers and includes: a statement of purpose indicating that the proposal is for the impeachment of the Federal President, names of all the federal deputies and their signatures, citation of Constitutional regulations which federal deputies consider to have been violated, and an explanation of constitutional violations.

Upon receiving proposals which satisfy the requirements of Paragraphs 2 and 3 of this Article, the presidents of Federal Assembly Chambers pass an act verifying that the legal proceedings for the impeachment of the Federal President are initiated, and submit it for deliberation to the Federal Constitutional Court.

Article 18

The Federal Constitutional Court makes a decision on whether the Federal President violated the Constitution, at the latest three months after the submission of the proposal.

Federal Assembly sessions are convened at the earliest 15 and at the latest 30 days after the Federal Constitutional Court submits its decision.

Article 19

Both Chambers of the Federal Assembly decide on the impeachment of the Federal President in simultaneously held sessions, without holding a debate, by a secret vote.

Secret voting is conducted on a ballot which indicates that the purpose of the voting is for the impeachment of the Federal President, by circling the selection "for" in the left, or "against" in the right section of the ballot.

Voting for impeachment of the Federal President is conducted by a commission consisting of representatives of all deputy groups in both Chambers, chosen by heads of deputy groups.

Other procedural issues for voting on impeachment of the Federal President are established by the

deputies of Federal Assembly Chambers.

Article 20

The Federal President is impeached when a two-thirds majority of federal deputies in Federal Assembly Chambers vote for the impeachment.

If the Federal Assembly does not vote to impeach the Federal President, a new proposal may not be submitted prior to the expiration of six months.

The mandate of the Federal President is terminated on the day of the impeachment.

When the Federal Assembly impeaches the Federal President, the President of the Chamber of Citizens in the Federal Assembly is responsible for scheduling elections for the Federal President at the latest 60 days after the day of the impeachment.

Article 21

When the Federal President resigns, the resignation is submitted in writing to the presidents of the chambers of the Federal Assembly and the public is notified.

The mandate of the Federal President is terminated on the day of the submission of the resignation.

When the Federal President's mandate is terminated due to a resignation, the President of the Chamber of Citizens in the Federal Assembly is responsible for scheduling elections for the Federal President at the latest 60 days after the day of the termination.

Article 22

For all issues pertaining to the election and termination of the mandate of the Federal President which are not regulated by this law, the Law for the Election of Federal Deputies to the Chamber of Citizens in the Federal Assembly ("Official Gazette of the FRY", No. 57/93, 32/2000) is applicable.

Article 23

When this Law goes into effect, the Law on the Election and Dismissal of the Federal President ("Official Gazette of the FRY", No. 1/92, 10/92, and 23/93) goes out of effect.

Article 24

This Law goes into effect the day after it has been published in the "Official Gazette of the FRY".

384.

On the basis of Article 96, subparagraph 2 of the Constitution of the Federal Republic of Yugoslavia, I

DECREE

**THE PROCLAMATION OF THE LAW ON CHANGES AND ADDITIONS
TO THE LAW ON THE ELECTION OF FEDERAL DEPUTIES TO THE CHAMBER OF
CITIZENS IN THE FEDERAL ASSEMBLY**

The Proclamation of the Law on Changes and Additions to the Law on the Election of Federal Deputies to the Chamber of Citizens in the Federal Assembly, is based on the [Law's] adoption by the Federal Assembly, at the session of the Chamber of Citizens on July 24, 2000, and the session of the Chamber of Republics on July 24, 2000.

Decree No. 250

July 24, 2000, Belgrade

President of the Federal Republic of Yugoslavia

Slobodan Milosevic, [signature]

**THE LAW
ON CHANGES AND ADDITIONS
TO THE LAW ON THE ELECTION OF FEDERAL DEPUTIES
TO THE CHAMBER OF CITIZENS IN THE FEDERAL ASSEMBLY**

Article 1

The Law on the Election of Federal Deputies to the Chamber of Citizens in the Federal Assembly ("Official Gazette of the FRY", No. 57/93), Article 7, is changed to read as follows:

"Funds for holding elections are provided in the federal budget.

Funds for financing election activities are distributed to the submitters of election lists in proportion to the number of received mandates, in accordance with measures established by the Federal Election Commission."

Article 2

In Article 21, the number "60" is replaced by "45".

Article 3

Article 22, Paragraph 3, is changed to read as follows:

"The mandate is confirmed within 15 days of the publication of final election results."

Article 4

Article 25 is changed to read as follows:

"Election implementing bodies work both in a permanent and an expanded composition.

Election implementing bodies function on an expanded basis starting with the day of establishing the composition until the announcement of final election results.

Election implementing bodies make decisions based on a majority vote within permanent or expanded compositions."

Article 5

Article 30, Paragraph 1, is changed to read as follows:

"The permanent composition of the Federal Election Commission consists of the President, the Secretary, and seven members appointed by the Federal Assembly. The expanded composition includes up to eight representatives of election list submitters who nominated candidates for deputies in the member republic as a separate electoral unit, i.e., in at least two thirds of the electoral units in the member republic whose election lists are supported by the highest number of voter signatures, with the provision that the member republic has at least two representatives. The representative of the federal organization responsible for official statistics is appointed to the Federal Election Commission."

Paragraph 4 is changed to read as follows:

"Members of the Federal Election Commission and their deputies are appointed from ranks of the judiciary and eminent legal experts."

Article 6

Following Article 30, a new Article 30a is added, which reads as follows:

"Article 30a

The Federal Election Commission, in its permanent composition, is a unique body implementing direct elections for federal deputies in both Federal Assembly Chambers and for the Federal President."

Article 7

Following Article 32, a new Article 32a is added, which reads as follows:

"Article 32a

The Federal Election Commission has general oversight of election activities of all bodies implementing elections.

In fulfilling general oversight responsibilities from Paragraph 1 of this Article and Article 19 of this Law, the Federal Election Commission may designate a body to perform tasks not performed by a body established by this Law, or take direct responsibility for the performance of those tasks."

Article 8

Article 33, Paragraph 1, is changed to read as follows:

"The permanent composition of the election commission consists of the President, the Secretary, and seven members appointed by the Federal Election Commission. The expanded composition can include up to eight representatives of election list submitters who nominated at least three fourths of the deputy candidates from the total number of deputies being elected in that electoral unit, and whose election lists are supported by the highest number of voter signatures in the electoral unit."

Paragraph 2 is changed to read as follows:

"The President and members of the election commission and their deputies are appointed from the ranks of the judiciary and eminent legal experts."

Article 3 is deleted, and Articles 4, 5, and 6 become Articles 3, 4, and 5.

Article 9

In Article 34, Paragraph 1, subparagraph 4, the word "elects" is replaced by the word "appoints".

Article 10

In Article 35, after Paragraph 6, a new Paragraph 7 is added which reads as follows:

If simultaneous elections are held for the deputies in the Chamber of Republics in the Federal Assembly, deputies in the Chamber of Citizens in the Federal Assembly, and the Federal President, the function of election boards is assumed by the same election boards appointed by the authorized bodies for conducting elections. The election board is made up of one representative of election list submitters for both the Chamber of Republics and the Chamber of Citizens in the Federal Assembly, and the submitter of the nomination for the Federal Presidential candidate, who satisfies at least one of the requirements for entering their representatives into election boards, established by regulations for implementing those elections."

Article 11

In Article 36, Paragraph 3, the word "two" is added after the word "determines".

Article 12

In Article 38, following Paragraph 1, new Paragraphs 2 and 3 are added:

"The nomination representing a political party or a citizen group from Paragraph 1 of this Article may be only submitted by a person authorized by that political party or citizen group.

The nomination representing a coalition of parties from Paragraph 1 of this Article may be only submitted by an authorized person."

Article 13

Article 39, Paragraph 2, is changed to read as follows:

"One election list may include at most the total number of candidates being chosen from that electoral unit, and at least half that number."

After Paragraph 2, a new Paragraph 3 is added, which reads as follows:

"An individual may not be simultaneously a candidate for a federal deputy in the Chamber of Republics and a deputy in the Chamber of Citizens, or a candidate for the Federal President, when those elections are held at the same time."

Article 14

In Article 46, Paragraph 2, following subparagraph 4, new subparagraphs 5 and 6 are added:

5) Candidate's certificate of Yugoslav citizenship.

6) Authorization of the person submitting the election list."

Article 15

In Article 49, following Paragraph 2, a new Paragraph 3 is added:

"Every election list submitter has the right, within 48 hours of the day of the announcement of the collective election list, to inspect all submitted election lists as well as all their supporting documentation."

In the final Paragraph 3, which becomes Paragraph 4, the number "15" is replaced by "20".

Article 16

In Article 51, Paragraph 2 is deleted.

Article 17

In Article 55, Paragraph 2 is deleted.

Article 18

In Article 58, following Paragraph 4, a new Paragraph 5 is added:

"The use of pagers, cell phones and other communications equipment is forbidden at polling places."

Paragraphs 5, 6, and 7 become Paragraphs 6, 7, and 8 and in the new Paragraph 7, the number "5" is replaced by "6".

Article 19

In Article 59, Paragraph 2, the period is replaced by a comma and the following words are added: "with the provision that the election board previously ascertains the number and identities of those voters."

Article 20

In Article 63, following Paragraph 3, new Paragraphs 4 and 5 are added:

"Ballots are printed at the same location on paper protected with a watermark.

The election list submitter submits to the Federal Election Commission the name of the person authorized to oversee the printing, counting, packing, and distribution of ballots to bodies authorized to conduct the election."

Paragraph 4 becomes Paragraph 6.

Article 21

In Article 70, Paragraph 1, the phrase "and submits the information on voting" is deleted.

Article 22

In Article 75, Paragraph 1, the words "its member" are replaced by the words "its members".

In Paragraph 2, the word "member" is replaced by the word "members".

In Paragraph 3, lines two and six, the word "member" is replaced by "members", and the words "he seals" by words "they seal".

In Paragraph 4, the word "member" is replaced by "members", and the words "he submits" by the words "they submit".

Article 23

Following Article 77, a new Article 77a is added:

"Article 77a:

Voters who on election day, due to justifiable reasons, are unable to vote at the polling place where they are registered, as well as voters who are unable to vote before an election board at that location, may vote at a location and before an election board determined in accordance with Article 32a of this Law."

Article 24

In Article 83, following Paragraph 3, new Paragraphs 4, 5, 6, 7, and 8 are added:

"Election board records are entered onto the prescribed form, which is printed in 6 copies.

The first copy, with confirmed election materials, is submitted to the election commission.

The second copy of the records is displayed at the polling place for public viewing.

The remaining four copies of the records are submitted immediately to representatives of election list submitters who secured the highest number of votes at that polling place, if election list submitters have a representative in the election board; if they don't, the representative of the election list submitter can receive a copy of the election commission records during the subsequent 12 hours.

Other election list submitters have the right, within 12 hours of submitting materials from the polling place to the election commission, to receive a Xerox copy of the polling place records from the election commission, approved by the election commission."

Article 25

In Article 90, following Paragraph 2, new Paragraphs 3, 4, and 5 are added:

"The election list submitter, at the latest ten days after the publication of final election results, will submit to the Federal Election Commission the information regarding which candidates from the election list have received the deputy mandates, in accordance with this Law.

If the election list submitter does not submit the information, the Federal Election Commission will notify him in writing that he is obligated to do so in the next five days, with a warning of the consequences of noncompliance.

If the election list submitter does not submit the information during the additional time allotted, the Federal Election Commission will make a special decision to distribute all the acquired mandates from that election list to other candidates based on their standing on the list. Objections or appeals to this decision will not be allowed.

Article 26

In Article 94, Paragraph 3 is deleted.

Paragraph 4 becomes Paragraph 3.

Article 27

In Article 98, Paragraph 2, the passage: "who is next in order on the election list, but for whom the list submitter did not receive a mandate", is replaced by "who is determined by the election list submitter".

Paragraph 4 is deleted.

Paragraph 5 becomes Paragraph 4.

In paragraph 6, which becomes Paragraph 5, the entry "2, 3, and 4", is replaced by the entry "2 and 3".

Article 28

Article 106 is changed to read as follows:

"Funds for the work of election implementing bodies, funds for the preparation of election materials, and funds for covering other expenses in connection with implementing elections, are provided from the federal budget."

Article 29

In Article 108, Paragraphs 2 and 4, the word "fund" in the appropriate [grammatical] case is replaced with "federal budget" in the appropriate [grammatical] case.

Article 30

In Article 109, "Federal Assembly" is replaced by "Federal Election Commission".

Article 31

This Law goes into effect the day after its publication in the "Official Gazette of the FRY".

385.

On the basis of Article 96, subparagraph 2 of the Constitution of the Federal Republic of Yugoslavia, I

DECREE

THE PROCLAMATION OF THE LAW ON THE ELECTION OF FEDERAL DEPUTIES TO THE CHAMBER OF REPUBLICS IN THE FEDERAL ASSEMBLY

The Proclamation of the Law on the Election of Federal Deputies to the Chamber of Republics in the Federal Assembly, is based on the [Law's] adoption by the Federal Assembly, at the session of the

Chamber of Citizens on July 24, 2000, and the session of the Chamber of Republics on July 24, 2000.

Decree No. 251
July 24, 2000, Belgrade
President of the Federal Republic of Yugoslavia
Slobodan Milosevic, [signature]

**THE LAW
ON THE ELECTION OF FEDERAL DEPUTIES
TO THE CHAMBER OF REPUBLICS IN THE FEDERAL ASSEMBLY**

I. FUNDAMENTAL PROVISIONS

Article 1

This Law stipulates the requirements for the election and termination of mandates of federal deputies in the Chamber of Republics of the Federal Assembly (hereafter: deputies).

Article 2

Citizens vote for deputies on the basis of free, universal, equal and direct voting rights, by a secret vote.

No person has the right to, on any basis, prevent or force a citizen to vote, to hold a citizen responsible for having voted, or to request the citizen to disclose who he voted for or why he didn't vote.

Article 3

Deputies are elected in electoral units on the basis of political party lists and lists proposed by citizen groups (hereafter: election lists).

Deputy mandates are distributed in proportion to the number of votes received.

Article 4

Citizens have the right to be informed through the mass media about election platforms and activities of submitters of election lists, as well as the candidates from the election lists.

In order for citizens to realize the rights from Paragraph 1 of this Article, the mass media is required to faithfully apply principles of equality to all submitters of election lists and candidates on them.

Pre-election silence, i.e., the cessation of election propaganda in the mass media and public gatherings, begins 48 hours before the day of the elections and lasts until the time scheduled for closing polling places, as established in Article 63 of this Law. During that period, it is forbidden to publish forecasts of election results.

Article 5

Election commissions and election boards are the responsible bodies for implementing elections.

Article 6

Election commissions, the Federal Constitutional Court, and competent courts ensure the protection of voting rights.

Article 7

Funds for holding elections are provided in the federal budget. Funds for financing election activities are distributed to the submitters of election lists in proportion to the number of received mandates, in accordance with measures established by the Federal Election Commission.

Article 8

No fees need be paid for actions, acts, petition requests, and other written documents relating to elections and termination of deputies' mandates.

II. VOTING RIGHTS

Article 9

The right to vote, in the context of this Law, encompasses the rights of the citizens: to elect and be elected; to nominate and be nominated; to decide on nominated candidates and election lists; to publicly pose questions to candidates; to be informed of platforms and activities of election list submitters in a timely, truthful, and objective manner; and to enjoy other rights granted in this Law.

Article 10

The right to vote for deputies is granted to Yugoslav citizens who are at least 18 years old, who are

fit to work, and who reside in electoral units that grant them voting rights (hereafter: the voter).

The voter cannot be deprived of or denied the right to vote.

Elected deputies must be Yugoslav citizens who are at least 18 years old, who are fit to work, and who reside in the territory of a member republic which grants them voting rights.

Article 11

A deputy in the Chamber of Republics cannot at the same time be a deputy in the Chamber of Citizens in the Federal Assembly.

III. ELECTORAL UNITS

Article 12

Deputies are elected in two electoral units: Republic of Serbia and Republic of Montenegro, as separate electoral units.

Each electoral unit votes for 20 deputies.

Deputies are elected in electoral units on the basis of election lists.

IV. VOTER REGISTRATION LISTS

Article 13

Voter records are contained in voter registration lists.

Voter registration lists are public documents and are maintained in an official capacity.

Voter registration lists are unique and permanent, and are required to be updated in the election year.

Article 14

Voters are registered in voter registration lists on the basis of their residence.

Yugoslav citizens who are temporarily residing abroad are also registered in voter registration lists on the basis of their last place of residence prior to departing abroad.

Citizens who are serving in the military or who are in military training, as well as citizens who are detained or imprisoned, are entered in voter registration lists on the basis of their last residence.

Persons not eligible to be entered in voter registration lists are those who have been determined unfit to work by a court decision. If such persons are registered in voter registration lists, they will be removed from the list. If their eligibility is restored by a court decision, they will again be entered in the voter registration list.

Article 15

Registration and removal from voter registration lists is performed in an official capacity, on the basis of information contained in registries, other official records, public documents, and direct verifications.

At the request of the voter, registration and removal from voter registration lists is performed on the basis of other trustworthy evidence.

Article 16

Within three days of scheduling elections, the body authorized to maintain voter registration lists informs the citizens, by means of a public notice or through the mass media, that they can check the voter registration list and request registration, removal, change, addition, or a correction of the voter registration list.

Requests for registration, removal, change, addition, or correction of the voter registration list is submitted to the bodies authorized for maintaining voter registration lists. The request needs to include the necessary evidence.

The body authorized to maintain the voter registration list will make a decision regarding the request based on Paragraph 2 of this Article within 48 hours of the receipt of the request. The decision, without delay, will be relayed to the submitter of the request.

Decisions from Paragraph 3 of this Article can be appealed, within 48 hours of notification of the decision, to the court with jurisdiction over administrative disputes. The appeal is filed through the body that made the decision, and that body is responsible for submitting the appeal and the necessary documents to the competent court within 24 hours of receiving the appeal.

A decision on the appeal from Paragraph 4 of this Article is reached within 24 hours of receiving the appeal, in accordance with regulations that govern administrative-legal disputes.

The decision of the court is effective and final.

Article 17

The voter registration list is closed at the latest 15 days prior to the date set for elections. The responsible body makes a decision regarding the closing of the voter registration list which contains the total number of citizens registered and the date of closing the voter registration list.

The closed voter registration list is submitted to the election commission at the latest 24 hours after its finalization.

The Election Commission, within 24 hours of receiving the decision, submits the information on the total number of voters in the electoral unit to the Federal Election Commission.

The Federal Election Commission, based on the information received from the Election Commission, within 24 hours of receiving the information, publicly announces the total number of voters, as a whole and broken down along electoral units.

Upon closing the voter registration list, registration, removal, changes, additions, or corrections may only be made in accordance with the decision of the court of jurisdiction determined by regulations of the member Republic, at the latest 48 hours prior to the day set for holding elections.

Article 18

Issues regarding the maintenance of voter registration lists not addressed by this Law are addressed in the regulations of member Republics.

Article 19

The body responsible for maintaining the voter registration list compiles a notarized voter roll for each of the polling places. The roll is submitted to the Election Commission within 24 hours of reaching a decision on the finalization of the voter registration list.

The body identified in Paragraph 1 of this Article issues a confirmation of voting rights.

The Federal Election Commission issues detailed instructions regarding the content of the voter roll, its form and the method of its notarization.

The Federal Election Commission issues rules for composing voter rolls for voters who are voting outside their polling places, as well as a form confirming their right to vote.

Article 20

The Federal Election Commission has general oversight of voter registration list maintenance.

V. SCHEDULING ELECTIONS

Article 21

Elections for deputies are scheduled by the Federal President.

The decision to schedule elections sets the date for holding elections as well as the base deadline date for accomplishing election activities.

The decision to schedule elections is published in the "Official Gazette of the FRY".

Article 22

Between scheduling and holding elections, no less than 45 days and no more than 90 days may transpire, with the exception of events otherwise provided for in the Constitution of the FRY.

Article 23

Elections are held at the latest 15 days prior to the expiration of the 4-year mandate of the existing session. The four year term starts with the confirmation of the deputy's mandate.

The confirmation day of the mandate of a deputy from the new session signifies the expiration of the mandate of a deputy from the previous session.

The mandate is confirmed within 15 days of announcing final election results.

Article 24

In the event of termination of the Federal Assembly's mandate, the dismissal of the Assembly, or

the termination of the deputies' mandates based on a decision of the Federal Assembly, the Federal President schedules elections within seven days of termination of the Assembly's mandate or on the day of its dismissal, i.e., on the day the decision on terminating deputies' mandates goes into effect.

VI. ELECTION IMPLEMENTING BODIES

1. STATUS

Article 25

Election implementing bodies are independent and function on the basis of laws and regulations adopted in accordance with the Law.

Election implementing bodies are responsible for their functioning to the body that appointed them.

All bodies and organizations have the responsibility of assisting election implementing bodies and submitting the necessary documentation for their functioning.

Article 26

Election implementing bodies work both in a permanent and an expanded composition.

Election implementing bodies function on an expanded basis starting with the day of establishing the composition until the announcement of final election results.

Election implementing bodies make decisions based on a majority vote within permanent or expanded compositions.

Article 27

Members of election committees are nominated for four year terms, and members of election boards are nominated for each election.

Article 28

Members of election implementing bodies and their deputies have voting rights.

The tenure of members of election implementing bodies and their deputies expires in these bodies upon accepting a deputy nomination.

Article 29

The functioning of election implementing bodies is public.

The representative of the election list submitter and other persons who follow the work of the election implementing body are obligated to act in accordance with rules prescribed by the Federal Election Commission.

When persons referred to in Paragraph 2 of this Article violate the rules for maintaining order at polling places or in another way disrupt the work of election implementing bodies, the election implementing body may distance them from the polling place, and enter the information into the record. The candidate from the election list that has been confirmed and announced may not participate in the work of election implementing bodies.

Article 30

Election commissions are:

- 1) The Federal Election Commission
- 2) The election commission of the electoral unit (hereafter: election commission)

2. THE FEDERAL ELECTION COMMISSION

Article 31

The permanent composition of the Federal Election Commission consists of the President, the Secretary, and seven members appointed by the Federal Assembly. The expanded composition includes up to eight representatives of election list submitters; up to four representatives from each member Republic which submitted the total number of candidates voted for in the respective republic and whose election lists are supported by the highest number of voter signatures. The representative of the federal organization responsible for official statistics is appointed to the Federal Election Commission.

The President, the Secretary, and the members of the Federal Election Commission have deputies.

The President and his deputy are appointed from the ranks of Federal Court judges.

Members of the Federal Election Commission and their deputies are appointed from ranks of the judiciary and eminent legal experts.

The Federal Election Commission, within 48 hours of the election commission's decision to announce the election list, determines which election list submitter satisfies the requirements for entering their own representatives into this body.

The Federal Election Commission submits to the election list submitter its decision on the fulfillment/non-fulfillment of requirements for determining representative(s) of the election list submitter within 24 hours of reaching that decision.

The composition of the Federal Election Commission is published in the "Official Gazette of the FRY".

Article 32

The Federal Election Commission, in its permanent composition, is a singular body implementing direct elections for federal deputies in both Federal Assembly Chambers and the Federal President.

Article 33

The Federal Election Commission:

- 1) Is responsible for legally implementing elections.
- 2) Follows the application and provides opinions and explanations regarding the application of this Law.
- 3) Coordinates the work of election commissions in the procedural implementation of elections.
- 4) Establishes uniform standards for election materials.
- 5) Issues forms for completing election tasks regulated by this Law.
- 6) Establishes rules for completing election tasks regulated by this Law.
- 7) Determines election files submitted to it.
- 8) Prescribes the method for announcing election lists.
- 9) Determines the method of handling and guarding election materials.
- 10) Publishes final total results of the election.
- 11) Submits an election report to the Chamber of Republics.
- 12) Performs other duties regulated by this Law.

Article 34

The Federal Election Commission establishes operating procedures for its work.

The Federal Assembly ensures conditions for the work of the Federal Election Commission.

Article 35

The Federal Election Commission has general oversight of election activities of all bodies implementing elections.

In fulfilling general oversight responsibilities from Paragraph 1 of this Article and Article 20 of this Law, the Federal Election Commission may designate a body to perform tasks not performed by a body established by this Law, or take direct responsibility for the performance of those tasks.

3. THE ELECTION COMMISSION

Article 36

The permanent composition of the election commission consists of the President, the Secretary, and seven members appointed by the Federal Election Commission. The expanded composition can include up to eight representatives of election list submitters whose election lists are supported by the highest number of voter signatures in the electoral unit.

The President and members of the election commission and their deputies are appointed from the ranks of the judiciary and eminent legal experts.

The election commission, within 48 hours of its decision to announce the election list, determines which election list submitter satisfies the requirements for entering their own representatives into the election commission.

The election commission submits to the election list submitter its decision on the fulfillment/non-fulfillment of requirements for determining representative(s) of the election list submitter for entry into the election commission within 24 hours of reaching that decision.

The composition of the election commission is published in the "Official Gazette of the FRY".

Article 37

The election commission:

- 1) Is responsible for the legal implementation of elections in the electoral unit.
- 2) Makes technical preparations for the elections.
- 3) Determines polling places.
- 4) Forms election boards and appoints election board President and members.
- 5) Establishes the number of ballots for each of the polling places, notarizes them, and together with a notarized statement from the voter registration list, as a matter of record, submits them to election boards.
- 6) Determines whether election lists are composed and submitted in accordance with this Law.
- 7) Makes the decision about announcing the election list.
- 8) Determines election results in the electoral unit and the number of votes for each election list.
- 9) Establishes the number of mandates for each of the election lists.
- 10) Submits a report on election results to the Federal Election Commission.
- 11) Submits data on elections to bodies responsible for the collection and analysis of statistical data.
- 12) Performs other duties regulated by this Law.

Article 38

The election commission establishes operating procedures for its work.

4. THE ELECTION BOARD

Article 39

The election board consists of the President and at least two members and one representative of election list submitters who proposed all of the candidates for deputies elected in the electoral unit.

The president and election board members have deputies.

The election board is appointed at the latest ten days before the day set for holding the elections.

The election commission, within 48 hours of its decision to announce the election list, determines which election list submitter satisfies the requirements for entering their representatives into the election board.

The election commission submits to the election list submitter its decision on the fulfillment/non-fulfillment of requirements for determining representative(s) of the election list submitter for entry into the election board within 24 hours of reaching that decision.

Election list submitters may agree to choose a joint representative for the election board.

If simultaneous elections are held for the Chamber of Republics deputies in the Federal Assembly, Chamber of Citizens deputies in the Federal Assembly, and the Federal President, the function of election boards is assumed by the same election boards appointed by the authorized bodies for conducting elections. The election board is made up of one representative of election list submitters for both the Chamber of Republics and the Chamber of Citizens in the Federal Assembly, and the submitter of the nomination for the Federal Presidential candidate, who satisfies at least one of the requirements for entering their representatives into election boards, determined by regulations for implementing those elections.

Article 40

The election board conducts direct elections at the polling place, ensures legality and secrecy of voting, determines election results at the polling place, and performs other duties established by this Law.

The election board is responsible for maintaining order at the polling place during voting.

The election board determines two election board members for voting away from the polling place.

The Federal Election Commission regulates detailed rules for the work of the election board.

5. REPRESENTATIVES OF ELECTION LIST SUBMITTERS IN ELECTION IMPLEMENTATION BODIES

Article 41

Election list submitter from Articles 31, 36, and 39 of this Law, chooses representatives to election implementation bodies and informs authorities which appointed election implementing bodies of this decision.

Upon receiving notification about persons entering the expanded composition of election

implementing bodies, those bodies, in their permanent composition, at the latest 48 hours of receiving the notification, determine which persons will become their members.

If an election list submitter does not determine a representative for the election implementation body at the latest five days before the date set for the election, that body continues to perform its duties and make decisions without representatives of election list submitters.

VII. ELECTION LIST

1. CANDIDACY

Article 42

Election list candidates, in accordance with requirements stipulated in this Law, may be nominated by registered political parties, separately or jointly, as well as citizen groups.

The nomination representing a political party or a citizen group from Paragraph 1 of this Article may only be submitted by a person authorized by that political party or citizen group.

The nomination representing a coalition of parties from Paragraph 1 of this Article may only be submitted by an authorized person.

Article 43

An individual can be a candidate on only one election list and only within one electoral unit.

One election list may include at most the total number of candidates being chosen from that electoral unit, and at least half that number.

An individual may not be simultaneously a candidate for a deputy in the Chamber of Republics and a deputy in the Chamber of Citizens, or a candidate for the Federal President, when those elections are held at the same time.

Article 44

An election list submitter may withdraw the list at the latest up to the day of closing the collective election list.

Upon withdrawing the election list, the function of the representative of the election list submitter ceases in all election implementing bodies, and all the pertinent rights stipulated in this Law are revoked.

The candidate may withdraw the candidacy up to the day of announcement of the voting list.

Article 45

If the candidate withdraws the candidacy after the announcement of the voting list, if he is declared unfit to work by a court decision, if he loses Yugoslav citizenship, if he ceases to reside in FRY, or in the event of his death, the election list submitter loses the right to nominate a new candidate.

The position of the candidate on the election list from Paragraph 1 of this Article is assumed by the next candidate on the election list.

If the election list does not satisfy the requirements of Article 42 of this Law regarding the number of candidates, it is valid based on Paragraph 1 of this Article and the rights of election list submitters granted by this Law are not revoked.

2. NAMING, DETERMINING, AND ANNOUNCING THE ELECTION LIST

Article 46

The name of the election list is determined on the basis of the name of the political party submitting it.

If two or more political parties submit a joint election list, the name of the election list is decided upon by mutual agreement.

In addition to the name of the citizen group's election list, the submitter determines a clearer designation of the list.

Election list submitters can include in the name of the election list, based on Paragraph 3 of this Article, the first and last name of the bearer of that list.

Article 47

The election list is established after having been backed by at least 1,000 voter signatures with residence in the electoral unit having up to one million voters, that is 2,500 voter signatures in electoral units with more than one million voters.

The Federal Election Commission regulates the content and form of signature forms from Paragraph 1 of this Article.

Article 48

The voter may support only one election list with his signature.

Article 49

Gathering of signatures for nominating an election list candidate in the election campaign is initiated and conducted by political parties as well as citizens, individually or collectively.

Article 50

The election list is submitted to the election commission at the latest 30 days prior to the day set for holding elections.

In addition to the election list, the following documents are submitted to the election commission:

- 1) A confirmation of the right to vote for each candidate on the election list which includes the name, date of birth, occupation, and personal identification number of each candidate.
- 2) Candidate's written statement of acceptance of the nomination.
- 3) Candidate's residence certificate.
- 4) Written statement of agreement of the bearer of the list from Article 46, Paragraph 4 of this Law.
- 5) Certificate of Yugoslav citizenship of the candidate.
- 6) Authorization of the person submitting the election list.

Article 51

Upon receiving the election list and the supporting documentation, the election commission makes a decision announcing the election list of one (party election list), two or more political parties (coalition election list), or a citizen group (citizen group's election list).

The decision to announce an election list from Paragraph 1 of this Article, is delivered by the election commission to the submitter without delay.

Article 52

If the election commission determines that the election list was not submitted on time, it will decide to reject it.

If the election commission determines that the election list is deficient, preventing it from being announced in accordance with this Law, it will pass a resolution, within 24 hours of receiving the election list, requesting that the submitter, no later than 48 hours after receiving the resolution, correct the deficiencies. The resolution will also point out to the submitter actions that need to be undertaken to correct the deficiencies.

If the election commission decides that the election list does not satisfy the requirements stipulated in this Law, or that the deficiencies of the voting list have not been corrected or were not corrected within the specified time, it will pass a resolution in the subsequent 48 hours rejecting the announcement of the election list.

3. COLLECTIVE ELECTION LIST AND ORDER OF ELECTION LISTS

Article 53

The collective election list is determined by the election commission and it includes all of the election lists with all the candidates' names.

The order on the collective election list is determined by the president of the election commission drawing lots in the presence of authorized representatives of election list submitters who satisfy requirements stipulated in this Law for participating in the work of the election commission.

Every election list submitter has the right to, within 48 hours of the day of the announcement of the collective election list, inspect all submitted election lists as well as all their supporting documentation.

The election commission publicly announces the collective election list at the latest 20 days before the day set for holding the election.

VIII. PRESENTING ELECTION LIST SUBMITTERS AND ELECTION LIST CANDIDATES

Article 54

Election list submitters have the right to use the mass media during same time slots or columns, to inform citizens equally about programs, activities, and nominated candidates.

For the purpose of presenting election list submitters and candidates, or other pre-election activities, funds from foreign legal an physical entities may not be raised or collected.

Article 55

Organizations broadcasting radio and television programs which have been founded by the federal government or member republics, are required from the day that the elections are scheduled, in the context of political information programs whose audibility and visibility are secured on the entire territory of member republics, in equal segments and during the same time slots, to secure the presenting of election list submitters and candidates, as well as to present and explain election platforms of the submitters of those lists.

Article 56

Editors and anchors of political information and special programs are required during the election campaign to independently and objectively represent all candidates. Anchors must have an impartial stance towards all represented political, social, and ethnic-cultural platforms.

In accordance with Paragraph 1 of this Article, and on the basis of Article 4, Paragraph 2 of this Law, [media] programs are organized which bring face to face election platforms of election list submitters and candidates from those lists.

Article 57

Representatives of the organization broadcasting radio and television programs which have been founded by the federal government or member republics, representatives of founders of those organizations, and representatives of political parties which intend to participate in the election, by agreement determine the number and duration of programs that ensure equal representation.

The agreement from Paragraph 1 of this Article is reached at the latest five days after the decision to schedule elections, and announced to the public without delay.

Article 58

All members of the mass media whose founders are the province, city, or municipality are required to ensure, in accordance with this Law, equal conditions for presenting all submitters of election lists and candidates from the lists.

Mass media from Paragraph 1 of this Article, with the participation of founders' representatives and submitters of election lists, determines detailed rules for presenting election list submitters, election programs, and candidates from election lists.

Election list submitters have the right to be presented in the media under equal conditions, regardless of who the founder is.

IX. CONDUCTING ELECTIONS

1. POLLING PLACES

Article 59

Voting for deputies takes place at polling places.

The Federal Election Commission establishes detailed rules regarding the polling place.

Article 60

The voter votes at the polling place where he is entered in the voter registration list.

As an exception to Paragraph 1 of this Article, the voter may, by absentee ballot, vote outside the polling place where he is registered in the voter registration list, under conditions stipulated in this Law.

The method of voting outside the polling place, and the number of voters who in this manner have realized their voting rights, are entered into the election board's records.

The Federal Election Commission establishes detailed rules regarding voting by absentee ballot.

Article 61

Each voter, at the latest five days prior to conducting elections, receives an announcement

informing him of the day and time for holding elections, the number and address of the polling place, and the serial number on the registration list.

The announcement from Paragraph 1 of this Article is provided to voters by the body authorized for maintaining voter registration lists.

Article 62

Each voter votes in person.

During the elections, the voter may vote only once.

The voting is secret.

Voters vote on notarized ballots.

The use of pagers, cell phones and other communications equipment is forbidden at polling places.

At the polling place and 50 meters from the polling place it is forbidden to display symbols of political parties and other propaganda materials.

If rules from Paragraphs 1-6 of this Article are violated during voting, the election board is dismissed and voting at that polling place is repeated.

The Federal Election Commission establishes detailed rules regarding measures for ensuring voting secrecy.

Article 63

Polling places in electoral units open at 7:00 A.M. and close at 8:00 P.M. Throughout that time, the polling place must be continually open.

Voters who are at the polling place at the time of its closing are allowed to vote, after the election board ascertains their number and identities.

Article 64

If peace is disturbed at the polling place, the election board may discontinue voting until order is restored. Reasons for and duration of discontinuation of voting are entered into the election board's records.

If voting is discontinued for more than one hour, it is extended for the duration of that time.

Article 65

During the time that the polling place is open and voting is taking place, all members of the election board and their deputies must be at the polling place.

Every polling place will have a separate area for ensuring voting secrecy.

All persons who have no rights or responsibilities for conducting elections stipulated in this Law are prohibited from remaining at the polling place.

Members of the police force who are on duty may enter the polling place only with the permission of the election board president, and only if peace has been disturbed at the polling place.

Objections to violations of regulations in Paragraphs 1-4 of this Article may be submitted to the election commission, which decides whether to repeat voting at that polling place.

2. ELECTION MATERIALS

Article 66

The ballot contains:

- 1) Designation of the electoral unit.
- 2) Ordinal number which is placed before the name of the election list.
- 3) Names of election lists, in accordance with regulations from Article 46 of this Law, according to the order established on the collective election list, including the first and last names of the first candidate on the list.
- 4) Remark noting to vote for only one election list by circling the ordinal number preceding the name of that list.

Article 67

The election commission prepares and notarizes ballots.

The election commission determines the number of ballots which must be equal to the number of voters entered into the voter registration list.

The Federal Election Commission controls the preparation and notarization of ballots, and determines the number of reserve ballots.

Ballots are printed at the same location on paper protected with a watermark.

Election list submitter submits to the Federal Election Commission the name of the person authorized to oversee the printing, counting, packing, and distribution of ballots to bodies authorized to conduct the election.

The Federal Election Commission establishes detailed rules regarding form and appearance, method and control of printing, and handling of ballots.

Article 68

The election commission is responsible for the timely preparation of election materials for each election board. In particular, it is responsible for ensuring the necessary number of ballots, election lists, voter rolls, confirmations of voting rights, special and official voting envelopes, as well as a form for recording the work of the election board.

The transfer of election materials is completed at the latest 48 hours prior to election day.

The authorized body is responsible for organizing polling places and preparing for each of the election boards the necessary number of ballot boxes with equipment for their sealing and writing supplies.

On the day of the election, before voting commences, the election board determines whether the prepared election materials for a particular polling place are complete and in order, whether the polling place is organized in a manner that ensures voting secrecy, and whether the voting may begin, which is entered into its records.

Article 69

The collective election list which includes the names of election lists and names of all of the candidates, must be visibly displayed at the polling place during the election.

The Federal Election Commission regulates the content, form, and method of displaying the collective election list from Paragraph 1 of this Article.

Article 70

Representatives of election list submitters and candidates for deputies have the right to inspect election materials, particularly voter rolls derived from voter registration lists, election board records, election commission records, and ballots. The inspection is conducted in official areas of the election commission, as well as the bodies who are in possession of election materials.

Inspection of election materials may be conducted within five days of holding the election.

Article 71

Election materials are saved for at least four years. The Federal Election Commission regulates the procedures for using election materials.

Article 72

The Federal Election Commission establishes the content and form of forms and election materials necessary for conducting elections within 15 days of its appointment.

3. VOTING

Article 73

The election commission checks the ballot box in the presence of the voter who first arrives to the polling place. Results of the inspection are recorded in the inspection sheet, and signed by members of the election board and the voter who first arrived at the polling place.

The inspection sheet is placed in the ballot box and the ballot box is sealed in the presence of the first voter. This is entered into the election board's records.

Upon opening the ballot box, the first item looked for is the inspection sheet. If the inspection sheet is not present, the election board is dismissed and a new one appointed, and the voting at that polling place is repeated.

The inspection sheet form and the method of sealing the ballot box are prescribed by the Federal Election Commission.

Article 74

The voter first states to the election board his first and last name, and then proves his identity with a personal identification card or another document.

The voter may not vote without submitting evidence of identity.

The president or a member of the election board, after ascertaining the voter's identity, circles the ordinal number of the voter in the voter roll, explains the voting procedure, and hands over the ballot.

Article 75

Members of the election board are not permitted to influence the decision of the voter in any way.

Members of the election board, at the request of the voter, are obligated to repeat the explanation of the voting procedure.

Members of the election board are obligated to ensure that no one disturbs the voter while filling out the ballot, as well as to ensure the complete secrecy of the vote.

If regulations from Paragraphs 1-3 of this Article are violated at the time of voting, the election commission dismisses the election board, forms a new election board, and sets the repeat of the voting in that election board.

Article 76

The voter may vote for only one election list from the ballot.

Voting takes place by circling the ordinal number preceding the name of the chosen election list.

The voter folds the ballot personally so that it cannot be observed who he voted for, places it in the appropriate ballot box, and leaves the polling place.

Article 77

No changes to voter rolls can be made on the day of the election.

If election boards act contrary to the regulations from Paragraph 1 of this Article, they will be dismissed and voting at that polling place will be repeated.

Article 78

The voter who is unable to vote in person at the polling place (due to blindness, disability, or illiteracy) has the right to be accompanied by a person who, in his place, will fill out the ballot in a manner prescribed by the voter.

The method of voting for voters from Paragraph 1 of this Article is entered into the records.

Article 79

The voter who is unable to vote at the polling place (due to disability or having been prevented) will notify the election board whether they are interested in voting. The election board, through its members, will enable such a person to vote in a manner that ensures direct and secret voting.

After being notified of the inability of the voter to vote at the polling place, the election board, through its members, will deliver to the voter in an official envelope a notarized ballot, collective election list, a separate envelope for submitting the completed ballot, and a confirmation of his voting rights.

After the voter from Paragraph 1 of this Article fills out the ballot and places it in the special envelope, it is sealed by members of the election board in his presence using sealing wax.

Members of the election board submit the official envelope to the election board, the election board opens it confirming that it includes a confirmation of voting rights, and confirms the ordinal number of the voter on the voter registration list. The unopened envelope with the ballot is placed in the ballot box.

The voter's voting method from Paragraph 1 of this Article is entered into the records.

The Federal Election Commission establishes detailed rules regarding the method of voting in Paragraph 1 of this Article.

Article 80

Voters who are in military service or military training, who are fulfilling their obligation in units or institutions of the Yugoslav Army, vote within those units and institutions.

Based on voter information in bodies that manage voter registration lists from Paragraph 1 of this Article, the election commission is responsible for compiling and notarizing voter rolls for these voters, and along with the necessary number of notarized ballots, collective election lists, and special and official

envelopes, delivering them to military units and institutions in which the voter is located.

After the voter from Paragraph 1 of this Article votes, the ballot placed in a special envelope and sealed in his presence using sealing wax. After that, the closed envelope containing the ballot is placed in an official envelope which in his presence is sealed by the body authorized to conduct elections in the military unit or institution.

The body authorized for conducting elections in the military unit or organization submits the sealed official envelopes to the election commission.

The Federal Election Commission establishes detailed rules regarding voting in a military unit or institution.

Article 81

Voters who on the day of the election are working or going to school in the country but are away from the place where they have been entered in voter rolls, may vote by absentee ballot.

Voters from Paragraph 1 of this Article contact the election board at the polling place where they are registered, and request that the election board supplies them with a voting announcement, ballot, collective election list, special envelope for the ballot, confirmation of their voting rights, and an official envelope.

When the voter from Paragraph 1 of this Article votes, the ballot is placed in the special envelope. The closed envelope containing the ballot and confirmation of voting rights is placed in the official envelope which is submitted to the election board from Paragraph 2 of this Article.

Article 82

Voters who on election day, due to justifiable reasons, are unable to vote at the location where they are registered, and voters who are unable to vote in the presence of the election board at that location, may vote at a location and in the presence of an election board determined in accordance with Article 35 of this Law.

Article 83

Voters who are residing abroad on a temporary basis while elections are being held, vote at the polling place of their last residence in the FRY prior to going abroad.

Article 84

Voters who are crew members of a maritime merchant fleet which sails under the FRY located outside territorial waters of the FRY at the time of the election, voters in diplomatic or consular missions of the FRY abroad and their family members who live overseas, vote on the ship or in the diplomatic or consular mission.

Voting requirements for persons from Paragraph 1 of this Article are provided by the authorized federal ministry.

On the basis of information from bodies maintaining voter registration lists from Paragraph 1 of this Article, the election commission is responsible for compiling and notarizing special voter rolls for these voters and delivering them to the ship or mission along with the necessary number of notarized ballots, collective election lists, pertinent confirmations regarding voting rights, and special and official envelopes.

Conducting elections on a ship or a diplomatic or consular mission, the senior officer of the ship or mission, forms an election board composed of voters from the ship or mission.

After the voter from Paragraph 1 of this Article votes, the ballot is placed in a special envelope. The closed envelope, which contains the ballot and the confirmation of voting rights, is placed in the official envelope which is sealed in the presence of the voter.

The body authorized for conducting elections on a ship or a diplomatic/consular mission submits the sealed official envelopes to the authorized election commission without delay.

The Federal Election Commission establishes detailed rules on voting regarding Paragraph 1 of this Article.

Article 85

Detained persons, or persons serving a prison sentence vote by absentee ballot.

On the basis of information of bodies which maintain election lists for voters from Paragraph 1 of

this Article, the election commission is responsible for compiling and notarizing special voter rolls for these voters and, along with the necessary number of notarized ballots, collective election lists, pertinent confirmations of voting rights, and special and official envelopes, submitting them to the penitentiary institution in which the voter is located.

After the voter from Paragraph 1 of this Article votes, the ballot is placed in a special envelope. The closed envelope, which contains the ballot and confirmation of voting rights, is placed in the official envelope which a member of the election board seals in the presence of the voter.

The Federal Election Commission establishes detailed rules on voting regarding Paragraph 1 of this Article.

Article 86

Absentee ballots will be accepted only if they arrive at the polling place or the election commission until 8:00 P.M. on election day.

In exception of regulations from Paragraph 1 of this Article, if election boards are unable, due to great distances from the voter from Articles 80, 81, and 84 of this Law, to deliver election materials in a timely manner, they will in the shortest possible time inform the election commission. Election materials from Paragraph 2 of this Article will be delivered subsequently by election boards, at the latest by 8:00 P.M. on the day following the elections.

In instances of absentee voting, the number of voters who voted and their voting method will be entered in a special record whose content and form are established by the Federal Election Commission.

Appendix 5
OSCE Preliminary Statement on Election



ELECTIONS IN THE
FEDERAL REPUBLIC OF YUGOSLAVIA
24 September 2000



PRELIMINARY FINDINGS AND CONCLUSIONS

Warsaw, 25 September 2000 — The Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) was denied entry to conduct a technical assessment and subsequently deploy an election observation mission to monitor the 24 September federal and municipal elections in the Federal Republic of Yugoslavia.

Consequently, in accordance with its mandate, the OSCE/ODIHR publishes this report of Preliminary Findings and Conclusions without the benefit of an in-country observation mission. Instead, this report is based on information compiled from other reliable sources.

This report is released before the official results of the elections were published, before electoral complaints and appeals were addressed, and before the OSCE/ODIHR could complete the analysis of all information received on these elections.

Preliminary Conclusions

The 24 September elections in the Federal Republic of Yugoslavia were fundamentally flawed. In particular, these elections fell far short of the minimum standards for transparent, accountable, secret, fair and free elections. Under such circumstances, initial reports that the opposition presidential candidate Vojislav Kostunica was in the lead indicate a strong will for change.

While the official election results are not yet published, the election day developments nonetheless raise serious concerns. The day was marked by reports of opposition representatives on election commissions, including the Federal Election Commission, expelled and the secrecy of the ballot seriously compromised. Other violations were also reported, including an atmosphere of fear and intimidation. Moreover, the elections in Montenegro and Kosovo were conducted in an environment fraught with possibilities for manipulation.

Already, the months leading to election day were characterized by severe restrictions on fundamental freedoms, harassment of and attempts to suppress the independent media, persecution and intimidation of non-governmental organizations, and the disappearance of a former President of Serbia.

The laws and environment for these elections provided considerable scope for manipulation, with the Federal Government controlling the entire process, from the formation of election commissions to the tabulation of election results. The authorities' decision to bar the local non-governmental organization Center for Free Elections and Democracy (CeSID) from monitoring the process, their denial of visa to the OSCE/ODIHR, the European Parliament,

and three election-specialist NGOs from Bulgaria, Slovakia and Romania to observe the elections further increased the opportunity for fraud.

These elections were called after hasty constitutional amendments without any public debate. The Government of Montenegro questioned the legitimacy of the amendments and refused to assist in the organization of the elections.

The legislative framework for these elections raises serious concerns about the transparency of the process, the formation of election commissions, the provisions of ineffective legal remedies for the violations of fundamental rights, and inadequate provisions to ensure a level playing field. As a result, in significant respects, this legal framework failed to comply with international standards of democratic elections.

With the adoption of the October 1998 Law on Public Information, the media in Serbia has come under severe institutional limitations, repression, and self-censorship. The law provides for exorbitant penalties based on vague and broadly defined "misdemeanors", breaching basic notions of the due process of law. This law remained in force during the election period and the media came under further pressure from a Supervisory Board set up by the Government to monitor the adherence to media-related election laws. In addition, a highly biased State-controlled media further skewed the playing field.

The voter registers, a source of significant concern during past elections in Serbia, presented again an opportunity for serious manipulation.

Preliminary Findings

Constitutional & Legislative Framework

On 6 July 2000, the Federal Assembly of the FRY was convened in extraordinary session and adopted constitutional amendments: (1) changing the election of the Federal President from a vote in the two Chambers of the Federal Assembly to a direct popular vote and extending the term of office to two four-year terms; and (2) changing the election of the Deputies to the Chamber of Republics from a vote regulated by each of the two republics to a direct popular vote regulated by Federal law. The amendments were adopted within a few hours after introduction, without consultations with Montenegro – one of the two Federation partners, but with the participation of representatives from Montenegro whose mandates were revoked by the Republic in 1998, and without a meaningful parliamentary or public debate.

A further concern was raised by an announcement of the FRY Prime Minister a few days before the election that a provision in the amended Constitution permits the current President to continue in office until July 2001 when his term expires, regardless of who wins the 24 September presidential election. Such an interpretation and delay in assuming office would be contrary to the purpose of elections.

On 8 July, the Republic of Montenegro rejected the amendments as unconstitutional. On 10 July, President Milo Djukanovic of Montenegro announced that the Republic will not participate in "illegitimate" elections called under the 6 July disputed constitutional amendments.

On 24 July, existing laws were amended and new laws adopted to conduct elections in accordance with the constitutional amendments adopted earlier. On 27 July, simultaneous elections were announced for 24 September for the President of the Federation, Deputies to the two Chambers of the Federal Assembly, and the Municipal Assemblies of Serbia.

On 30 August, the OSCE/ODIHR published a review¹ of the laws for the election of the President of the FRY, the Deputies to the Chamber of Citizens (lower chamber) and the Chamber of Republics (upper chamber) of the Federal Assembly, and the members of Municipal Assemblies in the Republic of Serbia. These laws raise serious concerns, including:

1. Far too little provision is made to promote transparency in the organization and conduct of the elections. There is no adequate provision to ensure effective monitoring by the mass media. There are no provisions for election observers.
2. The rules on the formation of electoral commissions at all levels effectively hand control of these bodies to the political party with a majority in the Federal Assembly.
3. There are no provisions to ensure a fair hearing and an effective remedy where a voter or a candidate seeks to challenge unlawful acts or omissions of electoral commissions.
4. There is inadequate provision to ensure a level playing field for participants in the elections.

Because these laws allow considerable scope for abuse, the legislative framework governing the 24 September elections does not comply in significant respects with international standards for democratic elections, or with OSCE commitments.

This is all the more troubling as the OSCE/ODIHR pointed to similar concerns when it observed the 1997 parliamentary and presidential elections in Serbia. Since then, the authorities have done nothing to remedy any of the concerns.

Media Legislation & the Election Campaign

With the adoption of the 22 October 1998 Law on Public Information in Serbia, the media situation in that Republic deteriorated rapidly. In addition, while some 400 electronic media outlets were broadcasting without a license and were therefore not authorized under the Telecommunications Law, they were nonetheless able to function, albeit under the threat of sanctions.

The Law on Public Information provides, *inter alia*:

1. A supposition of guilt based on vaguely and broadly defined "misdemeanors";
2. A ban on the transmission in Serbian and the languages of national minorities in Serbia of political broadcasts from "organizations founded by foreign governments";
3. A requirement of prior permission from an individual whose voice, image or name is broadcast or printed;

¹ *Assessment of Election Legislation in the Federal Republic of Yugoslavia and Serbia*, OSCE/ODIHR, 30 August 2000. This report can be accessed on the OSCE/ODIHR web site at www.osce.org/odihr.

4. A requirement that information broadcast or printed must "publicize the truth" and prevent the violation of "the honor and dignity of the individual";
5. An abridged process for the prosecution of journalists and the media for violations of this law, breaching basic notions of due process of law, including that such proceedings should be completed within 24 hours, that the court was not obligated to inform the journalists and the media of the institution of proceedings, and providing for proceedings in absentia; and
6. Exorbitant penalties for the violation of this law, requiring that such penalties be paid within two days of the initiation of the proceedings, otherwise the personal and business property of the subject media or journalist would be confiscated, their work banned until the fine was paid, or if the fine is not paid, a jail sentence of up to 60 days.

Despite these severe limitations, the conduct of the media in Serbia was not uniform. Although most editors and journalists abided by the rules, a few violated the rules and were fined heavily or were jailed, and one prominent journalist, Slavko Curuvija, was gunned down. During the past two years the courts in Serbia have repeatedly sanctioned the independent media, invoking the law more than 50 times, imposing fines totaling over 30 million dinars, and closing at least three independent newspapers and ten radio and television stations (as of May 2000). By contrast, the State controlled media was never sanctioned under this law.

Against this background, the election legislation imposed a duty on editors and broadcasters to present all candidates in an independent and objective manner, provide equal representation to all contestants in the election, and for the state-controlled media and representatives of political parties to settle by agreement the modalities for equal presentation.

The monitoring of and supervision over the media-related election laws were entrusted to a Supervisory Board composed of seven members nominated by the Government and appointed by the Federal Assembly. As such, the independence and impartiality of this Board was at issue from the outset. On 16 August, the Board promulgated media regulations for the media, candidates and political parties, reiterating some of the prohibitions of the Law on Public Information, and adding other vague requirements. Further, the Board ordered that the media "were not allowed to doubt the objectivity of election bodies or the legitimacy of the elections". The regulations also included some provisions in line with international standards.

The independent media faced harassment during the pre-election period. They were barred from the Federal Assembly debate on amending the election legislation; newspapers were denied sufficient supplies of newsprint; radio and television signals were blocked, broadcasters experienced interference, and the transmitter of TV Cacak was confiscated. Nonetheless, a number of independent media outlets continued to operate throughout the campaign, providing a variety of political views to voters.

Media monitoring during the pre-election period show the State-owned or controlled media did not meet its obligation to provide fair and equal coverage. State media showed clear bias in favor of the ruling regime, both in time, space and quality of coverage. The opposition received limited coverage and endured gross misrepresentation of its political program and activities. Round-table public debates were cancelled at short notice, reducing the amount of

direct political discussion available to voters and provoking complaints from political parties. Even the Serbian Radical Party complained of a biased State media.

An independent media monitoring project showed that 70% of the time given to politically significant events on the State-controlled *RTS* news programs was devoted to President Milosevic, the Government and the ruling coalition, without a single critical remark. The coverage of parties outside the governing coalition amounted to only 9% of the total time. When *RTS* mentioned Vojislav Kostunica at all, it did so mostly in a negative light. State owned newspapers *Politika* and *Vecerne novosti* also gave clear and open support to President Milosevic's campaign and, on occasions, *Politika* grossly misrepresented the political program and activities of the opposition.

A few regional media outlets within municipalities controlled by opposition parties and still functioning gave strong support to the opposition, reporting negatively on the governing coalition.

Election Environment

The pre-election environment was characterized by severe restrictions on the freedoms of speech and association. The FRY and Serbia authorities engaged in a campaign of intimidation against domestic NGOs, simultaneously displaying an intolerance of political opposition. Police detained political activists on an almost daily basis, often subjecting the detainees to brutality during interrogation. On 20 September, the Belgrade based Humanitarian Law Center reported approximately 2,500 political activists had been detained since May 2000. Repression was directed against activists from the student movement "Otpor", the campaign "It's Time" working to encourage voter turnout, and the organization "CeSID" planning to observe the elections.

The election campaign took place in an atmosphere of fear and intimidation. Although candidates were able to conduct public meetings largely without overt interference from State bodies, independent media frequently reported instances of police obstructing the legal political activities of the Democratic Opposition of Serbia and the Serbian Renewal Movement (SPO). Opposition party members were detained by police simply for possession of campaign material and on occasion prevented from collecting signatures from citizens in support of potential candidates.

On 25 August, the former President of Serbia, Ivan Stambolic disappeared. The FRY authorities have failed to inform the public on this disappearance.

Election Commissions

There was limited scope for political plurality or independence on election commissions. The functioning of these commissions remained secretive. The Federal Election Commission (FEC) refused to allow opposition representatives access to observe the data processing of election results at the central level, thus fuelling concerns that the tabulation of election results would be subject to manipulation.

Although political parties, including the opposition, were able to appoint members to the election commissions, the controlling majority of FEC members were appointed by the

Federal Assembly, with opposition members joining the process relatively late and unable to assert any control on the process. Since the FEC appoints the 28 intermediate-level commissions which in turn appoint polling station commissions, the independence of election commissions at all levels in the country could be at issue.

The Judiciary

The judiciary in Serbia has become an instrument of the Government to a large extent and cannot be relied for the resolution of election related disputes and appeals. Combined with the Government's total control over election commissions, aggrieved voters, candidates, and political parties cannot expect effective remedies for the violations of their rights.

Voter Registers

On 11 September, the FEC announced that 7,861,327 voters were registered in FRY, of which 444,130 in Montenegro and more than 1,000,000 in Kosovo. The credibility of voter registers were a significant concern during the 1997 elections in Serbia. The authorities of Serbia have failed to remedy the situation since then.

For the current elections, the authorities denied political parties the right to inspect the voter registers. On election day, polling stations received only one copy of the voter list for multiple elections, thus increasing the opportunity of manipulating turnout figures. Furthermore, the election law does not include sufficient safeguards to prevent multiple voting and ballot box stuffing, such as a requirement that voters sign the voter list when receiving a ballot. Combined with the absence of controls on the printing and distribution of ballots, the voting on election day was subject to serious manipulation.

Kosovo & Montenegro Vote

The electoral process in Kosovo and Montenegro was organized on *ad hoc* basis without basic environment required for a democratic vote.

In Montenegro, the Government boycotted the elections and regarded the polls as illegitimate. It did not allow voting in public places in municipalities controlled by the Republic's governing coalition and instructed the State-controlled media not to report on the campaign.

The FEC announced a list of 671 alternative sites for polling, most of them located in private buildings and premises belonging to Yugoslav companies. The total was somewhat more than half of what was used for ordinary voting in the Republic. The Government launched a campaign to discourage participation, which it believed gave legitimacy to unlawful changes to the Constitution.

The election process in Kosovo, the territory under transitional United Nations (UNMIK) administration, was somewhat confused. UNMIK has declared that its policy on FRY elections was "not to participate in, organize or in any other way condone or legitimize" the Federal elections. However, UNMIK also announced that it would not "stand in the way" of the elections.

As a result, the electoral process in Kosovo was marked by the ambiguous appointment of polling boards and the uncontrolled movement of election material. Few political rallies that took place sometimes led to violent incidents.

In previous elections, ethnic-Albanians from Kosovo municipalities have overwhelmingly boycotted Serbia and Federal elections, although official results were reported fraudulently to indicate a higher level of participation. Clear examples of such fraud were reported by the OSCE/ODIHR Election Observation Mission during the 1997 Serbia presidential re-run elections, concluding that "blatant election fraud" had been committed in Kosovo. For the current elections, some 600,000 ballots have been printed in the Albanian language when the overwhelming majority of the Kosovo population is likely to boycott the elections. The possibility cannot be excluded that blatant fraud may be committed again in the two constituencies, Prokuplje and Vranje, in which Kosovo voters are included.

Observation of the Elections

The legal framework for these elections did not provide for a non-partisan domestic observation. As noted previously, the activists of various NGOs specializing in electoral matters were arrested and harassed. The Center for Free Elections and Democracy (CeSID) was denied accreditation, its offices were raided by the police and closed, the equipment confiscated and the staff detained and interrogated.

The FRY authorities selectively denied visas to international observers. On 7 August, the OSCE/ODIHR requested entry visas for a team of experts to travel to Belgrade for an assessment of the pre-election conditions. In a letter dated 12 September, the FRY Ambassador to Poland, under instructions from Belgrade, informed the OSCE/ODIHR that the organization was not welcome to observe the elections and that it had no right to make statements about the elections.

The European Parliament attempted to send a team of 25 observers, but were denied visas. Three election-specialized NGOs from Romania, Bulgaria and Slovakia also attempted to organize an observation of the FRY elections, but were denied accreditation.

The Belgrade authorities selectively invited parliamentarians and other delegations from a number of States to observe the elections. However, these observers lacked coordination and an observation methodology.

The absence of any effective election observation, both domestic and international, and the expulsion from the country of some 20 foreign journalists two days before election seriously compromised the transparency of the process and voter confidence.

Election Day

On election day, turnout in Serbia, including some 44,000 in Kosovo, was reported over 70%, and in Montenegro around a quarter of the electorate. While these overall turnout figures do not appear unusual, the number of absentee ballots cast, in particular in Montenegro, appear high.

In an extraordinary decision on the eve of the election, the Federal Election Commission ordered polling commission members to inspect marked ballots before allowing voters to cast their ballots, allegedly to prevent voters from casting multiple ballots. In another significant development on election day, widespread reports were received that representatives of opposition parties on polling station commissions were expelled from polling premises and CeSID activists as well as opposition observers were assaulted or detained.

Other reports of violations were also received on election day, but their extent is not known. There were reports of ballot box stuffing and voters not able to cast their ballots because their names had already been checked by others on the registers as having voted. Already a few days before election, there were reports that pre-marked ballots were discovered and State employees were forced to participate in a scheme to cast pre-marked ballots for the incumbent President. There were also reports of some violence in polling stations, individuals casting multiple ballots, and voting without a proper check of identification documents.

In Montenegro, where the FEC called on the army to "maintain public order" during the voting, the military police were seen harassing activists of an independent NGO Center for Democratic Transition monitoring the poll outside polling stations as they were denied accreditation.

During the night after election day, the expulsion of all opposition and Serbian Radical Party members from the Federal Election Commission session and premises was a further indication of this elections' fundamentally flawed character. Nonetheless, the first indications point to a lead by opposition presidential candidate Vojislav Kostunica.

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Appendix 6
Final Official Federal Election Results:
Presidency, Chamber of Citizens, Chamber of
the Republics

"Sluzbeni list SRJ", no. 56/00 (October 13, 2000)

FINAL AND TOTAL RESULTS OF THE ELECTIONS FOR FEDERAL DEPUTIES IN THE CHAMBER OF REPUBLICS OF THE FEDERAL PARLIAMENT IN THE YEAR 2000

In total, 40 federal deputies have been elected in the Chamber of Republics of the Federal Parliament, out of which:

- in the Republic of Serbia 20 federal deputies;
- in the Republic of Montenegro 20 federal deputies.

Final and total results of the elections are:

I

In the **Republic of Serbia**:

1. Total number of the polling boards	10,001
a) Number of the polling boards which have submitted their election documentation	9,293
2. Number of received ballots	6,421,228
3. Number of unused ballots	1,632,049
4. Number of voters registered in the voter's list	6,395,862
5. Total number of the voters who have voted	4,759,030
a) Number of voters who have voted in the polling stations	4,696,287
b) Number of voters who have voted outside of the polling stations	62,743
c) Number of voters who have not voted personally	14,808
6. Number of used ballots	4,753,347
a) Number of non-valid ballots	226,108
b) Number of valid ballots	4,527,239

7. Number of votes and seats won by particular election lists:

Name of the election list	Number of votes	Number of seats
Democratic Opposition of Serbia – Dr Vojislav Kostunica	2,092,799	10
Socialist Party of Serbia – Yugoslav Left – Slobodan Milosevic	1,479,583	7
Serbian Radical Party – Dr Vojislav Seselj	472,820	2
Serbian Renewal Movement – Vuk Draskovic	281,153	1
Party of Natural Law	102,062	0
Radical Party of the Left "Nikola Pasic" – Sinisa Vucinic	98,822	0

II

In the Republic of Montenegro:

1. Total number of the polling boards	673
b) Number of the polling boards which have submitted their election documentation	673
2. Number of received ballots	444,357
3. Number of unused ballots	294,220
4. Number of voters registered in the voter's list	437,876
5. Total number of the voters who have voted	126,307
a) Number of voters who have voted in the polling stations	112,263
b) Number of voters who have voted outside of the polling stations	14,044
c) Number of voters who have not voted personally	744
6. Number of used ballots	126,239
a) Number of non-valid ballots	2,043
b) Number of valid ballots	124,196

7. Number of votes and seats won by particular election lists:

Name of the election list	Number of votes	Number of seats
Socialist People's Party of Montenegro – Momir Bulatovic	103,425	19
Serbian People's Party – Dr Bozidar Bojovic	9,494	1
Serbian Radical Party – Dr Vojislav Seselj	5,586	0
Yugoslav Left for Montenegro	1,928	0
Alliance of Yugoslav Communists – Communists of Montenegro	1,243	0
Party of Foreign Currency Savers of Montenegro – Herceg Novi	1,025	0
Yugoslav Communists – Prof. Dr Dragomir Drasovic	797	0
Serbian Party – Acim Visnjic	698	0

Final and total results of the elections for federal deputies in the Chamber of Republics of the Federal Parliament in the year 2000, published in the "Sluzbeni list SRJ", no. 50/00 are this way annulled.

Federal Election Commission

October 11, 2000

Secretary
Milisav Milenkovic

President
Borivoje Vukicevic

"Sluzbeni list SRJ", no. 55/00 (October 10, 2000)

**FINAL AND TOTAL RESULTS OF THE ELECTIONS FOR THE PRESIDENT OF THE
REPUBLIC IN THE YEAR 2000**

Federal Election Commission has asserted the following:

1. Total number of the polling boards	10,676	
a) Number and percentage of the polling board which have submitted their election documentation	9,966	93.38%
2. Number of received ballots	6,697,062	
3. Number of unused ballots	1,940,237	
4. Number of voters registered in the voter's list	6,871,595	
5. Total number and percentage of the voters who have voted	4,916,920	71.55%
a) Number and percentage of voters who have voted in the polling stations	4,820,845	98.05%
b) Number and percentage of voters who have voted outside of the polling stations	96,075	1.95%
6. Number of used ballots	4,915,090	
a) Number and percentage of non-valid ballots	137,991	2.81%
b) Number and percentage of valid ballots	4,777,099	97.19%

7. Candidates for the President of the Republic, according to the votes received:

Ordinal number	Name of the candidate	Number of votes received	%
1.	Miodrag Vidojkovic, Affirmative Party	45,946	0.93
2.	Dr Vojislav Kostunica, (DOS)	2,470,304	50.24
3.	Stobodan Milosevic, Socialist Party of Serbia, Yugoslav Left, Socialist People's Party of Montenegro	1,826,799	37.15
4.	Vojislav Mihailovic, Serbian Renewal Movement	145,019	2.95
5.	Tomislav Nikolic, Serbian Radical Party	289,013	5.88

Based on the confirmed results, the Federal Election Commission states that Dr Vojislav Kostunica has received majority of votes and has been elected for the President of the Republic.

Federal Election Commission

October 7, 2000
Secretary
Milisav Milenkovic

President
Borivoje Vukicevic

**Appendix C: Parliamentary Election Technical Assistance Final Report,
December 2000**

FEDERAL REPUBLIC OF SERBIA FRY

PARLIAMENTARY ELECTION TECHNICAL ASSISTANCE DECEMBER 2000

PREPARED BY:

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The opinions expressed in this Report are solely of the International Foundation for Election Systems (IFES).*

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ATTACHMENTS

- I. LETTER OF INVITATION TO IFES FROM THE SERBIAN ELECTION COMMISSION
- II. LAW ON THE ELECTION OF MEMBERS OF PARLIAMENT
- III. REC/IFES INFORMATIONAL LEAFLET FOR POLL WORKERS (ENGLISH, SERBIAN, HUNGARIAN)
- IV. REC/IFES ADVERTISEMENTS ON NEW VOTING PROCEDURES

I. INTRODUCTION

In early 1999, the United States Agency for International Development (USAID) approved a program for the International Foundation for Election Systems (IFES) to conduct election-related activities in the Federal Republic of Yugoslavia (FRY). Under the agreement, IFES accepted an invitation from the Serbian Republican Election Commission (REC) in December 2000 to assist the REC in the preparation of an information campaign for voters and pollworkers in advance of parliamentary elections to be held in the Republic of Serbia on 23 December 2000. The parliamentary elections marked the first time that the REC was involved in an information campaign to assist voters in understanding the voting process and pollworkers to better understand their duties. This report summarizes IFES activities associated with the 2000 parliamentary elections and the context in which the program operated.

II. POLITICAL BACKGROUND

In October 2000 there was a change of government in the FRY. This change resulted from the federal elections of 24 September 2000 and subsequent political unrest when election results were apparently manipulated in order to force a run-off presidential election.

A limited number of local and accredited internationals observed aspects of the September elections outside the polling station. Observers included the local NGO CeSID (the Center for Free Elections and Democracy), some regional internationals, and international peacekeepers in Kosovo. Because the old election law did not permit domestic observers, CeSID conducted a non-traditional observation of the federal presidential elections which consisted of an exit poll and observing the election results at the polling stations. On the other hand, the majority of Democratic Opposition of Serbia (DOS) members on polling boards were trained in advance of the parliamentary elections and served as the main "observers", given their great number and organization. The Milošević regime again used Kosovo constituencies (the small number of polling stations opened in Kosovo and those in southern Serbia established to replace polling stations in Kosovo) to try to fabricate the election results.

Local observers suggest that DOS won the presidential election with well over 50% of the vote. The final official figures, released by the REC prior to the political upheaval in early October, had DOS presidential candidate Vojislav Koštunica in the lead with 49%, and a run-off election required to determine the ultimate result. It is unlikely that the actual vote tallies from the election will ever be known. Based on reports of independent observers and opposition political parties, the most likely result of the ballot count was a DOS victory of around 52% of the popular vote, though it is impossible to conclude decisively. It is also impossible to determine the degree of ballot stuffing prior to the commencement of the ballot count.

The political unrest following the election took the form of mass demonstrations, especially in Belgrade on 5 October 2000. The minimal degree of violence against citizens at the October demonstrations was due, at least to some extent, to an agreement between leaders of the demonstrators and the police and military. The demonstrations resulted in the capitulation of the Milošević regime and the election of DOS leader Vojislav Koštunica as President.

The change at the federal level led to the creation of the "Agreement on Holding of Early Parliamentary Elections in the Republic of Serbia" which was accepted on 16 October 2000 and signed by the representatives of SPS, DOS and SPO. This agreement also regulated membership of the transitional Serbian republican government in which DOS was represented by one third, despite the fact that they had practically no MPs in the parliament at the time. Parliament was dismissed soon afterward, the same day

that early elections were officially called by the President of Serbia for 23 December 2001 reflecting the new political landscape. One of the last acts of the old Serbian parliament was the enactment of a revised election law on 8 October 2000 that provided the framework for the parliamentary elections.

Amendments passed to the Serbian parliamentary election law yielded several technical changes in voting procedures and one change in the electoral system. The most important changes for voters in the parliamentary elections were:

- To provide for elections for the National Assembly of Serbia by preferential ballot as one constituency¹;
- To provide for the inking of the voters right index finger and the checking of that finger prior to the elector being allowed to vote;
- To require that the voters sign the voters' register as evidence they voted;
- To provide for transparent ballot boxes;
- To hold elections on Saturday instead of the traditional Sunday.

The change of government in FRY in October 2000 created a visible change in government style. Milošević and his party, the Socialist Party of Serbia (SPS) were notorious for their use of police, military and government media to rule FRY in a dictatorial and authoritarian manner. There were political killings, arbitrary detention and significant restrictions on the rights of ordinary citizens. The period coincided with the disintegration of the former Yugoslavia and the use of political, military and police power to maintain the political supremacy of government from Belgrade.

There was a major change in attitude between the federal and local elections and the Serbian parliamentary elections, both from the FRY government and the newly restructured REC, towards accepting international assistance and observers. The Republican Election Commission had been transformed since the October events to reflect the new political reality. The Commission was composed exclusively of party members in order to ensure inclusion of all political perspectives.

III. PROGRAM BACKGROUND

In June 2000, IFES sent a two-person consultant team to Serbia to conduct a pre-election technical assessment. While this mission was completed, it was not without difficulty. The two consultants, an Argentinean and a Bulgarian, were attempting to perform their work in a politically hostile environment with virtually no support or cooperation from Yugoslav authorities, election commissioners, or ruling party officials. In the end, the Bulgarian member of the team was detained, questioned, relieved of all his documents, and ordered out of the country. In addition, their visit was in the context of the previous electoral system and laws, since the major changes in the election laws were passed after the assessment was completed.

When the September elections were formally announced, IFES staff considered how IFES activities could have a positive impact on the election environment given that it was impossible to work with election authorities at any level. After consultations with USAID in early August, IFES sent a training specialist to set up a temporary IFES office in Budapest, the location of many American and international organizations and agencies involved in Yugoslav democracy-building programs. The training specialist was tasked with developing and delivering a training program and materials for three would-be election observer missions being organized by NGOs in Bulgaria, Romania and Slovakia. Upon the training specialist's deployment, IFES expanded the program by funding two of the three observer missions Bulgaria and Slovakia.

¹ With the adoption of the new law, the old Law on Electoral Districts became invalid

Shortly after the announcement of the election date, the FRY government issued a decree and statements permitting citizens from non-NATO countries to apply for accreditation as election observers. The Bulgarian Association for Free Elections and Civil Rights (BAFECECR), the Pro Democracy Association (PDA) of Romania, and the Slovak Democratic Initiative – a conglomeration of three Slovakian NGOs (Civic Eye, Memo 98, and the Slovak Foundation for Civil Society) all expressed interest. Each group had a history of domestic and/or international election monitoring and had worked previously with international funders/donors. Their interest was made known to USAID, who then sought funding, coordination, and training assistance for the three missions. Closer to the election, a fourth delegation – from Ukraine – made plans to serve as an adjunct to the Slovak delegation.

The probability of any or all of the delegations receiving accreditation was questionable from the beginning. The decree permitting international observers was vague and government authorities provided little guidance concerning the process of applying for and receiving accreditation. Furthermore, later statements by government spokespersons suggested that citizens of any countries that had been friendly towards the 1999 NATO bombing of Kosovo would not be welcome. All three countries fit that criterion. The prediction that no response – positive or negative – would be received came true. In fact the only response received by any of the delegations was the denial of visas for the observers from Slovakia.

In December 2000, in response to a formal invitation, IFES began working with the REC on the preparation of an education campaign for voters and pollworkers in advance of the Republic of Serbia parliamentary elections.

IV. PROGRAM OBJECTIVES

The primary objective of the information program was to explain and "demystify" new election procedures to voters and polling officials. Using print media, the program aimed to inform voters about the election and clarify recent changes to the election law. Further, it sought to provide voters with clear guidelines and practical advice on proper voting procedures to ensure they understood and complied with the voting process. The program aimed to provide polling officials with instructions on issuing ballots, applying ink to voters' fingers, and other newly introduced procedures in order to minimize irregularities, maintain consistency and ensure the orderly operation of the polling place.

V. PROGRAM IMPLEMENTATION

Despite the changes to voting procedures that had been introduced in the new electoral law for the parliamentary elections, no vehicle for informing the public of these changes had been considered by the REC. In the past, the approach generally taken was that it was not within the competency of the REC to conduct voter education campaigns. However, as election day approached, the need for an informational campaign became more apparent. IFES received an invitation from the REC to assist in the development of educational materials and arrived in-country two weeks prior to election day.

Three items were designed and produced as part of IFES' assistance program to the REC: a public education poster, an informational leaflet for pollworkers, and a print advertisement placed in newspapers and journals.

A. PUBLIC EDUCATION POSTER

1. Concept

The concept of a voter information poster was developed in coordination with the REC, which would include verbal descriptions and graphics with practical advice on what voters might expect at the polling

place. It would inform voters about the proper method of voting, the voting process, and new voting procedures. In addition to Serbian, it would be available in several minority languages, including Hungarian, Albanian and Romanian. In order to reach the maximum number of voters in a short timeframe, the poster was to be placed in a prominent place in each polling station.

The envisaged design included the main instructions printed in bold text and additional instructions printed as sub-text in italics to explain what to do when something unusual occurred. This helped to simplify the use of the poster for the majority of cases where standard procedures applied. The text provided in this checklist was the only one to explain in detail the procedure for the marking of the index finger to indicate the person had voted as required by the new law. Given that the law was ambiguous, it was feared that otherwise individual interpretations would cause confusion.

Conventional wisdom is that the proximity of voter education materials to the point of voting is directly related to their effectiveness. Posters placed in the polling place have the greatest impact in that they are accessible and can be easily referred to prior to voting. They target the actual voters. Good graphics and the use of color make the posters more visible and easily understood. The posters have the potential to improve voter flow and reduce the impact of new innovations that would otherwise cause confusion. There are several examples of similar posters, which have had an extremely positive impact on elections in other countries.

Graphics from the poster were also utilized in all the other materials developed for the campaign, including the print media campaign.

IFES Project Manager Trefor Owen and local assistant Biljana Dakić designed the text and graphics for the poster with input from the graphic designer. The poster was loosely based on past posters, including some used in nearby countries. The design was prepared with input from staff at the REC and discussed with staff at USAID. Reference was included to all new voting procedures included in the October Law on the Election of Members of Parliament.

2. Sequence of Issuing Procedures

Initially, the poster was designed with the illustrations in the order that the activities would most logically fit into the routine of the polling station. This sequence had the voter's right index finger marked with indelible ink after their identification was checked but prior to signing the voters' register and being issued with the ballot paper. This sequence varied slightly from that implied by the law. Article 68 states, "Each elector who has come to vote *and received the ballot-paper* shall have his right index finger sprayed...". It was felt that this slight departure was legally acceptable and sensible as it ensured the voter would not be provided with any election materials if he/she refused to have his/her finger marked. The design team felt it still substantially complied with the law. Following discussions with IFES/Washington, the illustrations and their associated text were reordered into the sequence strictly required by the election law. The REC was then consulted and asked the Project Manager to revert to the original model. Following an unrelated Supreme Court case in which the election law was interpreted very strictly in accordance with the letter of the law, the REC again changed its mind and reverted to the procedures in the sequence laid down in the law and proposed by IFES/Washington. This last-minute change two days before the scheduled commencement of the distribution of the posters meant that one of the illustrations was out of its original sequence. To have the polling official in the illustration standing was no longer really appropriate, but it was too late to change, and it had been passed in any event by the REC in the format finally used.

3. Items Included

The poster included descriptions of all items including new items from the October amendments to the election law. These were:

- (New procedure) Checking the voter's finger for ink prior to voting;
- Checking the voter's identification;
- (New procedure) Having the voter sign the voters register (*Interestingly it included a concept suggested by IFES/Serbia assistant Biljana Dakić to have the voter sign the voter's register upside down to save time turning the register around and relocating the name. This procedure was widely observed on polling day which suggests that the poster was highly visible and was widely used*);
- Giving the voter the ballot paper;
- (New procedure) Marking the voter's right index finger with fluorescent ink;
- Marking the ballot paper;
- Putting the folded ballot in the transparent ballot box; and
- Leaving the polling place.

4. Languages

The poster was also printed in Hungarian using the translation provided by the REC. Unfortunately translations in other minority languages could not be produced in the time available. Although, the original intent of the project was to produce posters in the three most prevalent minority languages – Albanian, Hungarian, and Romanian. It would have been particularly valuable to have the poster in at least Albanian as well, but the translation could not be arranged in time.

5. Printing

Fifteen thousand (15,000) full color, B2 size posters were printed in two days and delivered on schedule on 18 December 2000. An additional print run of 500 was printed in Hungarian from text supplied by the REC. These were delivered on schedule on 20 December.

6. Usage

The IFES team observed the posters at all of the polling places it visited on polling day, including four in remote areas. The posters were generally well placed. IFES observed several people reading them before voting. The IFES poster was the only one on how-to-vote in the polling place. Two members of the REC also prominently displayed the posters on national television at an official press conference the Friday before polling day. The REC members took the opportunity to describe the voting process using the poster as a prop and taking the illustrations one by one. The REC publicly thanked IFES at that time.

B. MEDIA CAMPAIGN

1. Concept

The concept for the media campaign was to inform voters about polling day and the new voting processes. A series of three advertisements was designed for use in the print media. Three illustrations representing the new aspects of the election law were taken from those developed for the poster. The principal goal of the media campaign was to explain the necessity for the new procedures and ease voters' concerns about the implications of the new law. The change of election day to Saturday was also stressed.

The campaign aimed to reach as wide an audience as possible and minimize the disruption of the new voting procedures by familiarizing voters with what to expect on polling day.

2. Timetable for Advertisements

Advertisements were placed in all five of the major national dailies (*Blic*, *Večernje Novosti*, *Glas Javnosti*, *Politika* and *Danas*) two days prior to polling day. The size of each of the adds depended on the circulation of dailies, so that those with greater circulation were printed in full page format. Full-page advertisements were also placed in two of the three weekly newspapers (*Vreme* and *NIN*). Space was not available in the weekly *Nedeljni Telegraf* due to time restraints. IFES was unable to secure space in color in any of the papers used in the time available.

Again due to time constraints, IFES was unable to place advertisements before 20 December 2000. It is well known that election advertisements are most effective when placed as close as possible to the event (but not on the day itself when people may not read the paper until after they have voted). The availability of the key days of Thursday and Friday was fortuitous. Advertisements were only produced in Serbian.

C. POLLING OFFICIALS' CHECKLIST

1. Concept

The concept for this checklist was to have something small and informative available to all polling officials who were to issue votes. It would be printed in a desk-size format. Ideally polling officials would be able to see all procedures without having to adjust the sheet.

All critical text and graphics were printed on one side of the A4 landscape sheet. To speed printing and enhance readability it was printed in only two colors. The sheet was then folded to pamphlet size with title details facing outward.

The design was based on the concept that the main instructions be printed in bold text and additional instructions printed as sub-text in italics to explain what to do when something unusual occurred. This helped to simplify the use of the checklist for the majority of cases where standard procedures applied. Again, the text provided in the checklist was the only detailed explanation on how to mark the right index finger. The REC used the wording from this procedure for their other documents and instructions.

2. Items Included

The illustrations were once again taken from the poster. Approval of the checklist by the REC was made at the same time as the approval of the poster on 15 December 2000. The checklist was printed in three languages. Fifty thousand copies of the Serbian version of the poster were printed to provide four copies for each polling place and several copies for each political party. Two thousand copies were printed in Hungarian to provide for polling places in the north where the ethnic minority spoke Hungarian. The pamphlet was also produced in English as a resource for OSCE international observers.

VI. PROGRAM OBSTACLES

A. NEGOTIATIONS WITH THE REC

Prior to elections, the Republican Election Commission was restructured to provide multi party representation for the parliamentary elections. Although the REC was co-operative with IFES during the latter period of its mission, the REC spent some time initially considering whether it should invite IFES to assist it with the information campaign. The late invitation reduced the time available for a public education campaign considerably to only two weeks.

B. TIMELINE AND RESTRICTED PROGRAM

Delays in the issuing of the REC invitation to IFES created an extremely tight timeline for the preparation of the poster and advertisements for the public education campaign. The original timetable called for four weeks for the preparation of materials. This would still have been tight but would at least have allowed more time to negotiate and fine-tune the items with the REC. It could have allowed for production of more comprehensive materials such as a poster on how to complete the ballot and certainly would have provided for the production of minority language versions of the how-to-vote poster and checklist. It would have allowed for a website to be prepared. With an extra two weeks, the program could have been expanded to include TV and radio spots and the production of more how-to-vote posters prior to polling day. It is well known that partial information programs fail to reach voters who only access one form of media.

C. APPROVAL

Several REC members provided input on items designed by IFES. All three sub-items of the program were formally discussed by the REC at their meeting of 14 December 2000. At that time it became apparent for the first time that there was strong resistance to the concept of public education among some of the core members of the REC. Discussion was deferred until 15 December. It appeared possible at that time that the poster and the other items on the program would not be approved or would be approved too late to allow for printing. On 15 December the items were presented to the full REC again. Where necessary, they had been modified to meet the comments of the REC members at the previous night's discussions. Opponents again attempted to filibuster the approval of the material but it was eventually put to vote in the early hours of 16 December 2000. All items were then approved with 13 in favor and eight against. Representatives of the Serbian Radical Party were the main opponents of the voter education materials, questioning the power of the REC to do such work and pointing to the lack of specific provisions in the election law in order to support their case. In the end, the majority of the REC members accepted the argument that the law clearly implied the REC had the power in general provisions.

D. MINORITY LANGUAGES

There are several large groups of ethnic minorities in Serbia. In Vojvodina, there is a large ethnic Hungarian minority. In the south, particularly in Kosovo, there is a significant number of ethnic Albanians. Other significant minority languages include: Romanian, Roma, Slovak, Bulgarian and Turkish. It would have been desirable to provide instructions in the minority languages to assist voters in understanding the process.

E. RESTRICTED AMENDMENTS TO THE ELECTORAL LAW

The electoral law was redrafted quickly for this event. It is inadequate in its current format as a long-term law. Extensive revisions are needed to address significant areas of the law that are currently silent or where there are weaknesses.

VII. PROGRAM RESULTS

The key objectives of the Serbian election program were somewhat fluid in the early discussions with the REC. The REC was initially interested in receiving direct financing of items such as the printing of ballot papers and the provision of computers. There was not sufficient time to work with the REC on items as extensive as this. By the time the REC issued an invitation to IFES, it was perilously close to the date where no objectives at all could have been achieved. The Project Manager arrived in Serbia only 12 days prior to the election. He focused on preparing a high quality and fairly extensive press advertising campaign and the voter information poster and checklist.

The IFES team observed extensive evidence that the IFES/REC materials were widely used and had a significant impact on the election process. The signing of the voters' register upside down is a key performance indicator because it was so distinctive. This practice was almost universally adopted. IFES received positive feedback from the REC on the quality of the items concerned. No other instructions were provided on the use of the ultraviolet light. No other instructions were issued as to how to ink the right index finger or what to do if it was already inked.

VIII. THE ELECTION

By polling day IFES staff had completed all items planned as part of the program. It had arranged with the REC for appointment as international observers. As IFES had been working in partnership with the REC on the voter information program and had not sought to be official broadly based election observers, the team only observed work relating to IFES' role. Most international and local observers were optimistic that the elections would be free and fair. The REC had been open and friendly. The consensus, however, was that in amending the legislation so quickly before the election, the legislation had been reduced too far and that, relative to the previous election, elderly and disabled individuals were disadvantaged.

On election day, Goran Jovičić, an REC member with whom IFES worked fairly closely, invited the IFES team to observe voting in remote areas of the country and the subsequent collation of figures.

The IFES team visited eight polling places in the vicinity of Belgrade and four (Svilajnac, Čuprija, Despotovac and Jagodina) in central Serbia on election day. The IFES team did not have a checklist as it only officially observed the items it had been directly involved with. The polling places that IFES observed had low voter turnout. They appeared to be generally well staffed and well run and the new procedures were not creating problems. The voters were relaxed and were generally adapting well to the new procedures. There was no evidence observed of ballot box stuffing or fraud. Departures from official procedures observed by IFES were considered minor and unplanned. In central Serbia, the IFES team met with municipal and election officials and discussed the conduct of the election. Interestingly, it became clear that despite the lack of a formal structure in the regions, there was a de facto structure being used to assist on the ground.

IFES observed the return of material after the close of the poll. As in other countries, the quality of returns and packaging was variable, though there was no attempt to falsify figures during the time and in the regions IFES observed. The only irregularity was the reported omission, at one polling place, of the proper sealing procedures for the ballot box. There was some suggestion at the time by the REC that there may be a re-run of the election at that polling place. This was an arguable proposition in the absence

of other irregularities at that polling place and the original result was eventually accepted. This illustrates the lack of substantial-compliance provisions in the law. Other problems encountered were problems with omission of names from the roll and refusal by some electors to have their fingers inked.

IX. FINAL ELECTION RESULTS (source: REC)

1. Number and percentage of the polling boards which have submitted their election documentation	8,636	99.13%
2. Number of voters registered in the voter's list	6,493,6723.	
3. Total number and percentage of voters who have voted	3,748,623	57.72%
4. Number and percentage of valid ballots	3,657,366	7.60%
5. Number and percentage of non-valid ballots	89,738	2.39%

Party lists for the Republic Parliament:

	Received votes	Percentage	Deputies
1. Serbian Radical Party - Dr Vojislav Šešelj	322,333	8.59%	23
2. Serbian Renewal Movement - Vuk Draković	141,296	3.76%	/
3. Socialist Party of Serbia - Slobodan Milošević	515,845	13.76%	37
4. Democratic Opposition of Serbia Dr. Vojislav Koštunica	2,402,387	64.08%	176
5. Party of Serbian Unity - Professor Borislav Pelević	199,847	5.33%	14
6. Democratic Socialist Party - Milorad Vučelić	31,958	0.85%	/
7. Yugoslav Left – JUL	14,317	0.38%	/
8. Serbian Social-Democratic Party - Zoran Lilić	29,383	0.78%	/

X. FINAL EVALUATION

It is impossible for experts to design an election system that is immune to the manipulation of a dishonest government. Threats to the safety of election officials or restructuring of the election commission to put cronies into key positions are almost impossible to combat. They can be publicly exposed but this usually has no practical effect.

A number of amendments to demonstrate the validity of the election result on this occasion are not effective against massive fraud. For example, the provisions requiring electors to sign the voters' list are only useful in the margins where particular signatures are contested. There is no way of determining whether an elector has signed two rolls.

The provision for inking the fingers of voters is much more effective but does not prevent ballot stuffing or manipulation of figures at the back end of the process.

Transparent ballot boxes mostly serve to satisfy the doubts of voters. On the downside, a ballot can unfold and be legible as it is deposited. They are expensive to store, clean and transport compared to cardboard boxes used in many countries.

A. ONGOING PROBLEMS

Despite the acceptance of the December 2000 elections by international and domestic observers as free and fair, a great deal of work is needed to ensure that elections in Serbia comply with international standards. There is a need for further development work on the election law and procedures in the future to raise the standards of elections in the FRY. The REC currently appears to have a commitment to that process and would benefit from further international assistance in this regard.

The REC could benefit from assistance in a number of areas. The REC is keen to review its election legislation and bring it up to international standards. The REC has already requested IFES' assistance with this work. It would be best to have someone with international experience involved in drafting this type of legislation on hand while it is happening.

Items that should be addressed include:

1. Structure of the REC

The REC was restructured for the 23 December elections. Previously it had a three-tiered structure with central, regional and polling board levels. The middle level was removed as part of the October restructure. To try and cover this deficiency each member of the REC spent some time in an assigned area of the Republic prior to, and on, polling day. This elimination of layers of election commissions is common in many countries. The REC dealt with the absence of a middle tier in the same ways as other countries have done; they delegated work to local authorities and used central resources from Belgrade to supervise and top up expertise. These solutions are not entirely satisfactory. Delegation only works well when the person accepting the delegation has some authority for the delegated task. Covering problems from Belgrade only thins the expertise available in the core of the organization. An example of this effect is the work done by Goran Jovičić on polling day, who was a vital member of the REC sidelined for the whole day and night 200 kilometers from Belgrade doing routine counting work. In the meantime, the public enquiries area of the REC was insufficiently staffed to meet the observed demand.

The structure of the REC was enlarged in the October amendments to the election law. The number of core members jumped from six to sixteen. As in the past, each member had a deputy with the same powers as the member in their absence. Under the amendments, these members were selected from party lists. In the past, the National Assembly had nominated them. The representation from contesting parties and the non-voting members stayed the same. The practical effect of these changes has been to politicize the operation of the REC. A number of acrimonious debates were observed at the public hearings in December. Of course it is not possible to have people unaffected by political issues running election commissions but the less politicized they are, the better. IFES staff observed a number of permanent public servants without party affiliation assisting with the elections. Members told the Project Manager that experienced staff were critical to the successful conduct of the election.

2. Correcting Errors Made by the REC

There are some specific provisions in the current law for errors that had no practical effect on the election result. These need to be deleted in favor of a general provision. This provision should also spell out what powers the REC has to proceed in the absence of a court order. Commissions should not need to be consumed with extreme technicalities in legislation as they discourage frivolous appeals.

3. Provisions for Disabled and other Special Category Electors

Previous provisions for mobile ballot boxes were eliminated for these elections. The provisions were always loose and only provided for visits where time permitted. Given the potentially excessive workloads of Polling Boards, the provision was often not used. It is an unsatisfactory way to meet demand. Provisions for postal and pre-poll voting on prescribed days before polling day would improve the lot of a number of elector categories such as the disabled, the elderly, travelers, soldiers in the field, workers in essential positions, and people with religious convictions. On the other hand, the removal of the general provision for soldiers to be given a postal vote for this event was a positive step. It prevented allegations of fraud and intimidation by military personnel as claimed in the past. There is no reason why soldiers cannot be listed on a voters' list near their base.

4. Provisions for Voter Education

Specific responsibilities for this work need to be included in the law. There should be provisions for encouragement of voters to turn out to vote and to tell them how and where to do so. This is an accepted part of the responsibilities of election commissions internationally.

5. D'Hondt System

There are insufficient descriptions in the law of how to decide which candidates are elected when a number of them have less than a quota.

6. Authorization of Campaign Material

Responsibility for authorization of published campaign material should be placed on each candidate or party. Currently no one takes responsibility for published campaign material. This means that anyone can place an advertisement and falsely misrepresent the policies of a party that they do not belong to and do not represent. In most countries, newspapers have a responsibility to ensure that the advertisements are from whom they say they are from. Even the REC does not have a recognizable symbol for its election advertisements.

7. Election Resources

Current provisions allow for one polling board for up to 2500 electors. The hours of opening of polling boards are 7.00am to 8.00pm. That is a total of 13 hours. According to international standards a polling official can issue about 60 votes an hour. In thirteen hours the total votes that can reasonably be issued are around 800. With a low 50% turnout this means a voters' list should not exceed 1600. If a Polling Board had 2500 electors, it would be necessary to split the list if staffing permitted, but there are currently no provisions for this.

8. Election Materials

Election materials need to be improved. A number of election processes are currently not up to best practice. One example is the sealing of ballot boxes with string and sealing wax. Numbered plastic, or even paper, seals would be preferable. Likewise, packaging of material for return is currently unstructured and should be in clear plastic bags with official stick-on labels provided.

There is currently no poster on how to complete the ballot in the area of the voting screens. Instructions printed on the ballot need to be improved. The Serbian invalid ballot rate exceeds typical international percentages, which should be less than 2% in voluntary ballots.

The maintenance of the voters' roll is currently not the direct responsibility of the REC. A number of errors highlighted by the REC itself immediately prior to polling day could not be rectified. A thorough review of current practices is needed. Special categories of electors such as disabled electors and the elderly need to be notated on the roll.

Every aspect of the election legislation and practice is in need of review. This work may be best commenced while the REC is so open to consultation.

B. ROLE FOR IFES

IFES should explore with USAID the possibility of sharing in this work by sending an expert in review of election law and procedures. This is the traditional work of IFES and this project has built up excellent rapport between IFES and the REC.

FEDERAL REPUBLIC OF SERBIA FRY

PARLIAMENTARY ELECTION
TECHNICAL ASSISTANCE
DECEMBER 2000

PREPARED BY:

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The opinions expressed in this Report are solely of the International Foundation for Election Systems (IFES).*

I. LETTER OF INVITATION TO IFES FROM THE SERBIAN ELECTION COMMISSION

REPUBLIC OF SERBIA
REPUBLIC ELECTION COMMISSION

02 No 013 - 12.8/00
November 7, 2000
Belgrade

Mr. Scott Lansell,
Program Director Europe and Eurasia
International Foundation for Election Systems
FAX: 202-452-0804

Dear Mr. Lansell,

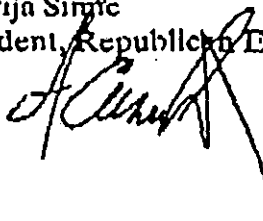
In response to your letter, I would like to convey the interest of the Republican Election Commission in cooperating with IFES on the upcoming elections for the Serbian National Assembly.

The Commission is interested in some of the ideas that you proposed in your letter. We would like your assistance in producing instructions for polling boards on the use of ink at polling stations. This is the area where I feel your assistance is most needed but I am also open to discussing other options with your representative once he arrives in Belgrade.

I look forward to meeting your representative and cooperating with your organization as we prepare for upcoming elections.

Sincerely,

Andrija Simic
President, Republic Election Commission



II. LAW ON THE ELECTION OF MEMBERS OF PARLIAMENT

Pursuant to Article 83, Para. 3 of the Constitution of the Republic of Serbia, I hereby issue the

EDICT

OF PROMULGATION OF THE LAW ON THE ELECTION OF
MEMBERS OF PARLIAMENT

Promulgated is the Law on the Election of Members of Parliament, passed by the Parliament of the Republic of Serbia at its first session of the second regular sitting in 2000, held on 9 October 2000.

No.: 14
Belgrade, 10 October 2000

President of the Republic
Milan Milutinovic, signed

THE LAW ON THE ELECTION
OF MEMBERS OF PARLIAMENT

I - BASIC PROVISIONS

Article 1

This Law shall regulate the election and termination of term of office of Members of Parliament of the Republic of Serbia (hereinafter: the Republican Parliament).

Article 2

Citizens shall elect Members of Parliament on the basis of their free, universal, equal and direct suffrage, by secret ballot.

No one shall have the right, on whatever grounds, prevent a citizen from or force him into voting, take a citizen to account for voting, or ask him who he has voted for or why he has not voted.

Article 3

The Parliament of the Republic of Serbia shall have 250 Members of Parliament who are appointed for a four year term of office.

Article 4

Members of Parliament shall be elected in the Republic of Serbia as one constituency on the basis of the lists of political parties, party coalitions, other political organizations and lists submitted by groups of citizens (hereinafter referred to as "candidate list").

Parliamentary seats shall be allocated in proportion to the number of votes won in the election.

Article 5

Citizens shall have the rights to be informed in the media about the election programmes and activities of submitters of candidate lists as well as about the candidates on candidate lists.

It is the duty of the media to ensure equal representation in information among all the submitters of candidate lists and the candidates from the lists.

The election campaign in the media and by way of public rallies and publication of results estimates shall be forbidden for 48 (forty eight) hours prior to the polling day, including the polling day until the closure of polling stations.

Article 6

The election administration bodies conducting the election shall be the Republican Election Commissions and polling boards.

Article 7

The protection of suffrage shall be the duty of the Republican Election Commission, the Supreme Court of Serbia and competent courts.

Article 8

The funds needed for the administration of the election of Members of Parliament shall be provided by the republican budget.

II - SUFFRAGE

Article 9

Suffrage, as used in this Law, shall include the following rights of citizens: to elect and be elected in the procedure determined by this Law; to nominate and be nominated as candidates; to make decisions on the nominated candidates and candidate lists; to publicly put questions to the candidates; to be informed in time, truthfully, completely and objectively about the programmes and activities of submitters of candidate lists and candidates on candidate lists, as well as exercise other rights provided by this Law.

Article 10

A citizen permanently residing in the Republic of Serbia, who is at the same time a Yugoslav citizen, has come of age, has the business capacity shall have the right to elect and be elected a Member of Parliament

Article 11

A Member of Parliament shall not simultaneously be a holder of a judicial position or other function appointed by the Parliament of the Republic of Serbia, or other official or a civil servant with a republican body conducting operations within the sphere of authority of that body, except in cases defined by the Constitution.

As from the date the term of office of a Member of Parliament is confirmed his seat the function of the person appointed by the Parliament of the Republic of Serbia shall

terminate and the employment of a civil servant with a republican body shall be at a standstill.

III - REGISTERS OF ELECTORS

Article 12

In the Republic of Serbia, a general computer register of electors shall be kept by municipalities as part of a central, interconnected system (hereinafter referred to as "register of electors"). Alterations of the register of electors on the territory of a municipality shall be the duty of local government, as delegated responsibility.

The register of electors shall be the public document kept ex officio.

A citizen shall be entitled to insight into the register of electors and shall have the right to request alterations of it (entry into, deletion from, modification of or addition to the register of electors).

The register of electors shall be a central and permanent document, updated every calendar year, by 31 March, at the latest.

The Minister in charge of administrations shall prescribe in greater detail the method of updating data (corrections, submission, conclusion, rewriting, display etc.) or registers of electors.

Article 13

A voter shall be entered in only one place in the register of electors.

Entered in the register of electors according to their residence shall be voters as well as persons who shall come of age during the validity of the register of electors, a note of which shall be made giving the exact date of reaching maturity, i.e. acquiring suffrage.

Persons temporarily away from their permanent residence (refugees) shall be entered into the register of electors at the place where they have been registered as persons having that status.

Also entered in the register of electors shall be Yugoslav citizens temporarily residing abroad. They shall be registered according to their last permanent address before going abroad.

Citizens serving the army or those at a military exercise, shall be entered into the register of electors according to their last permanent residence.

Persons deprived of their business capacity by a legally binding court decision shall not be entered into the register of electors. If such persons have been entered into the register of electors, their names shall be deleted from it. When they are returned their business capacity by a legally binding court decision, they shall be entered into the register of electors again.

Article 14

An entry into or deletion from the register of electors shall be done ex officio, on the basis of data from registers of births and deaths, other official records, public documents and by direct inspection.

An entry into and deletion from the register shall be done at the request of a voter also having other valid evidence.

Article 15

The register of electors shall be kept in volumes. Volumes of the register of electors shall be kept separately for each settlement.

The register of electors shall contain the following: ordinal number, name, personal identification number, sex, year of birth, permanent residence (street and house number, village, hamlet, settlement), space left for the voter's signature and space for notes.

Article 16

The register of electors can also be kept in the form of a file, or in the form of a data basis on the magnetic tape, or on a magnetic disk.

When the register of electors is kept in the ways referred to in Para. 1 of this Article, each voter shall have his own file card, or an entry containing data on the magnetic tape or magnetic disk.

When the register of electors is kept in the ways referred to in Para. 1 of this Article, together with the register of electors there can also be kept the directory with the names of voters according to their permanent residence.

Article 17

When the body in charge of keeping the register of electors establishes the fact that the register of electors contains the name of a deceased person or of a person having changed permanent residence and thus not living on the territory of the constituency any longer, that name shall be deleted from the register of electors.

The deletions referred to in Para. 1 of this Article shall be supported by a Decision.

The Decision referred to in Para. 2 of this Article shall be submitted to the person who has changed permanent residence if his new residence is known, or be published in a usual way in the place of his last permanent residence.

The competent municipal body of the place where the voter has previously been entered into the register of electors shall be notified of the entry into the register of electors of the voter who has moved into the territory of the municipality.

A voter shall be deleted from the register of electors on the basis of a notice referred to in Para. 4.

Article 18

Appeals to the Decision referred to in Article 17 shall rest within the authority of the ministry in charge of administration.

Article 19

Within three days from the date of calling for the election the body in charge of keeping the register of electors shall inform citizens through either a public advertisement or the media that they can have insight into the register of electors and request an entry into, deletion from, modification to, amendment to or a correction of the register of electors.

The request concerning the entry, deletion, modification, amendment or a correction of the register of electors shall be submitted to the body in charge of keeping the register of electors together with the evidence.

The body in charge of keeping the register of electors shall pass the decision concerning the request referred to in Para. 2 of this Article within 48 hours of the date of receipt of the said request. The decision shall immediately be forwarded to the party who has submitted the request.

Within 48 hours of the date the request was forwarded, a petition can be filed against the decision referred to in Para. 3 of this Article to the court having jurisdiction over administrative disputes. The petition shall be filed through the body that has passed the decision. The body shall submit the petition and other documentation to the competent court within 24 hours following the receipt of the petition.

The petition referred to in Para. 4 of this Article shall be subject to a court decision that has to be passed within 24 hours of the hour the petition was received, in accordance with the administrative regulations.

The court decision shall be irrevocable and executive.

Article 20

The register of electors shall be concluded not later than 15 days prior to the polling day.

The register of electors shall be concluded by the decision of the body in charge of keeping the register of electors.

The decision referred to in Para. 2 of this Article shall determine the total number of voters entered in the register of electors, number of voters in each volume, date of conclusion of the register of electors, signature of the authorized person and the seal of the body.

When the register of electors is kept in the ways referred to in Article 16 of this Law, the decision on the conclusion of the register of electors shall be entered into the data specified in Para. 3 of this Article.

The decision referred to in Para. 2 of this Article shall be submitted to the Republican Election Commission not later than 24 hours following its adoption.

Article 21

The Republican Election Commission shall publish the exact number of votes in the "Official Gazette of the Republic of Serbia".

Article 22

After the register of electors is completed, entry into, deletion from, alterations of and amendments to or correction of the register of electors shall be publicized on the basis of the decision of the municipal court having jurisdiction over noncontentious procedure.

The Republican Election Commission shall enter a voter in the register of electors on the basis of the competent court not later than 48 hours prior to the polling day and publicize in the "Official Gazette" the final number of voters.

Article 23

The body in charge of keeping the register of electors shall compile an authenticated extract from the register of electors for each polling station which is forwarded to the Republican Election Commission within 24 hours of the hour the decision to conclude the register of electors was passed.

The extract from the register of electors shall be compiled in accordance with Article 15, Para. 2 of this Law.

The body referred to in Para. 1 of this Article shall issue certificates of suffrage on the basis of the form prescribed by the Republican Election Commission.

The Ministry in charge of administration shall supervise the compliance of those provisions of the Law on the Election of Member of Parliament that refer to registers of electors 20 days prior to the polling day at the latest.

Article 24

For polls that are conducted simultaneously as many authenticated extracts from the register of electors shall be issued as there are polls.

IV. CALLING FOR THE ELECTION

Article 25

The election of Member of Parliament shall be called for by the President of the Parliament of the Republic of Serbia. The decision on calling for the election shall specify the polling day as well as the date on which the election administration activities shall commence.

The decision on calling for the election shall be published in the "Official Gazette of the Republic of Serbia."

Article 26

Not fewer than 45 of more than 90 days shall pass from the date of calling for the election and the polling day.

Article 27.

The election of Member of Parliament shall be held not later than 30 days prior the termination of the term of office of Members of Parliament whose term of office is expiring.

The term of office of Member of Parliament whose mandate is expiring shall end on the day of verification of terms of office of the newly elected Members of Parliament.

The mandates of the Member of Parliament shall be verified on the basis of the certificate of the election for the member of parliament and the report of the Republican Election Commission on the election within 30 days from the polling day.

A three member committee shall be appointed at the constituting session of the Republican Parliament of the Republic of Serbia with the purpose of establishing agreement between the data in the certificate of the election and the report of the Republican Election Commission.

On the basis of the report of the commission referred to in Para. 4 of this Article, the body presiding over the constituting session of the Parliament of the Republic of Serbia shall state that the Republican Election Commission has submitted a report on the election as well as what certificates of the election of Members of Parliament are in accordance with the said report, thus verifying the term of office of the newly elected Members of Parliament.

V. ELECTION ADMINISTRATION BODIES

1. Position of election administration bodies

Article 28

The election administration bodies shall act as autonomous and independent bodies performing their duties in conformity with the law and regulations enacted on the basis of the law.

The election administration bodies shall be responsible for their work to the body that appointed them.

All state agencies and organizations shall offer help to the bodies administering the election and provide them with the data necessary for their work.

Article 29

The election administration bodies shall operate in permanent and extended composition.

The election administration bodies shall work in their extended composition from the day their composition is determined until the end of the election.

Election administration bodies shall make decision by the majority of votes of their members of permanent, or extended composition.

No political party, party coalition or other political organization shall have more than a half of their members in the permanent composition of all election administration bodies.

Article 30

Members of the Republican Election Commission and their deputies shall be appointed for a four year term of office, and members of polling boards and their deputies for each election.

Members and deputies of the members of election administration bodies shall not be persons mutually directly related, regardless of the level of kinship, or collaterally related conclusively with the third level of kinship, and in father or mother-in-law relation conclusively with the second level of kinship, or the spouses and persons in the mutual relation of adopter or the adopted person, or guardian and protege.

If the election commission, or polling board is composed in contravention of the provision contained in Para. 2 of this Article, that body shall be dissolved and the election, i.e. the poll, repeated.

Deputies of members of the Republican Election Commission and of members of polling boards shall have the same rights and duties as the members they are replacing.

The right to vote in the Republican Election Commission or the polling board shall be exercised only by the member of that body, or his deputy in his absence.

Article 31

Members of bodies for the administration of the election of Members of Parliament and their deputies must have suffrage.

The term of office of members of election administration bodies and of their deputies shall terminate when they accept the nomination for Members of Parliament.

Article 32

The work of election administration bodies shall be public.

Persons monitoring the work of election administration bodies shall act in accordance with the rules prescribed by the Republican Election Commission.

When persons referred to in Para. 2 of this Article break rules on keeping order at the polling station or disturb the work of election administration bodies in some other way, the election administration body can order them to leave the polling station, a note on which shall be entered into the records.

The candidate from a proclaimed and confirmed candidate list shall not attend the work of election administration bodies.

2. Republican Election Commission

Article 33

Members of the permanent composition of the Republican Election Commission shall be the president and sixteen members appointed by the Parliament of the Republic of Serbia at the proposal of political party groups at the Parliament of the Republic of Serbia, and of the extended composition an additional representative of each submitter of candidate list.

The Republican Election Commission shall have a secretary appointed by the Parliament of the Republic of Serbia from among professionals working for the Parliament who shall participate in the work of the Commission with no decision making rights.

The Republican Election Commission shall also include a representative of the republican body in charge of statistics who shall participate in the work of the Commission with no decision making rights.

The President, members of the Republican Election Commission and its secretary shall have deputies.

The President, members of the Republican Election Commission and their deputies must have a degree in law.

The Republican Election Commission shall pass a decision stating whether a submitter of candidate list fulfills the conditions to appoint his representatives into the extended composition of this body within 48 hours following the hour the candidate list is proclaimed.

The decision stating whether the submitter of candidate list has or has not fulfilled the conditions to appoint his representatives shall be forwarded by the Republican Election Commission to the submitter of candidate list within 24 of the hour the decision is passed.

The representative of a submitter of candidate list referred to in Para. 1 of this Law shall become the member of the Republican Election Commission in its extended composition not later than 24 hours following the hour the decision is passed.

The composition of the Republican Election Commission shall be published in the "Official Gazette of the Republic of Serbia".

Article 34

The Republican Election Commission shall:

- 1) see that the election be legally administered;
- 2) organize technical preparation for the election;
- 3) monitor the implementation of this Law and provide explanations in that regard;
- 4) set unified standards for the election material;
- 5) prescribe forms and rules for the administration of electoral activities prescribed by this Law;
- 6) prescribe the type of spray referred to in Article 68, Para. 4 of this Law;

- 7) determine and publicize in the "Official Gazette of the Republic of Serbia" the number and addresses of polling stations not later than 20 days prior to the polling day;
- 8) form polling boards and appoint the president and members of polling boards;
- 9) establish the number of ballot tickets for the polling stations, authenticate them and submit, together with an authenticated extract from the register of electors, to the polling boards against the records;
- 10) determine what electoral documentation shall be submitted to it;
- 11) establish whether the candidate list has been complied and filed in accordance with this Law and proclaim candidate lists;
- 12) pass the decision on the proclamation of candidate lists;
- 13) defined the method of safekeeping and handling of election material,
- 14) establish and publicize the results of the election;
- 15) determine the number of seats won by each candidate list;
- 16) submit the report to the Republican Parliament of the Republic of Serbia on the election;
- 17) submit data to the bodies in charge of compiling and processing of statistical data;
- 18) perform other functions prescribed by this Law.

The Republican Election Commission shall adopt rules on its work.

The forms referred to in Items 4 and 5 of this Article shall be placed at disposal by the Republican Election Commission to the participants in the election within five days of the date the election is called for.

Article 35

The conditions for the work of the Republican Election Commission shall be provided by the Parliament of the Republic of Serbia.

3. Polling Board

Article 36

The permanent composition of polling boards shall include the following: the president and at least two members, and the extended composition of an additional representative of each submitter of candidate list.

The president and members of polling boards shall have deputies.

Polling boards shall be appointed not later than 10 days prior to the election day.

The Republican Election Commission shall pass a decision within 48 hours of the hour the decision proclaiming the candidate list by which it shall determine which submitter of candidate list has fulfilled the conditions to appoint representatives into the extended composition of polling boards.

The decision stating whether the conditions for appointing the representatives of submitters of candidate lists have been fulfilled shall be forwarded to the submitter of

candidate list by the Republican Election Commission within 24 hours of the hour the decision was passed.

Representatives of submitters of candidate lists referred to in Para. 1 of this Article shall become members of polling boards in their extended composition not later than 24 hours following the hour the decision was passed.

Submitters of candidate lists can make a mutual agreement and appoint a joint representative into a polling board.

Article 37

Polling boards shall directly administer polling at the polling station, ensure regularity and secrecy of vote, establish the results of voting at a polling station and perform other operations as determined by this Law.

Polling boards shall see to the keeping of order at polling stations during the election.

More detailed rules about the work of polling boards shall be prescribed by the Republican Election Commission.

Article 38

In the event that simultaneous elections are held for the Members of Parliament of the Parliament of the Republic of Serbia and for the President, polling boards formed for the administration of election for Members of Parliament shall also perform the function of polling boards for the election of the President of the Republic.

4. Representatives of submitters of candidate lists in the election administration bodies

Article 39

The submitter of candidate list referred to in Articles 33 and 36 of this Law shall appoint representatives in the election administration bodies and inform of that the bodies that have appointed election administration bodies.

After receiving information on the persons becoming members of the extended compositions, election administration bodies in their permanent composition shall determined names of persons becoming their members within 24 hours of the hour the information was obtained.

If the submitter of candidate list fails to appoint a representative of the election administration body not later than five days prior to the polling day, the body shall continue to operate and validly make decisions without representatives of the submitter of candidate list.

VI. CANDIDATE LIST

1. Candidacy

Article 40

Candidates shall be nominated under the conditions prescribed by this Law by registered political parties, party coalitions or other political organizations (hereinafter referred to as "political parties") either separately or jointly as well as by groups of citizens.

On behalf of a political party, or a group of citizens, the proposal referred to in Para. 1 of this Article may only be made by the person authorized by a political party or a group of citizens.

The proposal referred to in Para. 1 of this Article shall be made on behalf of a party coalition by maximum two authorized persons.

Article 41

A submitter of candidate list can withdraw the list until the day the joint candidate list is determined at the latest.

Upon withdrawal of the candidate list there shall terminate the function of the representative of the submitter of candidate list in all the election administration bodies as well as all the rights pertaining to him in accordance with the provisions of this Law.

2. Title, determination and proclamation of the candidate list

Article 42

The title of the candidate list shall be determined according to the name of the political party submitting the list. The title can include the name and surname of the person chosen by the political party to be the first candidate on the candidate list.

If two or more political parties submit one joint candidate list, the title of the list and the maximum of two holders of candidate list shall be appointed by their mutual agreement.

Together with the title of the candidate list of a group of citizens, the submitter shall determine a more specific sign of the list, and can include in the title the name and surname of persons chosen by the group of citizens to be holders of the candidate list.

The person chosen to be the holder of candidate list can be the candidate for the Member of Parliament.

The person chosen as holder of candidate list can be nominated a candidate for other state body the election for which is simultaneously conducted.

Article 43

An candidate list shall be considered confirmed when supported by at least 10,000 voters' signatures.

The Republican Election Commission shall prescribe the layout and content of the form used for signatures referred to in Para. 1 of this Article and shall place it at disposal to the participants in the election within five days following the date of calling for the election.

A voter can support with his signature the candidate list of just one submitter. Every signature referred to in Para. 1 of this Article must be authenticated in a municipal court.

The fee for the authentication of signatures shall be determined by the Ministry of Justice of the Republic of Serbia by a special enactment.

Article 44

The candidate list shall be submitted to the Republican Election Commission not later than 15 days prior to the polling day.

Together with the candidate list, the Republican Election Commission shall also be submitted the following documentation:

- 1) certificate of suffrage for each candidate from the candidate list containing the name and surname, date of birth, profession and the personal identification number;
- 2) written statement of acceptance of the candidacy by the candidate;
- 3) statement of the candidate's permanent residence;
- 4) certificate of permanent residence;
- 5) authorization of the persons submitting the candidate list;
- 6) certificate of citizenship;
- 7) signatures of voters having supported a certain candidate list given on a special form and authenticated by the court.

Article 45

The Republican Election Commission shall proclaim the candidate list of a single political party (party candidate list), the list of two or more political parties (coalition candidate list), or of a group of citizens (candidate list of a group of citizens) immediately after it receives the candidate lists and corresponding documentation, but not later than 24 hour of the hour of receipt of the candidate list.

The decision on the proclamation of candidate lists referred to in Para. 1 of this Article shall be immediately forwarded by the Republican Election Commission to the submitter.

Article 46

If the Republican Election Commission finds that the candidate list has not been submitted in time, it shall pass the decision on its rejection.

If the Republican Election Commission finds that an candidate list is incomplete and cannot proclaim the candidate list in accordance with this Law, it shall adopt the conclusion within 24 hours of the hour of receipt of the candidate list giving instruction to the submitter of that candidate list to complete the list within 48 hours of the hour of receipt of the conclusion at the latest. The conclusion shall contain the instructions to the submitter of candidate list as to how to remove the imperfections in the list.

If the Republican Election Commission finds that the candidate list contains weaknesses envisaged by this Law or that the imperfections have not been removed, or have not been removed by the set deadline, it shall pass the decision rejecting the proclamation of the candidate list within the next 48 hours.

3. Joint candidate list

Article 47

The joint candidate list shall be determined by the Republican Election Commission. The joint list shall contain all the candidate lists with names of all the candidates and data concerning the year of birth, occupation and permanent residence.

The order of candidate lists, together with names of all the candidates, shall be determined according to the order in which they have been proclaimed.

The joint candidate list shall be published in the "Official Gazette of the Republic of Serbia" by the Republican Election Commission not later than 10 days prior to the polling day. The date of publication of the joint candidate list in the "Official Gazette of the Republic of Serbia" shall be considered the day of its proclamation.

Each submitter of candidate list shall have the right, within 48 hours of the date of publication of the joint candidate list, to inspect through the authorized person the submitted candidate lists and accompanying documentation.

VII. REPRESENTATION OF SUBMITTERS OF CANDIDATE LISTS AND CANDIDATES FROM CANDIDATE LISTS

Article 48

Submitters of candidate lists shall have the right to inform the citizens through the media about the programmes and activities as well as about the nominated candidates, in accordance with the provisions of this Law.

Article 49

Organizations broadcasting the radio and television programme that are founded by the Republic of Serbia shall have the duty, starting from the date of calling for the election, ensure representation of submitters of candidate lists and candidates from candidate lists as well as representation and explanation of electoral programmes of the submitters of candidate lists in accordance with this Law in the political information programmes that can be seen and heard on the whole of the territory of the Republic.

Organizations referred to in Para. 1 of this Article shall on no account be allowed to ensure representation of candidates or representation and explanation of programmes of submitters of candidate lists in commercial, entertainment or any other programmes.

Article 50

Editors and hosts of political information programmes and special programmes of organizations referred to in Article 49 of this Law shall have the duty during the election campaign to independently and objectively represent all the candidates, and

the programme hosts must have an impartial attitude to all the political, social and ethnical - cultural programmes of political parties whose candidates are represented.

In accordance with the provision referred to in Para. 1 of this Article and Article 5, Para. 2 of this Law, programmes shall be organized to provide public confrontation of electoral programmes of submitters of candidate lists and candidates from those lists.

Article 51

Two representatives each of the Public radio and television broadcasting company founded by the Republic of Serbia, the Government of the Republic of Serbia and political parties having seats in the Parliament of the Republic of Serbia shall reach the agreement as to the number and duration of programmes aimed at the representation of political parties, political organizations and groups of citizens intending to participate in the election.

The agreement referred to in Para. 1 of this Article shall be concluded not later than five days prior to the date the decision to call for the election is passed and shall be published immediately.

The media referred to in Para. 1 of this Article, together with the representatives of the founders and submitters of candidate lists, shall set more detailed rules for the representation of submitters of candidate lists, electoral programmes and candidates from candidate lists.

VIII. ELECTION ADMINISTRATION

1. Polling stations

Article 52

Voting for the Members of Parliaments shall be conducted at polling stations. Polling stations shall be determined for up to 2,500 and not fewer than 100 voters. More detailed rules concerning the polling stations shall be determined by the Republican Election Commission.

Article 53

A voter shall vote at the polling station where he was entered into the extract from the register of electors.

Article 54

Not later than five days prior to the polling day every elector shall receive information about the day and hours during which the election shall be held also including the number and address of the polling station where he shall vote and the number under which he is entered into the extract from the register of electors.

The information referred to in Para. 1 of this Article shall be forwarded to electors by the body in charge of keeping the register of electors.

Article 55

Every voter shall vote in person.

Every voter shall vote only once during the election, by secret ballot.

Voters shall cast their votes on authenticated ballot papers.

At the polling station and within the circle of 50 metres from the polling stations any display of political party symbols and any other promotional material shall be forbidden.

If during the election rules referred to in Paras. 1 to 4 of this Article are violated, the polling board shall be dissolved and voting at that polling station repeated.

The use of pagers, mobile phones and other communication means at the polling station shall be forbidden.

More detailed instruction concerning the measures ensuring secrecy of voting shall be prescribed by the Republican Election Commission.

Article 56

Polling stations shall be opened at 7.00 and closed at 20.00. During that time, polling stations must be open non stop.

Voters at the polling station at the moment of its closure shall be allowed to cast their vote.

Article 57

If the order is disturbed at the polling station, the polling board can suspend the voting until order is restored. The reasons for and duration of the interruption shall be entered into the report on the work of the polling board.

If the interruption is longer than an hour, the voting at that polling station shall be prolonged by as long as the interruption lasted.

Article 58

As long as polling stations are open and voting underway all the members of the polling board or their deputies must be present at the polling board.

A special room where secrecy of voting can be ensured shall be provided for each polling station.

In the room where voting takes place as many voters may be present as there are places provided ensuring the secrecy of voting.

Forbidden shall be prolonged presence at the polling station of all persons having no rights and duties concerning the election administration that are determined by this Law.

Members of police forces can enter the polling station only if peace and order at the polling station have been disturbed, when invited by the president of the polling board.

Any failure to comply with the provisions referred to in Paras. 1 to 5 of this Article can be followed by the complaint lodged to the Republican Election Commission that shall make a decision whether to have voting at that polling station repeated.

2. Electoral material

Article 59

A ballot paper shall contain:

1. ordinal number placed before the title of the candidate list,
2. titles of candidate lists, according to the order determined in the joint list, with the name of the first candidate from the list,
3. note that one should vote for one candidate list only by circling the ordinal number preceding the title of that list.

Article 60

Ballot papers shall be prepared and authenticated by the Republican Election Commission.

The Republican Election Commission shall determine the number of ballot papers that must be identical to the number of electors entered in the register of electors.

The Republican Election Commission shall control the preparation and authentication of ballot papers and determine the number of reserve ballot papers.

Ballot papers shall be printed in one place, on paper having watermark.

Submitters of candidate lists shall submit to the Republican Election Commission the name of person having the right to attend the printing, counting and packing of ballot papers and their forwarding to the bodies in charge of the election administration.

In municipalities where languages of national minorities are officially used, ballot papers shall also be printed in those languages.

The Republican Election Commission shall pass more detailed rules defining the layout and design of ballot papers, manner and control of printing and forwarding as well as the handling of ballot papers.

Article 61

The Minister in charge of administration shall prescribe in greater detail the form and dimensions of the ballot box. Ballot boxes must be made of transparent material (Perspex, plastic or other similar material).

Article 62

The Republican Election Commission shall have the duty to prepare in time the voting material for each polling station, especially the required number of ballot papers, the joint candidate list, extract from the register of electors, certificates of suffrage as well as the form for the record of the work of polling boards.

The election material shall be delivered not later than 48 hours prior to the polling day.

Local government shall see that the local stations are prepared as well as the required number of ballot boxes for each polling board, together with the sealing and writing material.

On the election day, before voting begins, the polling board shall establish whether the election material prepared for that polling station is complete and adequate, whether the polling station is arranged so as to ensure the secrecy of voting and whether the voting can begin, and shall enter a note on that into the record of its work.

Article 63

The joint candidate list with titles of candidate lists and names of all the candidates must be displayed in a visible place during the voting at the polling station.

The content, form and manner of displaying the joint candidate list referred to in Para. 1 of this article shall be prescribed by the Republican Election Commission.

Article 64

Representatives of submitters of candidate lists and candidates for Members of Parliament shall have the right to have insight into the election material, especially into the extracts from the register of electors, record of the work of polling boards, record of the Republican Election Commission and the ballot papers. This right can be exercised on the official premises of the Republican Election Commission as well as of the body keeping the election material. Insight into the election material shall be allowed within five days following the polling day.

Article 65

The election material shall be preserved for at least four years.

The Republican Election Commission shall prescribe the manner of using the election material.

Article 66

The Republican Election Commission shall prescribe the content and layout of forms and election material required for the election administration within 15 days of the date the commission is appointed.

3. Polling

Article 67

The polling board shall check the ballot box in the presence of the elector who is first to come to the polling station. The result of this control is entered into the control slip which shall be signed by both the members of the polling board and the first elector.

The control slip shall be placed in the ballot box which is then sealed in the presence of the first elector, the note on which is then entered into the record of the work of the polling board.

Upon opening of the ballot box, it shall first be checked whether it contains a control slip. If the ballot box does not contain the control slip, the polling board shall be dissolved, a new one appointed, and voting at that polling station shall be repeated.

The form of the control slip shall be prescribed by the Republican Election Commission.

Article 68

The elector shall first state his name and surname to the polling board and hand the invitation to the polls and prove his identity by producing either his ID or some other means of identification.

The elector may not cast his vote without producing a proof of his identity. After establishing the identity of the electors, the president or the member of the polling board shall circle the number under which the electors has been entered into the extract from the register of electors and explain the voting procedure to him.

The electors shall sign the register of electors and take the ballot paper.

Each elector who has come to vote and received the ballot paper shall have his right index finger sprayed to certify that he has already voted. The spray shall remain on the finger for at least 24 hours.

Article 69

Members of a polling board may in no way influence the decision of the elector.

Members of a polling board shall explain the voting procedure to the elector again if requested so by the elector.

Members of a polling board shall take special care that the elector is not disturbed by anyone while marking out his ballot paper, and that the secrecy of voting is completely ensured.

Should any of the provisions referred to in Paras. 1 to 3 of this Article be violated, the Republican Election Commission shall dissolve the polling board, appoint a new polling board and set the time for the repeated voting at that polling board.

Article 70

An elector may cast his vote for only one candidate list on the ballot paper. Voting shall be performed by circling the ordinal number before the title of the chosen candidate list.

The elector shall then fold the marked ballot papers himself in such a manner as to conceal who he has voted for and place it into the ballot box, and shall then leave the polling station.

Article 71

No alterations to the extracts from the register of electors may be made on polling day.

If any of the activities are performed in contravention of the provision referred to in Para. 1 of this Article, the polling board shall be dissolved, and voting at that polling station shall be repeated.

Article 72

The elector who cannot cast his vote in person (for reasons of his blindness, disability or illiteracy) has the right to bring another person with him who shall, in his stead, and according to his instructions, mark the ballot, that is perform the voting procedure.

The manner of voting referred to in Para. 1 of this Article shall be entered into the records.

Article 73

Electors who are doing their national army service or are taking part in a military exercise, or electors who are performing duties in units or institutions of the Yugoslav Army, shall cast their vote at the polling station nearest to the military barracks where they are doing their service or taking part in an exercise.

The Republican Election Commission shall publish in the "Official Gazette of the Republic of Serbia" not later than 20 days prior to the polling day the information specifying the polling station determined for use by soldiers serving the army at a certain military station or by those at a military exercise.

On the basis of data provided by the body in charge of keeping the register of electors referred to in Para. 1 of this Article, the Republican Election Commission shall have the duty to make and authenticate special extracts from the register of electors for those electors and submit them, together with the required number of authenticated ballot papers and joint candidate lists, to the polling stations referred to in Para. 1 of this Article.

IX - ESTABLISHING AND ANNOUNCING OF ELECTION RESULTS

1. Establishing election results

Article 74

After the voting has been finished, the polling board shall proceed to establish the election results at its polling station.

The polling board shall determine the number of unused ballot papers and place them into a separate envelope which is then sealed.

Based on the extract from the register of electors, the polling board shall determine the total number of electors who have voted.

When the ballot box is opened, and after the control slip has been checked, valid ballot papers shall be separated from the invalid ones.

The polling board shall state the number of invalid ballot papers and enter it into the records and then the number of valid ballot papers as well as the number of votes for each candidate list, which is also entered into the records.

The following shall be deemed invalid ballot papers: unmarked ballot papers, ballot papers marked in such a way that it is not clear which candidate list an elector has voted for as well as the ballot paper in which more than one candidate list have been circled.

If the ballot paper has the name and surname of the first candidate in the candidate list circled or the title or part of the title of candidate list circled, or if the ordinal number and the title of candidate list are simultaneously circled with the name and surname of the first candidate, such ballot paper shall be deemed valid.

If it is determined that the number of ballot papers found in the ballot box is larger than the number of electors who have cast their vote, the polling board shall be dissolved and a new one appointed, and polling at that polling station shall be repeated.

Article 75

After the polling board has established the election results, the following shall be entered into the record of its work: the number of ballot papers received, the number of unused ballot papers, the number of invalid ballot papers, the number of valid ballot papers, the number of votes for each candidate list, the number of electors according to the extract from the register of electors and the number of electors who have voted.

Also entered into the record of the work of the polling board shall be the notes and remarks of polling board members, that of submitters of candidate lists as well as notes on all the other facts relevant for the polling.

The record of the work of the polling board shall be signed by all the members of the polling board.

Article 76

The record of the work of polling boards shall be made on the prescribed form and printed in six copies.

In municipalities where languages of national minorities are officially used the record of the work of polling boards shall be also printed in those languages.

The first copy of the records with the electoral material shall be submitted to the Republican Election Commission.

The second copy of the record shall be displayed at the polling station for public inspection.

The remaining four copies of the record shall be handed to representatives of submitters of candidate lists having won most votes at that polling station

immediately if the submitter of the candidate list has a representative in the polling board, and if not, the representative of the submitter of candidate list can take a copy of the record from the electoral commission within 12 hours.

Other submitters of candidate list shall have the right within 12 hours following the delivery of the material from the polling station to the Republican Election Commission to get from the Republican Election Commission the authenticated photocopy of the record from the polling station.

Article 77

After the polling results have been established, the polling board shall immediately and within 18 hours at the latest following the closure of the polling station submit to the Republican Election Commission the following: record of the work, extract from the register of electors, unused and, separately, used ballot papers, invalid and, separately, valid ballot papers and the remaining election material.

Article 78

Within 96 hours of closure of polling stations, the Republican Election Commission shall make the record of the following: the total number of electors entered in the register of electors, the number of electors who have voted at the polling stations, the total number of ballot papers received at the polling stations, the total number of unused ballot papers, the total number of invalid ballot papers, the total number of valid ballot papers, and the number of votes for each individual candidate list.

The Republican Election Commission shall establish the election results and make a special record on that.

The Republican Election Commission shall prescribe the content and layout of the form used for the record of its work.

Article 79

Submitters of candidate lists can inform the Republican Election Commission of the name of the person authorized to attend the statistical data processing at the Republican Election Commission.

Article 80

Each candidate list shall be allocated the number of seats in proportion to the number of votes won.

Article 81

Participating in the allocation of seats shall be only the candidate lists that have won at least 5% of the total number of electors having voted in the constituency.

Article 82

The Republican Election Commission shall allocate seats implementing the biggest quotient system.

The seats shall be allocated by dividing the total number of votes each individual candidate list has won by the numbers from one to 250 conclusively.

The obtained quotients shall be allocated by size with only 250 biggest quotients taken into account. Each candidate list shall be given as many seats as there are quotients belonging to that list.

If two candidate lists or more candidate lists should win the same quotients on the basis of which one seat is obtained and there are no more non-allocated seats, the seat shall be allocated to the list that has won the bigger total number of votes.

If no candidate list has won the minimum of 5% votes, the allocation shall be performed in the manner referred to in Paras. 1 to 3 of this Article.

Article 83

Seats belonging to an candidate list shall be allocated to the candidates from that list in accordance with the provisions of this Law.

When an candidate list is allocated more seats than there are candidates for members of parliament proposed in that list, the seat shall be allocated to the candidate list having the second biggest quotient.

Article 84

The submitter of candidate list shall forward to the Republican Election Commission within ten days of the date of publication of overall results of the election the data on what candidates from the candidate list shall be allocated the obtained parliamentary seats, in accordance with the provisions of this Law.

If the submitter of candidate list should fail to submit the said data, the Republican Election Commission shall inform it in writing that he is obliged to do that within the additional five day period, also informing him to the consequences for non-compliance.

If the submitter of candidate list should also fail to submit the data within the subsequent period, the Republican Election Commission shall pass a special decision allocating all the obtained seats from that candidate list to the candidates from the lists according to their order on the list. No petition or complaint can be filed against this decision.

2. Publicizing of election results

Article 85

The Republican Election Commission shall publish in the "Official Gazette of the Republic of Serbia" the data on the overall results of the election of Members of Parliament as follows:

1. number of electors entered in the register of electors;
2. total number of electors who have cast their vote;
3. number of received ballot papers,
4. the number of unused ballot papers,
5. the number of used ballot papers,
6. the number of invalid ballot papers,
7. the number of valid ballot papers,

8. the number of votes individual candidate lists have won, and
9. the number of seats individual candidate lists have won.

Article 86

The results of the election shall be publicized by the Republican Election Commission within 96 hours of the hour polling ended.

The Republican Election Commission shall publicize in the media the preliminary election results from the end of voting until the publication of the election results.

The results of the election shall be published in the "Official Gazette of the Republic of Serbia".

Article 87

The Republican Election Commission shall issue a Member of Parliament the certificate of election.

X. TERMINATION OF TERM OF OFFICE, REPEATED ELECTION AND FILLING VACANT PARLIAMENTARY SEATS

1. Termination of term of office

Article 88

The term of office of Members of Parliament shall expire before the end of the period they have been elected for:

1. if they cease to be members of the political party or coalition whose candidate lists they have been elected on for the members of parliament,
2. if they should resign,
3. if they have been convicted, by a finally-binding court decision, to an unconditional prison sentence of not less than six months,
4. if they have been stripped of their business capacity by a finally-binding court decision,
5. if they take over a position or function that is incompatible with the office of the member of parliament, in conformity with the this Law,
6. if their citizenship is revoked,
7. if they cease to be permanent residents of the Republic of Serbia,
8. if they die, and
9. if the political party, or other political organization whose list they have been elected from is deleted from the register with the competent body.

The term of office of the member of parliament shall be terminated on the day of advent of any of the events referred to in Para. 1 of this Article.

The termination of the term of office shall be stated by the Republican Parliament at its first session following the receipt of notification of reasons for the termination of the term of office of members of parliament.

Article 89

The repeated election shall be conducted if the Republican election commission annuls the election due to irregularities in the election administration in cases specified by this Law.

Article 90

If the Republican Election Commission annuls the election at a single polling station, the polling is repeated at that polling station only.

When the election is repeated in cases specified by this Law, the Republican Election Commission shall pass the decision on repeating the election.

In cases referred to in Articles 89 and 90 of this Law, the election results shall be established upon the completion of the repeated polling.

Article 91

The repeated election shall be conducted in the manner and following the procedure prescribed by this Law for the election administration.

The repeated election shall be called for by the Republican Election Commission.

The repeated election shall be administered not later than 15 days following the annulment of the election of the Republic of Serbia, or seven days following the date of annulment of the election at a single polling station.

The repeated election shall be administered according to the list of candidates determined for the annulled election, except when the election is annulled due to irregularities in the determination of the candidate list.

Article 92

If pursuant to the Article 88, Para. 1 of this Law, the term of office of a member of parliament should terminate before the expiry of the term of office he has been elected for, the term of office shall be allocated to the new member of parliament in the manner specified by this Law.

When the term of office of a member of parliament terminates before the expiry of the term he has been elected for in cases referred to in Para. 1 of this Law, the term of office shall belong to the political party whose candidate list the member of parliament has been elected from and the seat shall be allocated to the candidate from the candidate list the political party has not won a seat for.

When the term of office of a member of parliament terminates before the expiry of the term the member of parliament has been elected for in cases referred to in Para. 1 of this Article and there are no candidates on the candidate list, the member of parliament has been elected from, for which the submitter of candidate list has not won the seat, the seat shall belong to the submitter of candidate list having the second biggest quotient not supported by the seat in Parliament.

The term of office of the new member of parliament shall last until the termination of the term of office of the member of parliament whose term of office has expired.

In cases referred to in Paras. 2 and 3 of this Article the candidates shall be asked to provide the written statement that they accept the mandate before the mandate is confirmed.

XI. PROTECTION OF SUFFRAGE

Article 93

The election administration bodies shall have the duty to notify the electors during the election procedure of their electoral right and the protection of these rights.

Article 94

Every elector, candidate and submitter of the candidate list shall have the right to the protection of suffrage, following the procedure specified by this Law.

Article 95

Every elector, candidate and submitter of the candidate list shall have the right to lodge a complaint to the Republican election commission for reasons of the infringement of the electoral rights during the election or irregularities in the nomination procedure or the election.

The appeal against the decision, act or failure of the polling board shall be lodged to the Republican election commission.

The complaint referred to in Paras. 1 and 2 of this Article shall be lodged within 24 hours of the hour at which the decision was made or the act considered irregular performed, or of the hour the failure occurred.

Article 96

The Republican election commission shall render a decision within 48 hours of the hour of receipt of the complaint and shall deliver it to the submitter of the complaint.

If the Republican election commission finds the complaint is justified, it shall annul the decision or the act.

If the Republican election commission fails to render a decision on the complaint within the terms set down by this Law, the complaint shall be deemed justified.

Article 97

Against the decision of the Republican election commission by which the complaint has been rejected or accepted, a complaint may be lodged to the Supreme Court of Serbia.

The complaint can be lodged through the Republican Election Commission within 48 hours of the receipt of the decision.

The Republican Election Commission shall forward the complaint and other documentation to the Supreme Court of Serbia within 24 hours of the receipt of complaint.

The Supreme Court of Serbia shall decide on the complaint by implementing the provision of the law regulating administrative disputes.

The decision concerning the complaint shall be passed within 48 hours of the receipt of the complaint and the documentation.

The decision passed in the appeal procedure shall be irrevocable and no petition can be filed against it requiring extra reviewing of the court decision or the or the petition for the repeated procedure, envisaged by the Law on Administrative Legislation.

If the court should adopt the appeal, the electoral activity in question, or the election, shall be repeated within the maximum of five days.

XII - ELECTION ADMINISTRATION EXPENSES

Article 98

Assets for the work of election administration bodies, the election material and other expenses for the administration of the election shall be provided by the Republican budget.

The request to be allocated these assets, together with the specification of the total expenses, shall be submitted by the Republican election commission.

Assets paid as a fee to persons working in the election administration bodies shall be exempted from paying taxes and contributions.

Article 99

In the election administration procedure the general supervision over political parties, candidates and the media during the electoral activities shall be the duty of the supervision board.

The supervision board shall have ten members, half of which shall be appointed by the Parliament of the Republic of Serbia at the proposal of the Government of Serbia, and the other half at the proposal of parliamentary groups in the Parliament of the Republic of Serbia from among renowned public activists, on condition that they are not members of the political parties participating in the election.

The members of the supervision board shall appoint one of them by secret ballot to the post of the president of the supervision board.

Article 100

The supervision board shall:

1. monitor pre-election activities and point to potential irregularities in the activities of political parties, candidates and other participants in the election procedure,
2. control whether the media are following the provisions of this Law concerning the provision of equal conditions for the representation of submitters of candidate lists and candidates from candidate lists,

3. propose measures aimed at equality of candidates in the presentation of their programmes,
4. address the public with the purpose of the protection of moral integrity of candidates,
5. warn about the activities of political parties, administration bodies, candidates and the media disturbing the election campaign and threatening the equality of rights of all the candidates.

If any participant in the election campaign should encourage violence by his behaviour or instill national, religious or racial hatred or encourage the inequality of the sexes, the supervision board for the election campaign shall immediately initiate the proceedings before the competent state bodies.

If the agreement referred to in Article 51 of this Law is not made in the prescribed period, the supervision board shall determine the number and duration of programmes aimed at equal representation of submitters of candidate lists.

Article 101

The Parliament of the Republic of Serbia shall appoint members of the Republican Election Commission within 20 days of the day of this Law coming into effect.

The Republican Election Commission shall pass enactments envisaged by this Law not later than five days following the date of appointment of its members.

The Republican Election Commission shall determine the polling stations where the election of members of parliament shall be held so as to enable electors to vote for those members and other members and councillors elected in the election on the same day in the same room, or, if that is possible, in the room nearest to the one where other election is simultaneously held.

Article 102

Republican organizations in charge of statistics shall publish in the "Official Gazette of the Republic of Serbia" the data on the number of electors within ten days of the date of this Law coming into effect.

Article 103

The funds for the financing of election campaign shall be provided, amounting to 1,000 average net pays paid to employees in the economic sector of the Republic of Serbia for the month preceding the month when the election is called for which the data have been officially confirmed.

The funds referred to in Para. 1 of this Article shall be allocated in proportion to the number of seats won in the election.

XIII - PENAL PROVISIONS

Article 104

A member of the Republican Election Commission or a polling board, or another person who during the performance of duties regarding the election of members of

parliament should alter the number of votes by adding or taking away the ballot papers or the votes when counting or should publish the election results not corresponding to the polling shall be punished for the criminal offence by the maximum three years imprisonment.

Article 105

One year imprisonment shall be pronounced for the criminal offence to the person who:

1. fails to enter one into the register or delete one from the register so as to prevent that person from voting,
2. forcefully, by serious threats, bribe or some other way, should force another person into or should influence another person at the election for members of parliament not to vote or to vote for a specific candidate list or not to vote for a specific candidate list.

If the act referred to in Para. 1 of this Article is done by a member of the Republican Election Commission, the member of the polling board or another person in performing their duty regarding the election of members of parliament, such persons shall be punished by the imprisonment from three months to three years.

Article 106

A fine or one year imprisonment shall be imposed for the criminal offense on a person who shall:

1. call an elector to account after the election of members of parliament for voting or request from the elector to tell who he has voted for or why he has not voted,
2. vote in the election of members of parliament instead of another elector under his name or vote twice or more times at the same voting,
3. destroy, damage, take away or conceal at the election of members of parliament either the ballot paper that has been used for voting, or an election document or any other object intended for the election or polling.

If the act referred to in Para. 1 of this Article is performed by the member of the Republican Election Commission, a polling board or other person in performing their duty regarding the said election, such persons shall be punished by imprisonment from three months to three years.

Article 107

A fine or imprisonment up to six months shall be imposed for criminal offence on any person violating the secrecy of ballot at the election of members of parliament.

If the act referred to in Para. 1 of this Article is done by the member of the Republican Election Commission, a polling board or other person in performing their duty regarding the said election, such persons shall be punished by imprisonment up to three years.

Article 108

A fine from 5,000 to 20,000 new dinars shall be imposed for the offence on the organization publicizing the estimate of the election results or the preliminary results in contravention of the provisions of Article 5, Para. 3 of this Law.

The person held accountable in the organization shall also be punished for the offence referred to in Para. 1 by a fine from 1,000 to 4,000 new dinars.

The person publicizing the estimate of the election results or preliminary results shall also be punished for the offence by a fine from 500 to 2,000 new dinars.

Article 109

A fine from 1,500 to 6,000 new dinars shall also be imposed for the offence on a member of the polling board or the Republican Election Commission who makes the supervision of the work of election administration bodies impossible (Article 32, Para. 2 of this Law).

Article 110

A fine from 12,000 to 60,000 new dinars shall be imposed for the offence on the organizations referred to in Article 51 of this Law if they fail to perform their duties prescribed by the provisions of this Law or if they ensure the representation of candidates in contravention of the provisions of Article 49, Para. 2 of this Law.

A fine from 1,500 to 6,000 new dinars shall also be imposed for the offence referred to in Para. 1 of this Article on the accountable person in the organization referred to in Article 51 of this Law.

Article 111

A fine from 5,000 to 10,000 new dinars shall be imposed on the head of the body in charge of keeping the register of electors if he fails to perform his duties referred to in Articles 12, 19 and 54 of this Law.

Article 112

A fine from 5,000 to 10,000 new dinars shall be imposed for the offence on a political party, coalition or some other political organization or another legal entity that displays the symbols of the political party or other political organization, as well as other promotional material (Article 55 of this Law) in contravention of this Law.

The accountable person at the political party or other legal entity shall also be punished for the offence referred to in Para. 1 of this Article by a fine from 500 to 3,000 new dinars.

Article 113

A fine from 1,500 to 6,000 new dinars shall also be imposed for the offence on the person using a pager, mobile phone or other communication means at the polling station (Article 55 of this Law).

Article 114

A fine from 500 to 2,500 new dinars shall be imposed on the person causing a disturbance at the polling station due to which polling had to be suspended (Article 57 of this Law).

XIV - TRANSITIONAL AND FINAL PROVISIONS

Article 115

This Law shall come into effect on the eighth day of its publication in the "Official Gazette of the Republic of Serbia".

Article 116

Upon this Law coming into effect, the Law on the Election of Members of Parliament ("Official Gazette of the Republic of Serbia", Nos. 79/92, 83/92, 53/93, 67/93, 107/93, 48/94 and 32/97) shall become null and void.

Article 117

Upon this Law coming into effect, the Law on Constituencies for the Election of Members of Parliament ("Official Gazette of the Republic of Serbia", No. 32/97) shall become null and void.

III. REC/IFES INFORMATIONAL LEAFLET FOR POLL WORKERS (ENGLISH, SERBIAN,
HUNGARIAN)

REPUBLIC ELECTION COMMISSION

National Assembly Building
14 Srpskih Vladara Street, 11000 Beograd

PUBLISHED IN COOPERATION WITH INTERNATIONAL FOUNDATION FOR ELECTION SYSTEMS

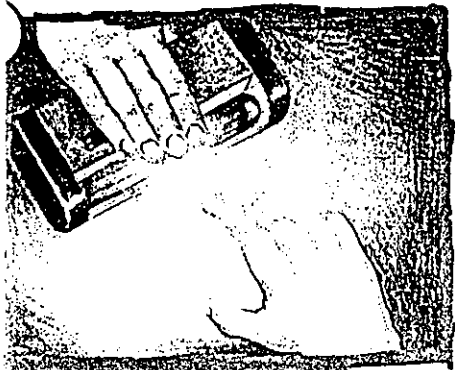


Election of Deputies to the
National Assembly of the Republic of Serbia,
23 December 2000

STEPS IN THE VOTING PROCESS

RESPONSIBILITIES OF POLLING BOARD MEMBERS

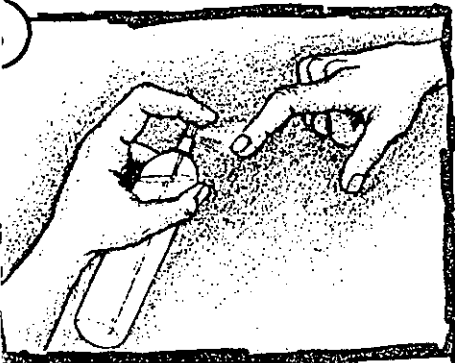
REPUBLIC ELECTION COMMISSION



CHECK THE VOTER'S RIGHT INDEX FINGER

Using the ultraviolet light check that the voter's right index finger is not marked with invisible ink. Explain to the voter the procedure for marking with invisible ink.

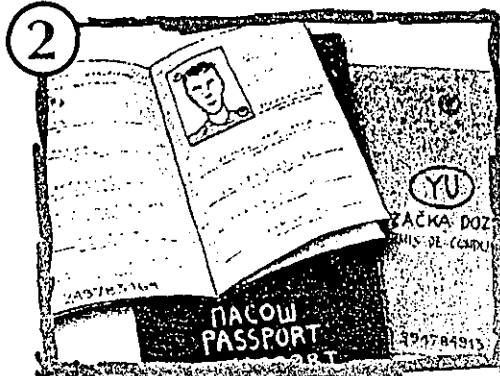
If the right index finger is already marked with visible ink do not let the person vote.



MARK THE VOTER'S RIGHT INDEX FINGER

Apply the right index finger around the cuticle at the base of the nail.

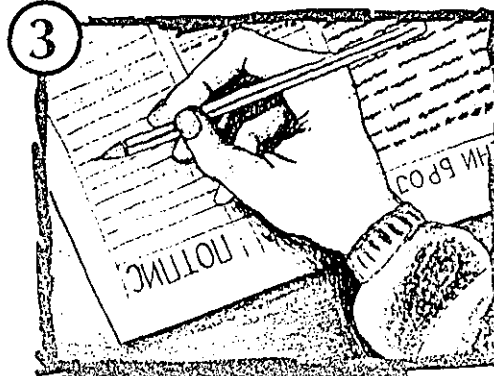
Voters who have no right index finger should be marked on the next available finger to the right or finally the thumb on that hand. Voters who have no right hand should be marked on the left index finger, to the left on the next available finger, or on the thumb.
• If it's not possible to mark any finger, no marking is necessary.
• Polling workers who use the ink and will be voting in another polling place will need their appointment form to explain why they may have small amounts of ink on their own fingers.



CHECK THE VOTER'S IDENTITY

Ask the voter for their invitation-to-vote and ID card. Ask their name and surname.

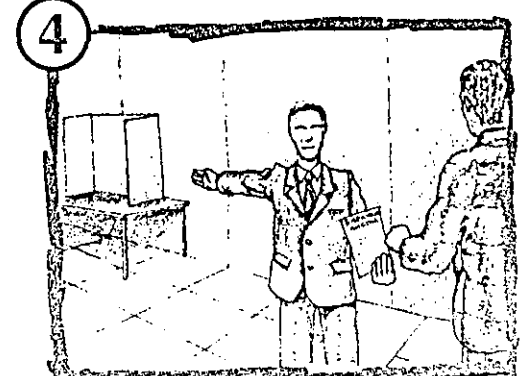
- A passport or a driver's license is acceptable in place of the ID card. The invitation-to-vote is not essential but the voter must be registered on the voters' list.
- Do not let the person vote without acceptable identification.



MARK THE VOTERS' LIST

Find and circle the reference number on the voters' list. Ask the voter to sign the voters' list next to their name in the space provided.

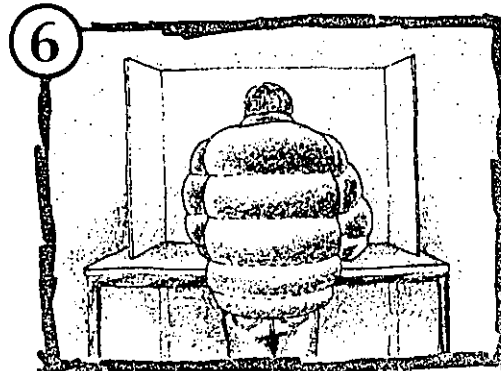
- If the voter cannot sign their name they should make their mark.



GIVE THE BALLOT PAPER

Give the voter the ballot paper, tell them how to complete it and show them where to mark the ballot in secret.

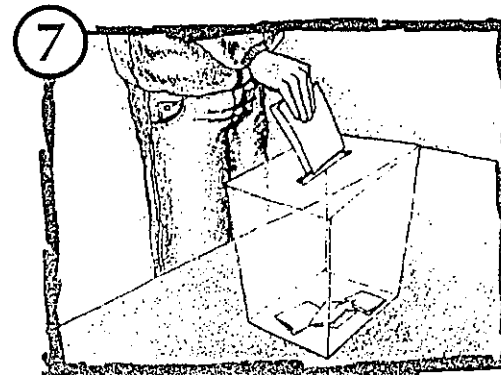
- The voter can vote for only one party list. Ballot papers should be marked in accordance with the instructions on them.



ENSURE THE BALLOT IS SECRET

Ensure the voters' screen is clear before the voter is allowed to vote. Ensure that no one distracts the voter while filling in the ballot.

- Do not let a person vote in place of another voter - unless they have come to help a disabled or illiterate person who is present with them and has asked for help.
- Members of polling boards, candidates and observers are not allowed to help voters to mark their ballot.



ENSURE THE BALLOT GOES INTO THE BALLOT BOX

Tell the voter to fold the ballot, so the others cannot see how it is marked, and to put it into the transparent ballot box.



ENSURE THE VOTER LEAVES

Ensure voters leave the polling place quickly so that it does not become too crowded.

*Избор народних посланика
за Народну скупштину Републике Србије,
23. децембар 2000.*

РЕПУБЛИЧКА ИЗБОРНА КОМИСИЈА

Зграда Народне скупштине Републике Србије
11000 Београд, Српских владара 14
телефони: 011/681 874; 3225 692

ГЛАСАЊЕ
НА БИРАЧКОМ МЕСТУ

ДУЖНОСТИ ЧЛАНОВА БИРАЧКОГ ОДБОРА

публиковано у сарадњи са Међународном фондацијом за изборне системе



РЕПУБЛИЧКА ИЗБОРНА КОМИСИЈА

A népi küldöttek választása
a Szerb Köztársaság Nemzeti képviselőházába,
2000. december 23.-án

SZAVAZÁS A VÁLASZTÓHELYEN

A VÁLASZTÁSI BIZOTTSÁG TAGJAINAK KÖTELESSÉGE

A KÖZTÁRSASÁGI VÁLASZTÁSI BIZOTTSÁG

ÖZTÁRSASÁGI VÁLASZTÁSI BIZOTTSÁG

A Szerb Köztársaság Nemzeti képviselőházának épülete
11000 BEOGRAD. Srpskih vladara 14
Telefon: (011) 681-874; 3225-692

Megjelent a Választási rendszerek nemzetközi alapítványának közreműködésével



IV.

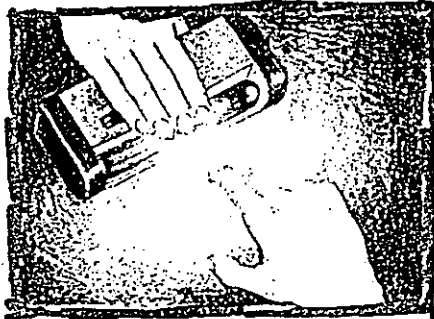
REC/IFES ADVERTISEMENTS ON NEW VOTING PROCEDURES

САОПШТЕЊЕ РЕПУБЛИЧКЕ ИЗБОРНЕ КОМИСИЈЕ

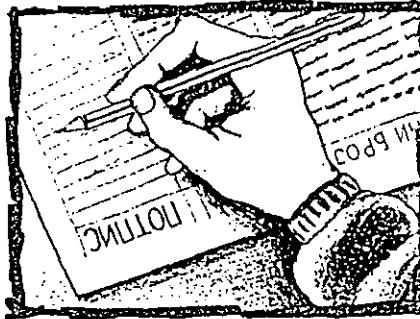
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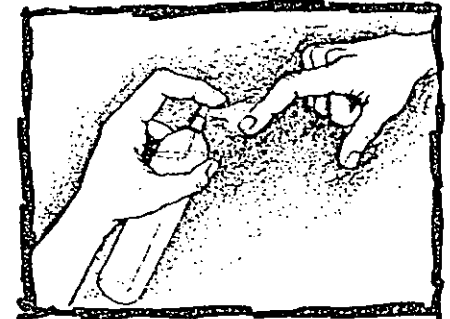
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Сви остали делови процеса гласања остају исти.

Републичка изборна комисија

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телефони: 011/681 874; 3225 692

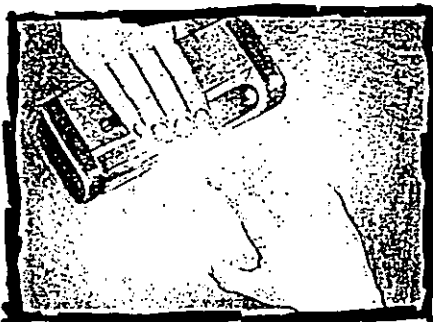


САОПШТЕЊЕ РЕПУБЛИЧКЕ ИЗБОРНЕ КОМИСИЈЕ

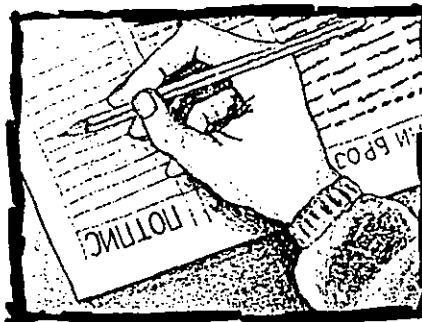
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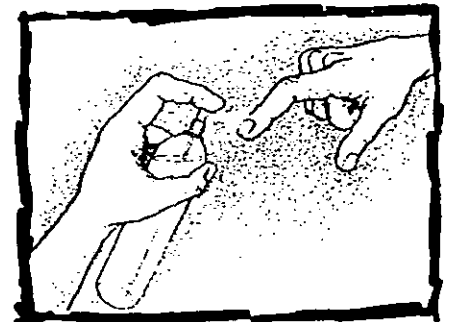
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ОБАВЕШТЕЊЕ РЕПУБЛИЧКЕ ИЗБОРНЕ КОМИСИЈЕ

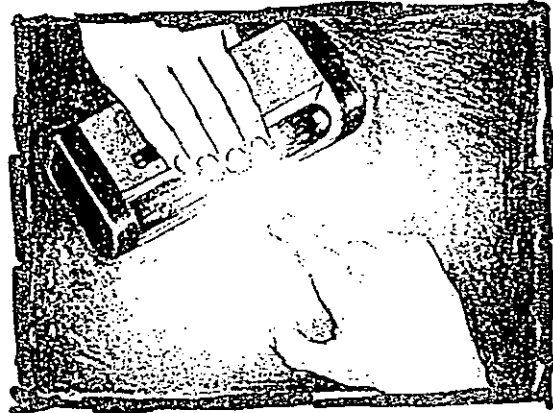
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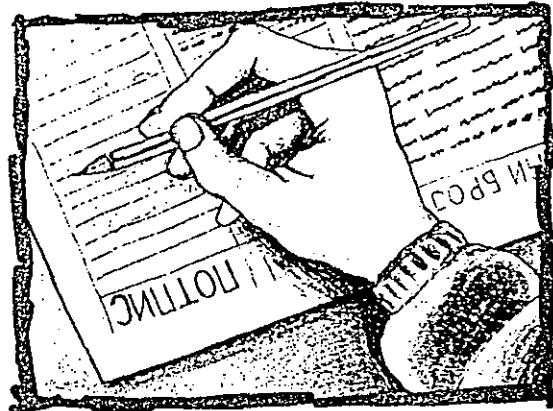
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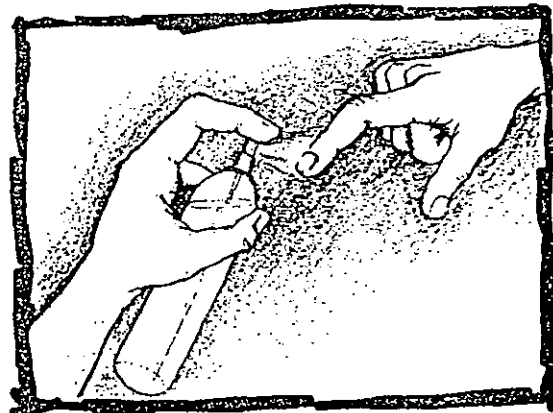
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ТЕЊЕ РЕПУБЛИЧКЕ ИЗБОРНЕ КОМИСИЈЕ

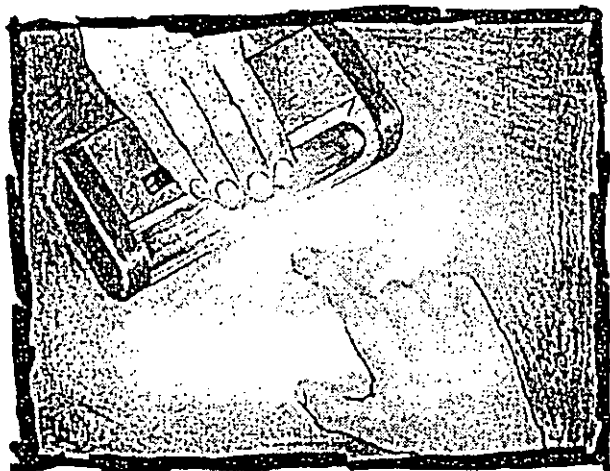
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петак, 22. децембар 2000.

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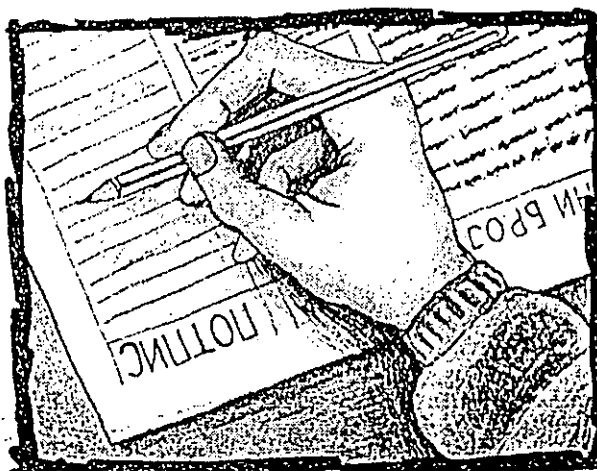
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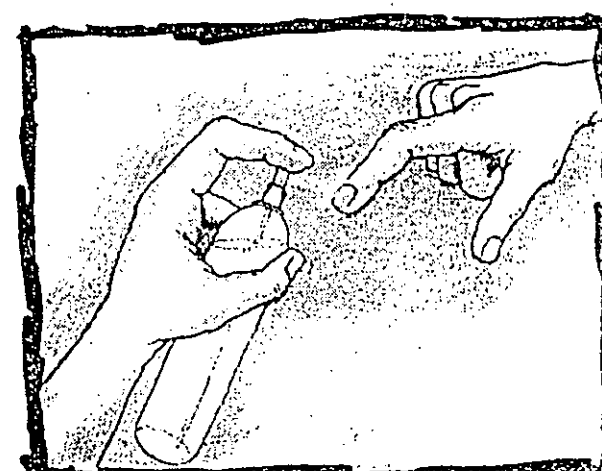
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Републичка изборна комисија

**Appendix D: Electoral Arrangements of Local Authorities in South Serbia,
A Report Prepared at the Request of the Joint Working
Group, March 2002**

**ELECTORAL ARRANGEMENTS OF LOCAL
AUTHORITIES IN SOUTH SERBIA**

**A REPORT PREPARED AT THE REQUEST OF
THE JOINT WORKING GROUP**

MEMBERS OF THE TASK FORCE

**Reinhard Hinz
Mort Jackson
Roger Knight**

28 March 2002

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 The Existing Electoral Arrangements
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1. INTRODUCTION

This report is respectfully submitted to the Joint Working Group on Municipal Assembly By-Elections in South Serbia (JWG) by the Task Force on Electoral Boundaries established pursuant to Articles (3a) and (5) of the Agreement on the Basic Principles for the holding of Municipal Assembly By-Elections in South Serbia dated 18 March, 2002.

This report outlines the scope of the assessment undertaken, recommends general guidelines and explains the procedures and methodology which is intended as practical advice to local authorities and other interested parties who may be required to prepare and comment on electoral schemes.

2. SCOPE OF THE PROJECT

Terms of Reference and Convening of the Task Force

In accordance with the Agreement on Basic Principles, and facilitated by OSCE, the JWG established the Task Force comprising independent international experts to undertake “an assessment of current municipal electoral boundaries and give recommendations to the relevant municipal authorities and the Government of the Republic of Serbia on the adoption of lawful and proportionate electoral boundaries in Bujanovac, Medvedja and Presevo.”

Specifically, the terms of reference of the Task Force were to:

- produce an assessment report on the current boundary issues
- produce guidelines and best practice on the adoption of new boundaries
- provide advice to the municipalities and Republican authorities on the adoption of new boundaries.

Facilitated by OSCE, and with funding assistance from USAID, the British Government and the Chief Electoral Officer of Quebec (Canada), the work of the Task Force was to be undertaken between 11 and 31 March, 2002.

The independent international Task Force comprises Roger Knight, Reinhard Hinz and Mort Jackson, each having extensive experience in dealing with municipal electoral boundary issues in Wales (UK), and the Provinces of Quebec and Nova Scotia (Canada) respectively.

In the interests of transparency and inclusivity, the terms of reference required us to consult with appointed representatives of the local communities, nominated by members of the JWG. This group of local interlocutors was to include representatives of both the Serbian and Albanian communities in each municipality, except in Bujanovac where a representative of the local Roma community was also included.

We convened 11 March in Belgrade, and were introduced to South Serbia community representatives at a meeting of the FRY-Albanian Roundtable on the Implementation of the Covic Plan, held 12 March, at the Bujanovac Community Resource Center, and chaired by Roberto Montella, OSCE South Serbia Co-ordinator.

Extensive field work was carried out by us in Bujanovac and Medvedja between 13 and 21 March. Due to ambiguity with regard to the inclusion of Presevo, field work was not conducted in that municipality. Should the JWG decide to include Presevo, it is

recommended that the same procedure be adopted as was applied in Bujanovac and Medvedja.

Legislative Provisions

Legal advice provided to us suggests that elements of the legislation governing electoral issues require clarification. This notwithstanding, it is widely held that Article 124 of the Local Self Government Act (1999) is operative.

To paraphrase the translation, Article 124 indicates that constituencies (electoral units) are determined by decision of municipal assemblies; that constituencies are determined in such a way as to have "approximately identical" number of voters per councillor in each constituency, and that exceptions may be allowed in mountainous regions, where a councillor may be selected by a smaller number of voters in comparison to other constituencies. One councillor is elected in any single constituency.

The Law on Local Self Government (2002) Article 27 provides that the number of councillors shall be determined by Municipal statute and may not be less than 19 nor more than 75.

International Good Practice

In addition to the expertise brought to the project from our respective countries of origin, guidance on good practice is to be found in the "Guidelines for Reviewing a Legal Framework for Elections" (Warsaw, January 2001) developed by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) in collaboration with the International Institute for Democracy and Electoral Assistance (International IDEA).

This document reviews the provisions of a number of international Declarations, Covenants, Conventions and Charters dealing with the issue of elections and at page 9 stipulates that:

"Election Laws should specify under what circumstances the size of an electoral unit might deviate from established criteria. Electoral units should be drawn in a manner that preserves equality among voters. Thus, the Law should require that electoral units be drawn in such a way that each electoral unit has approximately the same number of voters. The manner in which electoral units are drawn should not circumvent the principle of equal suffrage, which is the cornerstone of democratic elections. However, this does not preclude taking into consideration convenience and accessibility for voters, including the delineation of pre-existing administrative boundaries."

Further guidance is provided in "Guidelines To Assist National Minority Participation in the Electoral Process" (ODIHR, Warsaw 2001). This refers to the Lund Recommendations on Elections No 10:

"The geographic boundaries of electoral districts should facilitate the equitable representation of national minorities."

This source of guidance emphasises the need for equality of voting strength, that is, electoral boundaries should be drawn so that districts are relatively equal in population size.

It points out that it is difficult to specify acceptable degrees of deviation (from the average number of voters) in electoral districts without regard to the specific circumstances of the territory in question.

Further, it suggests that boundaries should be drawn such that constituents have an opportunity to elect candidates that they feel truly represent them, which means that boundaries should coincide with communities of interest as much as possible. Community of interest, it suggests, can be defined in a variety of ways and would include administrative divisions, ethnic or cultural neighbourhoods or natural communities delineated by physical boundaries.

Data Base

In accordance with the terms of reference, we relied on existing information, that being the Electoral Register for the year 2000. Topographic maps and documents indicating the number of registered voters in each electoral unit together with the boundaries of the units were provided by the Municipalities of Bujanovac and Medvedja, while the Municipality of Presevo provided the number of voters in each electoral unit together with a schematic diagram of unit boundaries as opposed to precise maps.

Consultative Process

At the outset, and continuing throughout the process, we maintained, and it was accepted by the governmental and community representatives, that our work would be of a strictly technical nature, with an unbiased approach based on the basic principles and terms of reference provided by the JWG, existing legislation, international best practice, and our experience.

While local advice would be sought and carefully considered, it was emphasised that the report to be submitted to the JWG would reflect our findings alone, and should not be construed as policy of OSCE or any other agency or group.

With the aid of maps and a Power Point presentation a progress report outlining the assessment process, suggested guidelines and examples of how the municipalities might apply good practice in amending current electoral unit boundaries, was presented to a broad range of interested parties. While the group of local interlocutors provided for in the terms of reference was not identified as such, the presentation was made to representatives of the Albanian, Serb and Roma communities, both in separate and combined meetings, and to officials of the individual municipalities with representatives of the Republican Government in attendance.

Several members of the JWG participated, and the exercise was observed by representatives of Council of Europe, UNHCR and EUMM.

Comments were taken under advisement, with the caveat that while they would receive careful consideration, their adoption in the final report would be at our sole discretion. We deal with the comments in chapter 5 which is Advice to Local Authorities.

In a separate briefing held on 27 March, prior to the finalisation of the report, the findings were presented to the JWG called specifically for that purpose.

Written representations submitted by a number of interested parties were accepted with the proviso that they would be circulated to other interested parties. These representations are included as Appendix 4 to 6 of this report.

3. ASSESSMENT OF THE CURRENT ELECTORAL ARRANGEMENTS

In order to make an assessment of the current electoral arrangements in the municipalities within our terms of reference, we identified a common set of terms, objectives and relevant factors. These are referred to at this stage but are also relevant to our recommended guidelines as well as in the advice we have been asked to prepare for local authorities. We made as comprehensive a field inspection as time and accessibility allowed and obtained large-scale topographic maps of the areas before our analysis.

Definition of Electoral Arrangements

The electoral arrangements of municipal assemblies are:

- the total number of councillors elected to the assembly;
- the number and boundaries of electoral units;
- the number of councillors elected for each electoral unit.

We are advised that the Local Self Government Act 2002 states that it is the responsibility of the municipal assemblies to determine the number of councillors and electoral units and for our assessment of current arrangements we have been asked to use the existing number for each municipality.

However, in any schemes to be prepared in the future, the proper number of councillors on each assembly will need to be considered on a case-by-case basis, having regard to each area's particular characteristics. In doing so, the assemblies are required to take account of the limits on assembly size, between 19 and 75 as set out in the law.

In relation to the electoral arrangements for municipal areas, we understand that Serbian law requires that there be a single member for each electoral unit and, accordingly, there are the same number of units as councillors. The boundaries of the current units were given to us in generalised map form and these have been redrawn and included as appendices to this report. For ease of reference the electoral units are indicated by number on these diagrams and in the accompanying tables. The electoral units are also identified in the tables by the names of the communities and associated populated places.

Councillor/ Elector Ratio

In considering the most appropriate electoral arrangements for a municipal authority, the prime objective is to achieve electoral equality. This specifically means that the number of electors should be, as nearly as possible, the same in every electoral unit in the municipal area. While it is recognised that it is impractical to expect exactly the same number of electors in every unit and that there must be a degree of flexibility, any imbalance beyond a norm of 25 percent should require justification.

In addition to the prime objective specified in the paragraph above, electoral arrangements should have regard to other factors and we believe that it is necessary, in this context, for fair minority representation to be present in accordance with agreed International Guidelines.

Account must be taken of geographical characteristics in relation to the terrain, such as roads and all issues connected to communication, accessibility and distance. During our discussions with people with local knowledge, it became apparent that weather conditions may have a particular impact on electoral units in sparsely populated mountainous areas.

Electoral Statistics

We were provided with and were asked to use the electoral lists for the year 2000. In addition, we were given a large number of statistics relating to past census results and a detailed analysis of total and electoral population by ethnic groups. While this material was of use in cross-referring various statistics and in giving us an invaluable indication of community considerations, the basic data in each table is that of the electoral lists.

Electoral Variance

To assess levels of electoral equality or inequality between units, we calculated the extent to which the number of electors represented by the councillor for each unit varies from the average in percentage terms. This is called the electoral variance. A minus variance indicates a lower than average number of electors and such a unit is over-represented. A positive variance, on the other hand, indicates a higher than average number of electors and such a unit is under-represented.

Bujanovac

The first municipality of Southern Serbia, which we assessed for excessive electoral imbalance between electoral units, is Bujanovac.

The municipality of Bujanovac spans the broad valley of the Juzna Morava river and is centred on the town of the same name. The town is adjacent not only to this river but also to both the main highway and railway from Belgrade to the Macedonian border, some 25 kilometres to the south, beyond the adjacent municipality of Presevo.

This busy communication corridor is aligned south-west/ north-east and approximately bisects the municipality area. To the north-west the valley gives way to a line of mountains marking the border with Kosovo, which is between 10 and 20 kilometres from the town. South-eastwards the municipal area extends some 20 kilometres to the mountains along which is the Macedonian border.

In the north-western part communication by roads is generally good along the lower slopes of the rising landscape and these roads connect a number of significant settlements, the most notable in size being Veliki Trnovac. However, the mountainous terrain further westwards and northwards severely inhibits communication by road and the some of the communities and populated places on the higher slopes are relatively inaccessible.

Communications in the south-eastern part of the municipality are generally helped by a network of roads connecting the small agricultural communities distributed on the hills and among valleys of the eastern uplands.

The Existing Electoral Arrangements

The left side of the table at Appendix 1 lists the existing electoral units, their identifying number and the names of the settlements within them, together with the number of electors in each. (The right side of the table illustrates a working example of electoral boundary drawing and is referred to a later section of this report). Maps identifying the existing and suggested new electoral units are also attached to this report at Appendix 2.

The table also shows each unit's variance from the average for the whole municipality. The municipality, according to the electoral role of 2000, has 31,980 electors divided into 41 electoral units. This results in an average of 780 electors per unit.

While a perfect electoral arrangement would have all electoral units with a variation from the average close to zero, this would be entirely theoretical. An acceptably distributed electoral arrangement would have most, if not all, electoral units with elector numbers lying between 995 and 685. This is a band of variance plus and minus 25 percent of the average. A band as wide as this, while not ideal, would reflect the distribution of the population among numerous small communities and the difficulties to communications caused by the difficult terrain in many parts of the municipality.

However, the table demonstrates that as many as 31 out of the 41 electoral units are outside this band and nearly half, 19 of the 41 electoral units, are over 50 percent from the average. At the extreme, electoral unit 3 (2261 electors) and electoral unit 11 (2264 electors) each have a positive variance of 190 percent and are therefore greatly under-represented, while electoral unit 31 has a variance of minus 84 percent and with only 121 electors is heavily over-represented. This is a ratio of 19 to 1. While there are different geographical characteristics to explain some of the variation in this extreme example, the many wide variations from the average across the municipality, in our view, demonstrate the need for a review of the existing electoral arrangements.

An additional defect in the present electoral arrangements lies in the geographic pattern of the variations. Leaving aside, for the moment, the town of Bujanovac, all the positive variances, indicating under-representation, are found among the electoral units west of a line running north-south and dividing the municipality in two parts, while all the negative variances, indicating over-representation, are found to the east of this line. Neither differences in terrain nor settlement characteristics can account for this contrast in representation between western and eastern electoral units.

In the town of Bujanovac itself, there are 10 electoral units, numbered 32 to 41 in the table. In spite of the uniformly flat terrain on which the town is built, 5 electoral units vary from the average by more than 25 percent. Electoral unit 38, with 2218 electors, varies positively from the norm by 184 percent, followed closely by electoral unit 40 with as many as 2138 electors and a positive variation of 174 percent. Both these electoral units stand out as being severely under-represented.

Conclusion – Bujanovac

Our assessment of the current electoral arrangements indicates that there should be a review of electoral boundaries in accordance with acceptable objectives, guidelines and procedures for the following reasons:

- The variance from the average for most of the electoral units of the municipality is excessive;
- There is an unjustifiable pattern of consistently under-represented electors to the west of the municipality in contrast to a pattern of over-represented electors to the east.

Medvedja

The second municipality of Southern Serbia in which we were asked to verify allegations of imbalance between electoral units is Medvedja.

This municipality is situated to the south-east of Leskovac, and the southern and most of the western limits constitute the border with Kosovo. One main road, from Leskovac to Pristina, runs through the centre of the municipality following the Jablanica, Tularska and Medevacka rivers.

Unfortunately, we were able to visit Medvedja only once and we could not get a complete picture of all the geographical features of the municipality in such a short time. Therefore the following description can only provide a general idea of the characteristics of Medvedja.

Some paved roads link localities in secondary valleys, for example, that of the Banjska river, to the road in the main valley. In general, however, the roads in the municipality of Medvedja are unpaved earth roads and most of them seem not to be suited for ordinary cars.

The region is very hilly. Large parts of it, and in particular the slopes of the deeply entrenched valleys, are covered with forest. However, agricultural activity can be found on top of many of the hills above the valleys as well as in the Jablanica valley downstream from the town of Medvedja.

Nearly 25 percent of the population of the municipality is concentrated in this town. The rest of the inhabitants are scattered in small villages, hamlets or individual farms throughout the country-side.

The Existing Electoral Arrangements

The table at the end of this section presents the existing electoral units, their identifying number and their name together with the number of electors in each of them. All these details were given to us by the municipal authority. The number of electors is that of the existing electoral list compiled in the year 2000. We have added one column to the table to show the variance of each electoral unit compared to the average number of electors per unit.

The total number of electors in Medvedja is 9892. As there are 35 electoral units, the average number of electors per unit is 283.

According to the law, the number of electors in each electoral unit should be approximately the same. In other words, the variance should be as close as possible to zero. In the case of Medvedja, this means that the number of electors of every unit should be close to 283. The law also recognises that mountainous regions may have higher variances.

The most striking feature of the table is the high number of electors in the two electoral units of the town of Medvedja. Their positive variances are 336 percent and 313 percent respectively. This very strong under-representation of the urban area electors has its counterpart in the over-representation of the electors in the rural areas of the municipality where sixteen electoral units have variances of more than -50 percent. It appears that the smallest rural electoral unit with -86 percent variance has only 40 electors while the largest one in the town with 336 percent variance has 1234 electors. This urban unit is therefore 31 times greater than the smallest one.

A variance of this size between the largest and the smallest electoral unit seems inappropriate to us, even in a mountainous area. While allowing for a certain degree of variance, international standards and the Serbian law stress the equality of electors. This fundamental notion of equality is clearly missing in a case where thirty-one electors in one place have the same political weight as one elector in another place.

It is also important to note another significant discrepancy illustrated by the table. Not all rural areas are over-represented. In the south-east of the municipality, and occasionally elsewhere, there are several under-represented rural areas. For instance, one of the electoral units, Svirce, is under-represented with a variance as high as 129 percent. It is situated in a mountainous region on the border of Kosovo, remote from the central town of Medvedja. In contrast, the variance of the neighbouring electoral unit of Vrapce is -81 percent. A similar contrast exists between the variance of 112 percent of the electoral unit of Tupale, situated in the hilly region east of the town of Medvedja and the neighbouring electoral unit of Kapit which has a variance of -28 percent.

There seems to be no justification for such a huge difference in electoral representation between two neighbouring districts in an area where geographical conditions are very much similar from one district to the other.

Conclusion – Medvedja

Our assessment of the current arrangement indicates that the electoral map of the municipality of Medvedja should be redrawn for the three following reasons:

- the difference between the smallest and the largest electoral unit in terms of electors is far too large with a ratio of 1:31;
- the electors of the town of Medvedja are highly under-represented;
- there are wide inconsistencies in terms of electors even between neighbouring electoral units in the rural part of the municipality.

MEDVEDJA
Existing Electoral Units

Unit no	Number of electors	% variance	Name
1	1234	336.0	Medvedja I
2	1170	313.4	Medvedja II
3	574	102.8	Bucumet
4	190	-32.9	Gajtan
5	113	-60.1	Drence
6	361	27.6	Lece
7	472	66.8	Gazdare
8	319	12.7	Negosavlje
9	121	-57.2	Crni Vrh
10	358	26.5	Rujkovac
11	328	15.9	Djulekare
12	203	-28.3	Kapit
13	600	112.0	Tupale
14	83	-70.7	Pusto Silovo
15	92	-67.5	Stubla
16	101	-64.3	Sponce
17	186	-34.3	Retkocer
18	225	-20.5	Macedonce
19	56	-80.2	Petrilje
20	65	-77.0	Borovac
21	54	-80.9	Vrapce
22	78	-72.4	Bogunovac
23	42	-85.2	Mrkonje
24	107	-62.2	Medevce
25	55	-80.1	Gubavce
26	40	-85.9	Velika Braina
27	151	-46.6	Tulare
28	64	-77.4	Cokotin
29	454	60.4	Sij. Banja
30	499	76.3	Sijarina
31	649	129.3	Svirce
32	350	23.7	Ravna Banja
33	119	-58.0	Stara Banja
34	275	-2.8	Grbavce
35	104	-63.3	Marovac
TOTAL	9892	Average: 283	

4. GUIDELINES IN RELATION TO ELECTORAL ARRANGEMENTS

We concluded our assessment of the current electoral arrangements by saying that the electoral map of the two municipalities of Bujanovac and Medvedja should be redrawn. The process of redrawing an electoral map there could be envisaged as a unique one to solve a local problem. To meet this need, guidelines could be developed and advice be given to the local authorities for the production of a new electoral map which would satisfy international standards in the field of representation.

We think however that the process of redrawing the electoral map in the two aforementioned municipalities should be seen in a larger context. Therefore our guidelines focus not only on the assessed municipalities of southern Serbia, but address the problem on a broader scale throughout the Republic.

The Local Self-Government Act of 2002 does not provide many details on the process of redrawing electoral boundaries inside municipalities. We found only two articles dealing with this process.

- Art. 27: "The number of councillors shall be determined by the municipal statute and may not be less than 19 nor more than 75."
- Art. 124 (1999): "Councillors are selected in constituencies determined by decision of the municipal assemblies.
Constituencies are determined in such a way as to have approximately identical number of voters per councillor in each constituency.
Exceptionally to the provision stated in paragraph 2 of this article, in mountainous regions there may be constituencies where a councillor is selected by a smaller number of voters in comparison to other constituencies.
One councillor is elected in each single constituency."

According to our experience, it seems necessary to provide a fuller legal framework for the process of redrawing electoral constituencies in municipalities than the one which is to be found in the Local Self-Government Act of the year 2002 and the preceding Act of 1999.

This legal framework should include provisions for the number of constituencies and the periodical review of their boundaries as well as for establishing an independent boundary commission. Guidelines should also be set up on how to proceed with the actual work of delimiting constituencies.

Number of constituencies

It is good practice to have the municipal assemblies choose the number of constituencies. It may be useful though to give them not the whole range of choice between 19 and 75 councillors, but to restrict this choice to a certain number of councillors determined by the total population of the municipality. As a general rule, municipalities with a higher number of inhabitants should have more councillors than municipalities with fewer inhabitants.

As an example, it could be suggested that in municipalities of less than 50 000 inhabitants according to the latest official figures the number of councillors may not be less than 19 nor more than say, 45.

If this idea of establishing ranges for the number of councillors in regard to total population should be considered useful, the exact ranges would have to be discussed and determined at the Republican level.

Periodical Review of the Boundaries of the Constituencies

Population changes occur all the time and in every municipality. It is therefore necessary to regularly adjust the electoral boundaries to these population changes so as to ensure that constituencies continue having an approximately identical number of voters.

There seems to be no provision in the law as to how often this revision has to be done. In our experience, it appears to be useful to review the electoral boundaries either for every regular election or at least once every ten years. During the revision process, it should, as a rule, be possible to change not only the boundaries of the constituencies but also their total number.

We may add that in the process of reviewing the municipal electoral boundaries, the figures of the electoral list are to be used (art. 124). Therefore this list has to be updated on a regular basis if it is to correctly reflect the population changes.

For the time being, the process of maintaining the quality of the electoral list seems to be inadequate for several reasons and may have to be reviewed. Indeed several representatives of the local Serbian and Albanian communities in southern Serbia complained about the inaccuracy of the existing lists. This and the regular updating of the electoral list is however an issue which exceeds by far the scope of our current work.

There are countries which determine the limits of their electoral units by using not the number of electors, but the number of inhabitants. If this way of redrawing electoral limits should be chosen, it would appear appropriate to adjust the electoral boundaries to population changes shortly after every census, when recent and accurate data are available.

Instituting an Independent Boundary Commission

In Serbia, the municipal assemblies determine the limits and the number of the municipal electoral units. As far as we know, electors do not have any possibility to intervene directly in the process of drawing electoral boundaries. Also, there seems to be no administrative or quasi-judicial control of the municipal assembly's decisions on electoral units.

It seems highly important to us that electors and other interested parties are consulted during the process of establishing the electoral units of their municipality. It is still more important that they have a possibility to oppose to decisions of their assembly in this matter by turning to a quasi-judicial body which would arbitrate between them and the assembly. We do not think that any existing court of justice should be charged with this arbitration process.

The body which we recommend to be instituted could be called a Boundary Commission. We suggest that it be independent and that its members be nominated by the Parliament or by the Government of the Republic of Serbia. The Boundary Commission could be a permanent one, or be instituted only for a certain time to be determined for the regular revision of the municipal electoral boundaries. There would be resource implications, but these need not be excessive.

Its main functions would be:

- Check the municipal assembly's decisions concerning electoral units as to their conformity with the law;
- Approve any constituency delimited by the municipal assembly whose variance exceeds 25 percent (or a similar percentage considered as the limit normally not to exceed);
- Receive any opposition of citizens not satisfied with the decisions of the municipal assembly concerning the boundaries of the electoral units;
- Hold public meetings on the delimitation of the electoral units if it has received sufficient opposition of citizens;
- Delimit itself the new electoral units after having held a public meeting or in the case the municipal assembly fails to proceed in time to determine the municipal constituencies;
- Publish a notice of its decision in a local newspaper.

Guidelines for the Municipal Assemblies and for the Boundary Commission on How to Proceed with the Actual Work of Delimiting Constituencies

We think that the process of delimiting municipal constituencies should be determined in detail by legal guidelines or, at the least, by administrative ones. These guidelines seem to be necessary to ensure that the periodical review of the electoral boundaries is done in a transparent manner, is made known to the public, enables the citizens to participate in the process and respects a certain number of delimitation criteria.

The guidelines should determine accurately the different stages of the process of delimiting municipal constituencies and the point at which they are to be implemented.

- Stage 1: the assembly prepares a draft by-law describing the boundaries of the proposed new electoral units;
- Stage 2: the municipality publishes its draft by-law in a local newspaper;
- Stage 3: citizens have the occasion to inform the municipality in writing of their objection to the draft by-law;
- Stage 4: if the municipality receives a required number of objections, it holds a public meeting on its proposal of a new electoral map;
- Stage 5: the assembly adopts a new electoral map by passing a by-law; if there has been a public meeting on the issue, this map can be different from the one published before;
- Stage 6: the municipality publishes the by-law dividing its territory into electoral units if it was obliged to hold a public meeting in respect of the draft by-law;
- Stage 7: only if the municipality was obliged to hold a public meeting in respect of the draft by-law, citizens have the occasion to inform the Boundary Commission in writing of their objection to the by-law;

- Stage 8: if the Commission receives a required number of objections, it holds a public meeting so that citizens and other interested parties have the opportunity to express their support as well as their objections; prior to the meeting, the Commission publishes, in a local newspaper, a notice announcing it;
- Stage 9: if it was obliged to hold a public meeting, the Boundary Commission delimits itself the electoral units in a way which it believes to be most suitable;
- Stage 10: the Boundary Commission publishes its decision in a local newspaper and the decision becomes effective for the next general election;
- Stage 11: if the Boundary Commission has not received a sufficient number of objections, the municipality puts its by-law into force after having been informed by the Commission that it may do so;
- Stage 12: the Boundary Commission receives a copy of every by-law dividing a municipal territory into electoral units. It examines the by-law to check whether it is in conformity with the law. If the Commission concludes that this is not the case, it informs the municipality that it has to start over again the whole procedure of dividing its territory into electoral units. Otherwise the Commission informs the municipality that it may put its by-law into force.
- Notes: It has to be considered that work on all these different stages normally takes several months.
We suggest that the by-law dividing the territory of the municipality into electoral units be in force about one year before the elections. This would give the political parties the time needed to adjust to the new electoral boundaries.

Besides determining the different stages of the process of delimiting municipal constituencies, the guidelines should also enumerate a certain number of delimitation criteria. These are also described in a more technical way in the sub-section "Methodology" of the following chapter on advice to the local authorities.

Of utmost importance is the numerical criterion which defines the acceptable number of voters in every constituency. We recommend that each electoral unit have a variance as close as possible to zero without normally exceeding a variance of 25 percent. Therefore each electoral unit should be delimited in such a manner that the number of electors in it is not more than 25 percent above or below the quotient obtained by dividing the total number of electors of the municipality by the number of electoral units.

It is not always possible to respect this 25 percent limit. The municipal assembly must have the possibility to make exceptions to the general rule. However we suggest that a by-law dividing the municipal territory into electoral units whose variance exceeds 25 percent be submitted to the Boundary Commission for approval.

Besides the numerical factor, there are a number of other delimitation criteria which can be summarized in a very broad sense as geographical ones. Indeed the electoral units of a municipality should be delimited in such a manner as to ensure that each has the greatest possible socio-economic homogeneity, taking especially into account community of interest and geographical characteristics such as accessibility, roads, physical barriers, size and distances.

5. ADVICE TO LOCAL AUTHORITIES

In the chapter assessing the current electoral arrangements, we concluded that new electoral maps should be adopted in the municipalities of Bujanovac and Medvedja. According to Serbian law, it is the municipal assembly that has the competence to draw new electoral boundaries. If the assemblies of the two municipalities should wish to establish new electoral units, we recommend that they use the same method as the one we used when we worked out examples of how the territory of the two municipalities of Bujanovac and of Medvedja could be divided into electoral units.

Before describing our methodology, we re-iterate that our work was based on the following assumptions:

- the total number of electoral units was not going to change;
- each unit was to elect only one councillor;
- the number of electors to be used for the purpose of the division of the municipality into electoral units was to be the number of persons whose names were entered on the list of electors of the year 2000.

The methodology would not change even if the municipal councils should choose a different number of electoral units. The use of another electoral list likewise has no influence on our methodology. However, this methodology would need to be adapted if some or all units elect more than one councillor. Should it be felt desirable and legal for there to be any multi-member divisions, the ratio of the number of electors to the number of councillors should be, as close as is possible, the same throughout the municipal area (including any that are not multi-member divisions).

Methodology Used

Our method of delimiting electoral units comprises several steps and criteria:

1. divide the total number of electors by the number of electoral units and determine the average number of electors per unit;
2. calculate the variance from the average for each of the existing units;
3. use, as far as possible, existing electoral units and create, wherever necessary, new electoral units by amalgamating contiguous units or by subdividing existing units;
4. in creating new electoral units, use, as far as possible, community subdivisions;
5. all electoral units should
 - have a variance as close as possible to zero;
 - be as compact as possible with no detached parts;

- be delimited in such a manner as to ensure that each has the greatest possible homogeneity, taking especially into account community of interest and geographical characteristics such as accessibility, roads, physical barriers, size and distances;
6. develop options and test them in the field;
 7. consult interested parties.

Due to the lack of time, we were not able to thoroughly test in the field our examples of the division of the municipalities of Bujanovac and of Medvedja into electoral units. However we submitted our examples of a new electoral map to representatives of the local communities having an interest in these municipalities. They made suggestions on how to improve the division of their municipalities into electoral units.

Our options and the suggestions made by the local communities are described and discussed in the following pages.

Bujanovac

There are 41 existing units and the municipality average is 780 electors.

In making our assessment of the existing electoral arrangements for the municipality we have drawn attention to the way in which the western electoral units are generally under-represented while those in the east are over-represented. In creating an example scheme for Bujanovac to illustrate the methodology we chose the existing northern units as a starting point and then considered those in the western parts of the municipality before those in the eastern areas and finally concluded with the town of Bujanovac itself. The new units are numbered on the right side of the table attached as Appendix 1 which also has columns showing number of electors, variance from the average and place names. The new units are identified on the map at Appendix 2.

Units 1, 2 and 3

The existing unit 7, Zarbince (with associated populated places) and adjacent existing unit 6, Muhovac (with associated populated places) are both under-represented, though neither can justify a sub-division into two on their own. We therefore suggest that they be considered together and be sub-divided into 3 new units to be identified as new units 1, 2 and 3, with their exact boundaries to be chosen to achieve, as near as possible, 704 electors each and following the existing community boundaries. Although this is the first time we refer to the need to apply local knowledge to such an exercise, it will need to be repeated frequently throughout this example of new unit creation.

Unit 4

The existing unit 4 varies from the average by 40 percent. This is too high but with difficult communications to adjacent units to the south we suggest that this unit is retained as new unit 4.

Units 5, 6, 7, 8, 9 and 10

The existing unit 1, 2 and 3 each contain part of the large village of Veliki Trnovac, together with separate populated places. Existing unit 2 and, in particular, existing unit 3 are severely under-represented and the existing three units, in combination, are entitled to six units. We therefore suggest six new units be created, to be identified as new units 5, 6, 7, 8, 9 and 10, each with an electoral population as close to 742 as can be achieved. New boundaries would need to be drawn following community boundaries, where possible, in the rural parts and identifiable streets in the settlement of Veliki Trnovac.

Unit 11

Existing unit 5, Konculj, though under-represented, has a positive variance of 29, which is just beyond our limit of 25 percent acceptability and since the electorate appear to be concentrated in a single village we suggest that it remain, as new unit 11.

Units 12 and 13

Existing unit 9, Lucane (with associated Dobrosin) is almost double the average and we therefore suggest it be sub-divided into two new units, to be identified as new units 12 and 13 and each having approximately 761 electors. The dividing boundary should be drawn in accordance with the principles suggested for the other sub-divided units referred to above. This would be likely to result in one unit for Lucane and one for Dobrosin.

Unit 14 and unit 15

Existing unit 8, Nesalce (with associated Vrban) is under-represented with a variance of 38 percent and would be a candidate for combination with another unit and subsequent subdivision. However, the main settlement is a compact village and we suggest it remain as new unit 14.

The adjacent existing unit 10, Letovica (with associated Gramada) to the south is also under-represented, with a smaller variance of 9 percent. A move of Vrban to this unit (with which it appears to have good road connections), while improving the variance of new unit 14 would increase this variance. Therefore, we propose that the unit remains, identified as new unit 15, although the inclusion of Vrban should be considered when the municipal authorities prepare new electoral arrangements in the future.

Units 16 and 17

Existing unit 17, Levosoje (with associated Oslare) is under-represented by 69 percent and should be sub-divided using the two villages as the basis of the two new units, each with approximately 661 electors, to be identified as new units 16 and 17.

Units 18, 19 and 20

Existing unit 11, Biljaca 1 (with associated villages and populated places) has 2264 electors and a variance of 190 percent. It is the most under-represented electoral unit of the municipality. We suggest that it be sub-divided into three new units to be identified as new units 18, 19 and 20, each with approximately 754 electors. Once again the new boundaries between them should respect existing community boundaries in the rural parts and, if

necessary, streets within Biljaca, and accordingly exact equality in elector numbers between the new units is unlikely to be achievable.

Unit 21

Existing unit 12, Biljaca II (with associated villages and populated places) is over-represented with an average variance of minus 28 percent. This is just beyond the 25 percent limit we recommend, after which justification is required. However, as a unit on the southern boundary of the municipality and adjacent to a sparsely populated upland with several high points of 900 m alternative options for a suitable combination with a neighbouring unit are limited. We suggest that the unit remains and is identified as new unit 21.

Unit 22

Existing units 18, Bozinjevac (with associated populated place Borovac) and 20, Zuzeljica (with associated populated places Bogdanovac and Kosarno) are both over-represented. Since they are adjacent to each other and there are apparently good road links between them we suggest that they be combined into an electoral unit, to be identified as new unit 22. This new unit is within a satisfactory 9 percent variance from the average.

Unit 23 and unit 24

Existing unit 13, Lopardince, with a variance of minus 21 percent and existing unit 16, Rakovac, with a variance of minus 19 percent are both within an acceptable tolerance of the average and we suggest that they both remain as separate units, identified as new units 23 and 24.

Unit 25

Existing unit 14, Srpska Kuca, with a variance of minus 74 percent and existing unit 15, Karadnik, with a variance of minus 63 percent are both heavily over-represented. Since they are closely adjacent settlements on flat land we suggest that they be combined and identified as new unit 25, with a variance improved to minus 37 percent. This still results in over-representation but any further combination with other adjacent units would produce a variance which, we consider, would be too high.

Unit 26

Existing unit 19, Ljiljance with a variance of minus 51 percent and existing unit 21, Zbevac, with a variance of minus 26 percent are both over-represented. They are adjacent to each other and have good means of communication across easy terrain. We suggest that they be combined into a single unit, identified as new unit 26, with an acceptable positive variance of 24 percent.

Unit 27

Existing unit 22, Krsevica and existing unit 23, Klinovac (with associated populated place Jastrebac) are both over-represented by minus 49 percent and minus 42 percent respectively. They are adjacent to each other and the main settlements are well connected by road. We suggest that they be combined into a new unit, identified as new unit 27 with a small under-representation of 9 percent.

Unit 28

Existing unit 24, Brnjare (with associated populated places Bustranje and Rusce) and existing unit 25, Klenike (with associated populated places Petka and Dreznica) are both over-represented, by minus 70 percent and minus 38 percent respectively. The main settlements, at least, are within 3 kilometres of each other by road and we suggest that they be combined into a new unit, to be identified as new unit 28 with a small over-representation of minus 9 percent.

Unit 29

Existing unit 27, Baraljevac; existing unit 28, Sejace and existing unit 31, Jablanica (with associated populated place Vogance) are all over-represented, with variances from the average of minus 66, minus 77 and minus 84 percent respectively. Although they are physically remote from the centre of the municipality, they are adjacent to each other. Baraljevac and Sejace, in particular, are clearly defined villages which appear to be well connected by road. Jablanica and Vogance are situated at the extreme south-east of the municipality and the valley of the Pcinja River is steeply incised in the mountainous terrain. We have visited this area and there is a main road passing through it which we believe is a reasonable basis to suggest that these three existing units should be combined into a new unit, to be identified as new unit 29. Some over-representation remains, with a variance of minus 28 percent but this is reasonably close to the 25 percent band and the effect of the mountains, especially in respect of Jablanica provides, in our view, sufficient justification for this variance.

Unit 30

Existing unit 26, Trejak and Kustica and existing unit 30, Sebrat, Lukarce, Pretina and Uzovo, are both over-represented, with variances of minus 54 and minus 78 percent respectively. These are all identified as populated places and by definition are small settlements in a rural area. The two existing units lie either side of the 796 m peak of Taramaska. However, there appears to be sufficient road communication between them for us to suggest their combination into a new unit, identified as new unit 30. The electors of this new unit will remain over-represented with a minus variance of 32 percent from the average. Nevertheless, we consider this is justified by the nature of the terrain between the existing units.

Unit 31

Existing unit 29, Spancevac (with associated populated places Gornji and Donji Starac), with a variance of minus 32 percent is over-represented. Gornji Starac is the most remote part of the unit, being over 20 kilometres from the town of Bujanovac. We suggest that it remain as an electoral unit, identified as new unit 31. The electors of this unit will still be over-represented but since any combination with adjacent new units would result in under-representation in an area of difficult terrain we consider the variance justified.

Units 32 to 41, the town of Bujanovac

The additional new units created as a result of the sub-division of some existing electoral units and the reduction resulting from a combination of existing units in the rural areas of the municipality, as described above, have, by chance, left 10 units to be allocated to the town area. This is also the existing number of units for the town.

There are 9119 electors in the town resulting in a town average of 912. This is higher than the municipality average of 780. The town as a whole is therefore under-represented and, if we were not constrained by the total figure of 41 for the municipality, the town would be allocated 12 units. However, it is frequently the case that urban areas experience some under-representation in relation to their rural hinterland and we are content to suggest that 10 units be used to represent the electors of the town in our example.

In our assessment of the existing electoral units of the town of Bujanovac we found that there was an unacceptably large variation between some of the existing 10 electoral units of the town. Without access to the electoral role at street level and without the capacity to undertake a redrafting of the boundaries between the 10 units we suggest three broad zones, which are defined in the accompanying table and map.

Units 32 to 35: Bujanovac South-East

This area is made up of the existing units 33; 35; 37 and 41 together with large parts of existing unit 32 (thereby excluding the institutional/ leisure and medical buildings); that part of existing unit 36 south-east of Nikola Tesla street and the southern part of existing unit 39 (south-east of Bora Stankovic street). We believe this makes a viable geographic block with a common community of interest. We suggest that 4 new units, each with approximately 925 electors, be created within this block, the boundaries of which should be drawn with the aid of small area election statistics and local knowledge.

Units 36, 37 and 38: Bujanovac South-West and North

This zone is sub-divided into two areas. The existing unit 38, in the south-west of the town, is the first of these two areas. It has 2218 electors and is heavily under-represented. Existing unit 34 and that part of existing unit 36 north of Nikola Tesla street are adjacent to each other at the northern end of the town. They form the second area. We are informed that these two areas are occupied by members of the Roma community and therefore consider it appropriate to deal with them together. The northern area would be an appropriate single unit. We suggest that existing unit 38 be sub-divided into two approximately equal new units, with a dividing boundary to be based on local knowledge. Each of the sub-divisions would have a high positive variance of 42 percent, but a solution to this is constrained by the limitations of retaining 41 units overall.

Units 39, 40 and 41: Bujanovac North-West

This area comprises existing unit 40, a part of existing unit 32 (for the most part the non-residential buildings referred to previously) and that part of existing unit 39 which lies to the north-west of Bora Stankovic and Karadjorje Petrovic street, also referred to previously. We believe that this block is a viable entity with a common community of interest and we suggest that this block be sub-divided into 3 approximately equal new units with internal boundaries chosen with the aid of local knowledge.

This concludes our example of possible new electoral boundaries for the municipality of Bujanovac.

Comments received in relation to our example for the municipality of Bujanovac

As part of our consultation with local interest groups, referred to in the introduction to this report, we were told about a number of difficulties in relation to the maintenance and updating of the electoral statistics. These are issues which are being addressed by others, they are outside our terms of reference and do not affect the validity of the methodology we have sought to explain.

In addition, we have also received written comments made on behalf of the all three communities and working groups who assisted us and we refer to these, in summary form, in turn. Copies of the written comments are attached to this report.

The Albanian community

The statement made on behalf of the Albania community confirms the community's general agreement with our assessment of the current arrangements and guidelines for the development of new electoral units as well as with large portions of our example of a new map.

However, they note that a disproportion occurs even in the new arrangements and make three proposals to alter this:

- 1 Electoral unit 4, Breznica, which is under-represented with 1098 electors, has three populated place sub-divisions. They recommend that this unit be combined with one of the populated places, Mali Trnovac, of the adjacent unit to the south and then be sub-divided into two new units. We recognise that new unit 4 remains under-represented in our example but consider that creating an electoral unit consisting of Mali Trnovac and part of Breznica means putting together two communities without adequate communication between them. Besides that, there may not be a sufficient community of interest between the two parts of the new unit.

We estimate that if the proposal was accepted, the number of electoral units in the remaining area of Veliki Trnovac would be only five instead of our suggested six.

- 2 They propose an alternative configuration for the new unit 30 by combining populated place Novo Seljo with it. In our example, Novo Seljo is instead part of unit 21. The other parts of this unit would be amalgamated, according to the proposal, with our group of units 18-20 centered on Biljaca. In this combination, they propose to create four electoral units one of which would be Samoljica.

We doubt that a combination of Novo Seljo with the apparently distant communities of Trejak and Kustica is practical and would need to test communications between these places. In addition, as far as we know, there is a community of interest between the Serbian population of Biljaca and the one in Novo Seljo. This would be broken by the proposal.

- 3 The final comment provides exactly the type of detailed knowledge that is necessary to make rational sub-divisions in the town area of Bujanovac where suggestions are made to assist the drawing of internal boundaries between new units 39, 40 and 41.

The Roma community

The written comments we have received from the Roma community confirm their general agreement to the approach we demonstrated for re-drawing electoral boundaries. Specifically they agree with the suggestions for unit 34.

However, regarding unit 38, they suggest that it be sub-divided into three units rather than the two which we suggest and they also make detailed proposals for the necessary boundaries using the street pattern of that area.

We agree that an existing unit with 2280 electors would produce three rather than two new units if the municipality average of 780 were used. As explained in the section of our report dealing with the town area, because of the constraint caused by keeping the number of municipal units to the existing 41, we used an average of 912 for the 10 town units, resulting in the two units we suggest for existing unit 38.

When the municipality prepares its own proposals, one of the early decisions will be the number of electoral units and this may produce a new average. It may then be possible to create an electoral arrangement which uses the same average throughout the municipality. Alternatively, additional town units may be available if a redistribution of rural units arose from the testing of another option.

The Working Group of Local Serbs

The written statement made on behalf of the Serb community begins by taking an alternative approach to the calculation of electoral units. This approach stresses much more the need for even small communities to be represented at the municipal assembly, than the equality of electors wherever they live.

The members of the working group take four of the existing units and sub-divide them each in two, thereby increasing the total number of municipal units from 41 to 45. These four appear to be selected on the basis of greatest size: unit 3, Veliki Trnovac with 2261 electors; unit 9, Lucane with 1522 electors; unit 11, Biljaca I with 2264 electors and unit 38 in the town of Bujanovac which has 2281 electors. In addition, they have defined boundaries for some of the sub-divisions.

For the rest of the municipality the existing units are retained. This they assert, provides adequate representation of all local communities, taking account of accessibility and community interest.

The working group conclude by stating that we have not taken a complete overview of the situation in the field and that our proposals are unjust and unacceptable.

We appreciate that this alternative approach seeks to provide greater representation for the largest existing units, but are at a loss to understand why unit 40 in the town of Bujanovac with 2138 electors has been excluded from the working group's list since it certainly qualifies on grounds of electoral numbers. This omission is more apparent since unit 40 is adjacent to unit 38.

While we note that the sub-division of unit 9, Lucane and unit 38 in the town of Bujanovac accords with our own suggestions, the other units referred to should be sub-divided into three rather than two if any account is to be taken of electoral averages. A further factor should be

noted. When additional units are added to the total, the electoral average falls and this reinforces the justification for the additional third representative.

We are also familiar with the concept of trying to encourage and retain close links between elected councillors and local rural communities but we consider that at least two facts have been overlooked. Firstly, some of the retained units consist of settlements which are not remote nor do they experience poor communications. Their retention lacks convincing justification on geographic criteria. Secondly, if the working group's geographic and community criteria do have validity, then they should be applied uniformly across the municipality. If this was done the number of units would rise considerably beyond the figure of 45 being proposed by the working group.

It is because the issues associated with drawing new electoral boundaries are so interconnected that the methodology we have illustrated has been devised. We regret, therefore, that it is seen as absolutely unjust.

Medvedja

On 21 March, 2002 we presented our option of an electoral map for the municipality of Medvedja to representatives of the local communities. Their reaction was in general very favourable. One representative of the Albanian community accepted the map, but stressed the fact that the number of electors on the electoral list was too high when compared to the total population of 1981 or 1991. As it is not in the scope of our work to assess the accuracy of the electoral list, we cannot comment on his remarks.

The representative of the Serbian community accepted large parts of the map, but made a few proposals for improvement. As these, generally, complied with our methodology, we accept them.

The division into electoral units which we present in this chapter and which is illustrated by the map at Appendix 3 takes into account most of the comments made to us. It is not our original option. However the new arrangements reflect the better knowledge that the consulted representatives of the local communities have of communities of interest, road conditions and accessibility. Although these changes imply a slightly higher under-representation of the electors in the town of Medvedja, we believe nonetheless that this example of a new electoral map is in accordance with our guidelines. It assures, as much as possible, the equality of voters while allowing, at the same time, for variance and fair minority representation.

In our original option, the town of Medvedja had seven electoral units with a number of approximately 329 electors each. A part of the town (approximately 100 electors) was joined to the electoral unit of Crni Vrh.

In the revised electoral map, the town has only six electoral units which was considered acceptable by the representatives of both local communities. Each unit has a number of approximately 361 electors. This implies that not only a part of the town is joined to the electoral unit of Crni Vrh as described above, but that another part of the town (again approximately 100 electors) is amalgamated with the electoral unit of Macedonce.

The electoral unit taken away from the town is added in the south-western part of the municipality. The two original units delimited there had a variance of 27 and 25 percent

respectively and were composed of a total of ten local communities. Breaking up these two original units into three allows for a lower number of communities per unit and for lesser variance for two of the units (-10 percent and - 11 percent respectively). The third new electoral unit has an only slightly higher variance with -28 percent.

One representative of the Albanian community suggested adding the unit taken away from the town to the area of Tupale. Considering that, in our original map, the variance of the electoral units in this area is low compared to the variances in the south-western part of the municipality, we believe it to be more appropriate to follow the suggestion made by the representative of the Serbian community and to add a unit in the south-west.

Except for the changes described above and the ensuing modifications of the identifying numbers of the units, the option presented in the following table is the same as the original example of a division into electoral units.

In our assessment of the existing electoral arrangements, we have stated that the electoral units of the town of Medvedja as well as some of the rural electoral units, especially in the south-eastern part of the municipality, have too many voters. Examples of these units are the communities of Tupale, Svirce, Sijarina, Sijarinska Banja, Bucumet and Gazdare. In our option, we sub-divided all these units into new electoral units without defining a precise limit between them. Therefore they have been given only an approximate number of electors. Only in the case of Bucumet it was possible to determine the number of electors for each one of the two new units because this community had already two polling stations whose numbers of electors were known to us.

In the assessment, we have also noted that many rural units are too small in terms of voters. We therefore amalgamated several of these small rural units, for example Sponce with Retkocer, Gajtan with Drence and Stubla with Pusto Silovo.

Even after all these amalgamations and subdivisions of existing electoral units, an unusually large number of units present a variance of more than 25 percent in our example of a new electoral division. In a less mountainous area we normally would not accept so many high variances. But the relief in the municipality of Medvedja combined with the lack of good and practicable roads makes it necessary to generally accept a lower number of electors for the electoral units in the rural areas and to accept higher positive variances in the electoral units of the town.

Some communities, for example Lece and Kapit, have a variance ranging between 25 and 30 percent. We think that this variance, although higher than the normal limit of 25 percent, is more acceptable than having a part of the community joined to an adjacent electoral unit with which there are difficult communication links.

The communities of Stara Banja and Crni Vrh have a negative variance of more than 50 percent. In our example it was not feasible to amalgamate them with any one of the contiguous electoral units. On the other hand we do not think that variances of more than 50 percent should be accepted without very serious reasons which seem not to exist in these two cases. We therefore annexed part of an adjacent community to each one of these too small existing electoral units. In our example the new electoral unit of Crni Vrh comprises approximately 100 electors of the town of Medvedja, and the new electoral unit of Stara Banja comprises tentatively 79 electors of the neighbouring community of Svirce. At our meeting of 21 March, the representatives of the local communities did not object to these partial annexations for electoral purposes.

We left the existing electoral unit of Marovac unchanged, so creating by far the smallest electoral unit in our example of a new electoral map. The community of Marovac, situated in the southernmost part of the municipality at the very border of Kosovo and high up in the mountains at an altitude of more than 800 m, is very distant from the town of Medvedja. The lack of adequate roads also makes communications difficult. Besides this, it appears that this small community has a sociological structure quite different from the structure of the adjacent communities to the north. We consider these to be sufficient reasons to justify the exceptionally high variance of -63.3 percent of this electoral unit.

On 24 March, 2002, we received written proposals from a representative of the Albanian community of Medvedja. He proposed to subdivide the existing electoral unit of Djulekare. However the variance of this unit is only 16 percent which is not enough to justify a subdivision.

He also suggested adding a third councillor in the area of Tupale. We do not think this appropriate for the reasons we mentioned above.

We also cannot agree with the third written proposal of the representative of the Albanian community of Medvedja which would give a third electoral unit to the community of Svirce. The two units we suggest in our example have a variance of only one percent.

Finally the representative asks us in his letter to draw the electoral boundaries in the town of Medvedja in a way which would possibly give one unit to an Albanian councillor. We agree with this request if it is true that 14 percent of the inhabitants of the town are Albanians as the figures of the 1981 census suggest. However a representative of the Albanian community told us during the meeting on 21 March that the Albanians now constitute only 5 percent of the total population of the town and that they are not concentrated in any one of the urban areas.

MEDVEDJA

Example of Division in Electoral Units

Unit no	Number of electors	% variance	Existing unit no	Place name
1-6	367.3 approx. each	29.8	Medv. I & 2	Medvedja
7	307	8.5	3 (section I)	Bucumet
8	267	-5.7	3 (section II)	Bucumet
9	303	7.1	4 & 5	Gajtan and Drence
10	361	27.6	6	Lece
11-12	236 approx. each	-16.6	7	Gazdare
13	319	12.7	8	Negosavlje
14	175	-38.2	14 & 15	Stubla and Pusto Silovo
15	287	1.4	16 & 17	Sponce and Retkocer
16	325 approx.	14.8	18	Macedonce and part of Medvedja
17	221 approx.	-21.9	9	Crni Vrh and part of Medvedja
18	358	26.5	10	Rujkovac
19	328	15.9	11	Djulekare
20	203	-28.3	12	Kapit
21-22	300 approx. each	6.0	13	Tupale
23	255	-9.9	26-28	Tulare, Cokotin and Velika Braina
24	204	-27.9	23-25	Mrkonje, Medevce and Gubavce
25	253	-10.6	19-22	Petrijlje, Vrapce, Borovce and Bogunovac
26-27	285 approx. each	0.7	31	Svirce
28	198 approx.	-30.0	33	Stara Banja & part of Svirce
29	275	-2.8	34	Grbavce
30	104	-63.3	35	Marovac
31-32	249.5 approx. each	-11.8	30	Sijarina
33-34	227 approx. each	-19.8	29	Sijarinska Banja
35	350	23.7	32	Ravna Banja
TOTAL	9892	Average 283		

CONCLUSION AND ACKNOWLEDGEMENTS

From the start of our appointment to prepare this report we understood the sensitivity to South Serbia of our work, particularly when we elaborated the methodology of drawing electoral boundaries for the municipalities of Bujanovac and Medvedja. We hope that our work will be of use when the municipalities come to prepare their own schemes.

We also recommend general Guidelines in Relation to Electoral Arrangements which we consider will be applicable throughout the country, in particular, the idea of an independent Boundary Commission, and we commend these for the consideration of the Government of the Republic of Serbia.

Finally, we would like to acknowledge the contribution made by all the many individuals and organisations in Belgrade and South Serbia with whom we worked during the preparation of this report. A complete list of them all would be so long that we hope they will accept this brief expression of thanks.

Appendix 1

BUJANOVAC ELECTORAL UNITS EXISTING AND AN EXAMPLE OF POSSIBLE NEW ARRANGEMENT

UNITS EXISTING

Place	unit No	No of electors	% variance from average (780)
L.C. Zarbince and P.P.: Pribovac, Suharno and G. Novo Selo	7	1142	46
L.C. Muhovac and populated places : Čar, Ravno, Bučje i Dorđevac	6	971	24
L.C. Breznica	4	1098	40
L.C. Veliki Tmovac (Gaš Mahala, Čovedar and Terzinska Mahala)	1	896	14
L.C. Veliki Tmovac (Stukarska, Trup, Toljska and Džaferska Mahala) and village Turija	3	2261	190
L.C. Veliki Tmovac (Hadži Musina, Kalska and Selmanagina Mahala)	2	1297	66
L.C. Končulj	5	1010	29
L.C. Lučane and P.P. Dobrosin	9	1522	95
L.C. Nesalce and P.P. Vrban	8	1078	38
L.C. Letovica and P.P. Gramada	10	850	9
L.C. Levosoje and P.P. Oslare	17	1322	69
L.C. Biljača I (Alajska, Gornja,Džamijska and Brčevska Mahala) and P.P. Negovac and Samoljica	11	2264	190
L.C. Biljača II (Čaršijska, Radojska and Romska Mahala) and P.P. Bratoselce, Donje Novo Selo and Kitanska Mahala	12	561	-28

POSSIBLE NEW ARRANGEMENT

Place	new arrangement	no of electors	variance	new unit No
L.C. Zarbince and P.P.: Pribovac, Suharno and G. Novo Selo	7&6	704 approx. each	-10	1
L.C. Muhovac and populated places : Čar, Ravno, Bučje i Dorđevac				2
				3
L.C. Breznica	4	1098	40	4
L.C. Veliki Tmovac (Gaš Mahala, Čovedar and Terzinska Mahala)	1&3&2	742 approx. each	-5	5
L.C. Veliki Tmovac (Stukarska, Trup, Toljska and Džaferska Mahala) and village Turija				6
L.C. Veliki Tmovac (Hadži Musina, Kalska and Selmanagina Mahala)				7
				8
L.C. Končulj	5	1010	29	9
L.C. Lučane and P.P. Dobrosin	9	761 approx. each	-2	10
L.C. Nesalce and P.P. Vrban	8	1078	38	11
L.C. Letovica and P.P. Gramada	10	850	9	12
L.C. Levosoje and P.P. Oslare	17	661 approx. each	-15	13
L.C. Biljača I (Alajska, Gornja,Džamijska and Brčevska Mahala) and P.P. Negovac and Samoljica	11	754 approx. each	-3	14
L.C. Biljača II (Čaršijska, Radojska and Romska Mahala) and P.P. Bratoselce, Donje Novo Selo and Kitanska Mahala	12	561	-28	15

Appendix 1

Place	unit No	No of electors	% variance from average (780)
P.P. Božinjevac and Borovac	18	410	-47
L.C. Žuželjica and P.P. Bogdanovac and Košarno	20	303	-61
L.C. Lopardince	13	610	-21
L.C. Rakovac	16	633	-19
L.C. Karadnik	15	284	-63
L.C. Srpska kuća	14	203	-74
L.C. Žbevac	21	584	-26
L.C. Ljiljance	19	381	-51
L.C. Krševica	22	393	-49
L.C. Klinovac and P.P. Jastrebac	23	454	-42
L.C. Bmjare and P.P. Buštranje and Rusce	24	231	-70
L.C. Klenike and P.P. Petka and Drežnica	25	481	-38
P.P. Sejace	28	180	-77
L.C. Baraljevac	27	262	-66
L.C. Jablanica and P.P. Vogance	31	121	-84
P.P. Trejak and Kuštica	26	360	-54
P.P. Sebrat, Lukarce, Pretina and Uzovo	30	170	-78
L.C. Spančevac and P.P. Gornji and Donji Starac	29	530	-32
L.C. Bujanovac: str. Karađorđa Petrovića exept Lamela	32	789	0
L.C. Bujanovac: str. Josifa Janjica ,Kralja Milutina and Save Kovačevića	33	763	-2
L.C. Bujanovac: Str. Miroslav Nojković Cale	34	684	-12
L.C. Bujanovac:Str. Vojvode Stepe Stepanovica , Slobodana Penezica , Veljka Vlahovica and 4. Jula	35	502	-36

Place	new arrangement	no of electors	variance	new unit No
P.P. Božinjevac and Borovac				
L.C. Žuželjica and P.P. Bogdanovac and Košarno	18 & 20	713	-9	22
L.C. Lopardince	13	610	-21	23
L.C. Rakovac	16	633	-19	24
L.C. Karadnik	15 & 14	487	-37	25
L.C. Srpska kuća				
L.C. Žbevac	21 & 19	965	24	26
L.C. Ljiljance				
L.C. Krševica				
L.C. Klinovac and P.P. Jastrebac	22 & 23	847	9	27
L.C. Bmjare and P.P. Buštranje and Rusce	24 & 25	712	-9	28
L.C. Klenike and P.P. Petka and Drežnica				
P.P. Sejace				
L.C. Baraljevac	28 & 27 & 31	563	-28	29
L.C. Jablanica and P.P. Vogance				
P.P. Trejak and Kuštica				
P.P. Sebrat, Lukarce, Pretina and Uzovo	26 & 30	530	-32	30
L.C. Spančevac and P.P. Gornji and Donji Starac	29	530	-32	31
Bujanovac South-East	33, 35, 37, & 41 and part of 32, 36, 39	925 approx. each	19	32 33 34 35
Bujanovac South-West and North	38, 34 & part of 36	984 approx. each	26	36 37 38

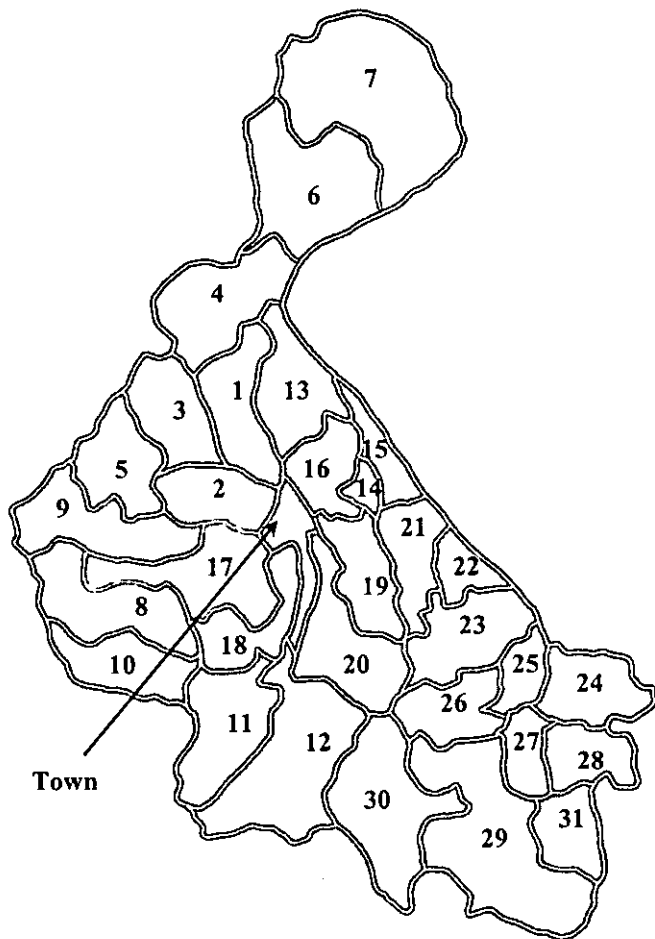
Appendix 1

Place	unit No	No of electors	% variance from average (780)
L.C. Bujanovac : str.Nikole Tesle ,Zmajeva and Banjska	36	329	-58
L.C. Bujanovac: Str. Vuka Karadžića , Braće Stošića, Jovana Cvijića and 1. Maja	37	380	-51
L.C. Bujanovac: str. Jačima Došića, Gnjilanski Put, Moravska, Vranjska, Dositeja Obradovića and P.P. Morava 76	38	2218	184
L.C. Bujanovac : Str. P. Drapšina ,Beogradska and Karađorđev trg	39	727	-7
L.C. Bujanovac: Str. Kosmetska, Branka Radičevića, Ramiz Sadiku, Dimitrija Tucovića and Lopardinski put	40	2138	174
L.C. Bujanovac : Str. A. Stanković, Sime Pogačarevića, Cara Lazara and Karađorđeva with Lamela s I to VII	41	589	-24
TOTAL	41	31980	AVERAGE 780

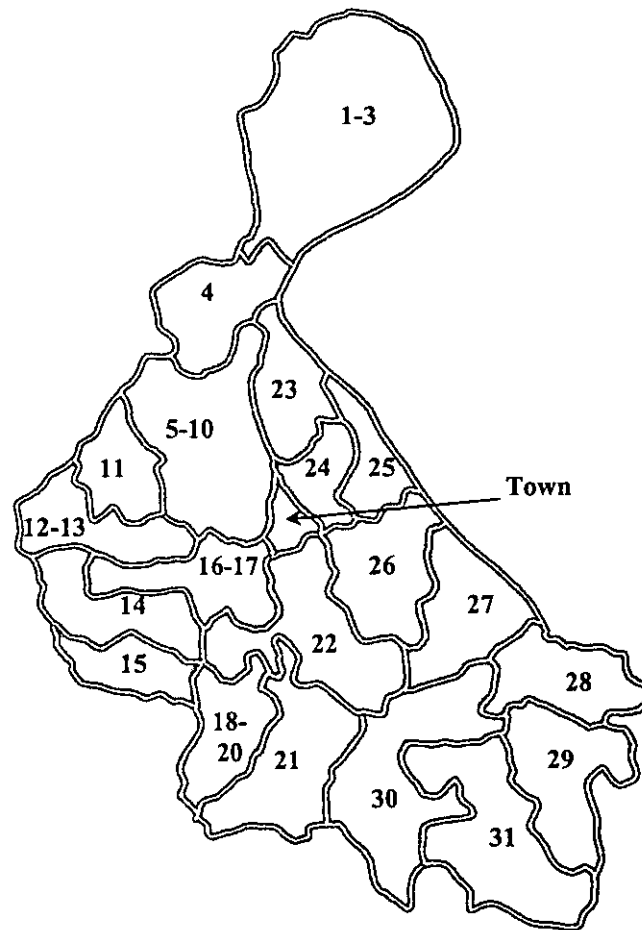
Place	new arrangement	no of electors	variance	new unit No
Bujanovac North-West	40 & part of 32 & 39	823 approx. each	6	39 40 41
TOTAL		31980	AVERAGE 780	41

Bujanovac Municipality

Existing Electoral Boundaries – March 2002

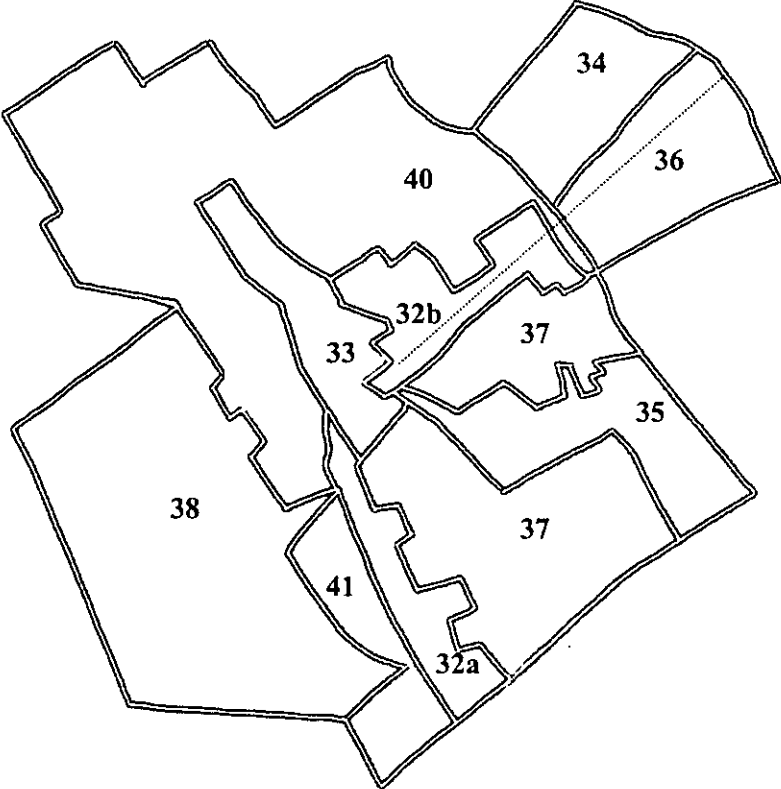


An Example of Possible Electoral Boundaries

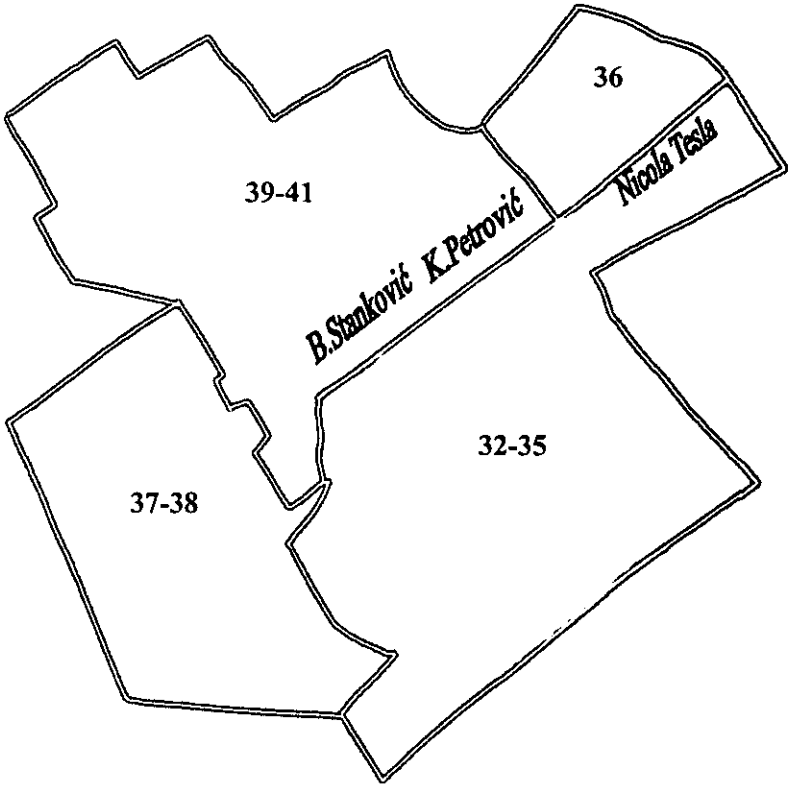


Bujanovac Town

Existing Electoral Boundaries – March 2002

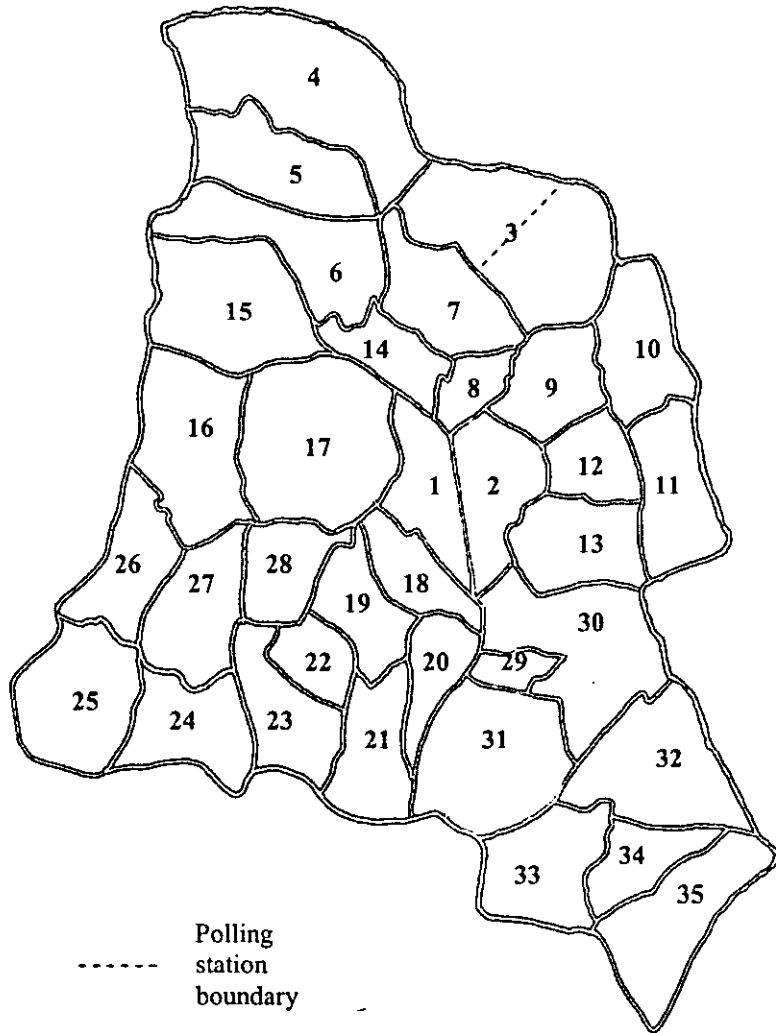


An Example of Possible Electoral Boundaries

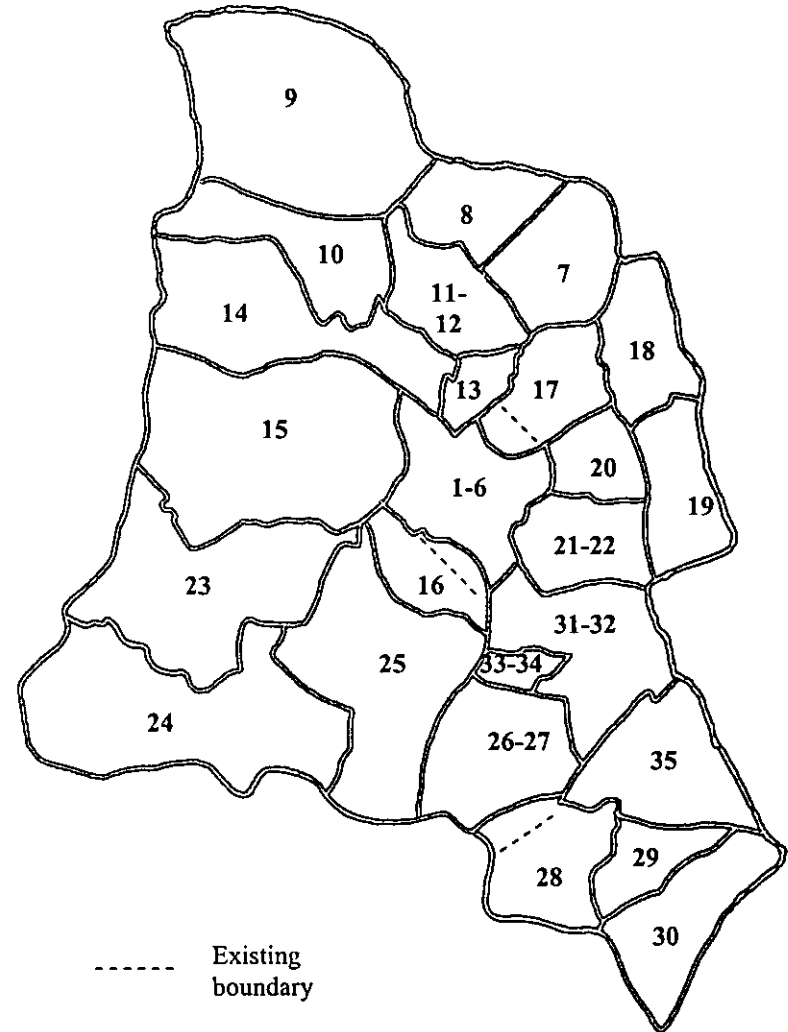


Medveđa Boundaries

Existing Electoral Boundaries – March 2002



An Example of Possible Electoral Boundaries



Appendix 4

COORDINATION ASSEMBLY OF THE LEGITIMATE ALBANIAN REPRESENTATIVES -COMMISSION FOR THE STATE INSTITUTIONS-

For
INTERNATIONAL GROUP OF EXPERTS

Representatives of the Albanian ethnic community highly appreciate the work of the international expert group for the assessment of the electoral units and production of the guidelines for the development of the new electoral units, considering this work objective and highly professional.

With pleasure we can acknowledge that concerning to the assessment of the old electoral units and necessity of the development of the new map of the electoral units our standpoints mach.

When it comes to the guidelines for the development of the new electoral units, for the Albanian side the recommendation that has been offered it is in principle acceptable.

However, in order to moderate the disproportion that occurs even with the new rearrangement, the Albanian side, respecting the signed Agreement, the Plan of the Federal and Republican Governments on Peaceful Resolution of the Crisis in these municipalities (Annex 5a), and the positive legislation, gives the following proposals:

- 1) Electoral unit No 4 Breznica, which is a typical hilly-mountainous settlement (which is divided into three populated places Gornja Breznica, Donja Breznica, and Breznicki Muhadziri), and in new division has a large number of voters (1098) which is +40% of determined average, therefore we recommend to amalgamate this electoral unit wit the populated place Mali Trnovac, and to then subdivide it into two electoral units.
- 2) We recommend that PP Samoljica should be one independent electoral unit, and to subdivide LC Biljaca in three electoral units. Populated Place Novo Seljo, which is in this proposal togetwithin the composition of Biljaca, should be amalgamated with electoral unit No 30 Trejak and Kustica, which has 530 electors and is -30% under the determined average.
- 3) In the City if Bujanovac within the composition of the offered division of the electoral units No 39-41, we suggest the arrangement of the same according to the following scheme:
 - a) Because of the large number of electors, to form out of the Kosovska Ulica (entrance 1-25) two electoral units,
 - b) To form one electoral unit out of the streets Dimitrija Tucovica, Ramiza Sadikua, Branka Radicevica, and Perta Drapsina.

We consider that accepting these constructive recommendations from the side of the international experts, which are in the spirit of equal representation of the citizens in the local institutions, the received draft for the alteration of the electoral units would become acceptable.

Bujanovac, 21. 03. 2002

For Albanian Community
Saip Kamberi <signature>

Appendix 5

Representatives of
Roma community
in Bujanovac

To International Expert Group

The representatives of Roma community highly respect work and efforts of International Expert Group in assessment of electoral units and suggestions and guidelines of redrawing them.

The guidelines for redrawing new electoral units are basically acceptable by Roma community, but for the moment only electoral unit 34, where Roma population live and where the number of voters is very close to the average number of voters for Bujanovac municipality – 780.

Regarding electoral unit 38, we suggest it is divided into 3 units. The reason is that with 2280 voters it is one of the largest electoral unit in Bujanovac municipality.

Our opinion is that not only the number of voters but also the configuration of the area is suitable for dividing this unit into three new, in a following way:

- area within Jacima Djosica Street, Vranjska Street, Z.Misica Street and Dositeja Obradovica Street to be one unit.
- settlement “Morava 76” with the camp “Salvatore” to be the second unit
- Gnjlanski put Street with Moravska Street to be the third unit.

This way Roma community would have 4 electoral units, which would comply with the proportion of 1/3 Roma citizens in urban area (town itself).

We would like to stress also that there are 2000 Roma displaced people from Kosovo in Bujanovac with the suffrage.

March 21,2002
Bujanovac

On behalf of Roma community
(signature)

Appendix 6

Working Group of the Local Serbs for Redefinition of the Electoral Units in the Municipality of Bujanovac

FOR INTERNATIONAL GROUP OF EXPERTS

Members of the working group for redefinition of the boundaries of the electoral units in the municipality of Bujanovac, representatives of the local Serbs, appreciating the work of the expert team of the international community for redefinition of the electoral units, recognizing the realistic situation on the territory of the municipality of Bujanovac, for every community to be adequately represented in the municipal assembly, for minorities to be fairly represented in the local self-government, observing the particularities of the territory of the municipality of Bujanovac, gives the following proposal for redefinition of the boundaries of the electoral units in accordance with the Law on Local Self-Government currently in force, Article 124. Para. 3, and the Agreement on the Basic Principles for the Holding of Municipal Assembly By-elections in South Serbia, Paragraph 3a.

We consider that following units should be redefined:

1. Electoral Unit number 3. (the number of currently valid electoral unit)
Local Community Veliki Trnovac, which includes "mahala" Strukarska, Trup, Toljska, Dzaferska and the populated place Mali Trnovac is redefined so it has two electoral units.
 - 3a. Veliki Trnovac Strukarska Mahala, Trup Mahala, Toljska Mahala, Dzaferska Mahala
 - 3b. populated place Mali Trnovac.
2. Electoral Unit number 9. (the number of currently valid electoral unit)
Local community Lucane, which includes Local Community Lucane and Local Community Dobrosin is divided into two electoral units.
 - 9a. Electoral Unit Lucane
 - 9b. Electoral Unit Dobrosin
3. Electoral Unit 11. (the number of currently valid electoral unit)
Which includes part of Biljaca ("mahala" Alajska, Gornja, Dzamijska, Brcevska) and populated places Negovac and Samoljica is divided into two electoral units.
 - 11a. that includes part of Biljaca ("mahala" Alajska, Gornja, Dzamijska, Brcevska)
 - 11b. local communities Samoljica and Negovac.
4. Electoral Unit 38. Local Community Bujanovac to be divided into two electoral units.
This electoral unit should be divided because of the particularity of the population (Roma) and the specific problems in the area of this electoral unit.

Other electoral units should be preserved within the existing boundaries for the purpose of the adequate representation of all local communities, on the territory of the Municipality of Bujanovac and in the Municipal Assembly, in accordance with the geographic characteristics, accessibility, distance, connection, and representation of the interests of the local communities. According to this proposal, the future municipal assembly would have 45 councilors.

With all due respect for the international expert team for redefinition of the boundaries of the electoral units in the Municipality of Bujanovac we have to state that the same team has given its proposal without complete overview of the realistic situation in the field, without taking into account the principles that I have proclaimed, and the proposal of the expert team local Serbs in the Municipality of Bujanovac consider absolutely unjust and unacceptable.

With respect,
Bujanovac 23,03.2002.

Members of the Working Group
<3 signatures>

Appendix 7

To Mr Roberto Montella

Belgrade

Subject: Comments on number of electoral units and number of candidates for municipal councillors in Medvedja municipality

We are hereby submitting comments and suggestions on the Decision on determining electoral units and number of municipal councillors for Medvedja municipality:

1. Electoral unit Medvedja 1 and 2
It has been determined that these units are to have 7 councillors. As there live a considerable number of Albanians, we suggest one councillor to be Albanian.
2. Electoral unit Gornja Lapastica and Djulekare
Considering ethnic composition and number of voters we suggest they are divided into two units, each with one councillor.
3. Electoral unit Tupale
It has been determined that this unit is to have 2 councillors. Considering the number of voters we suggest 3 councillors.
4. Electoral unit Svirce
Two councillors have been determined, but considering the number of voters we suggest three.

These comments and suggestions are based on legally registered number of voters, ethnic composition of population and equal representation of each populated place.

We would appreciate your considering and adopting the mentioned comments and suggestions.

Medvedja,
24/03/02

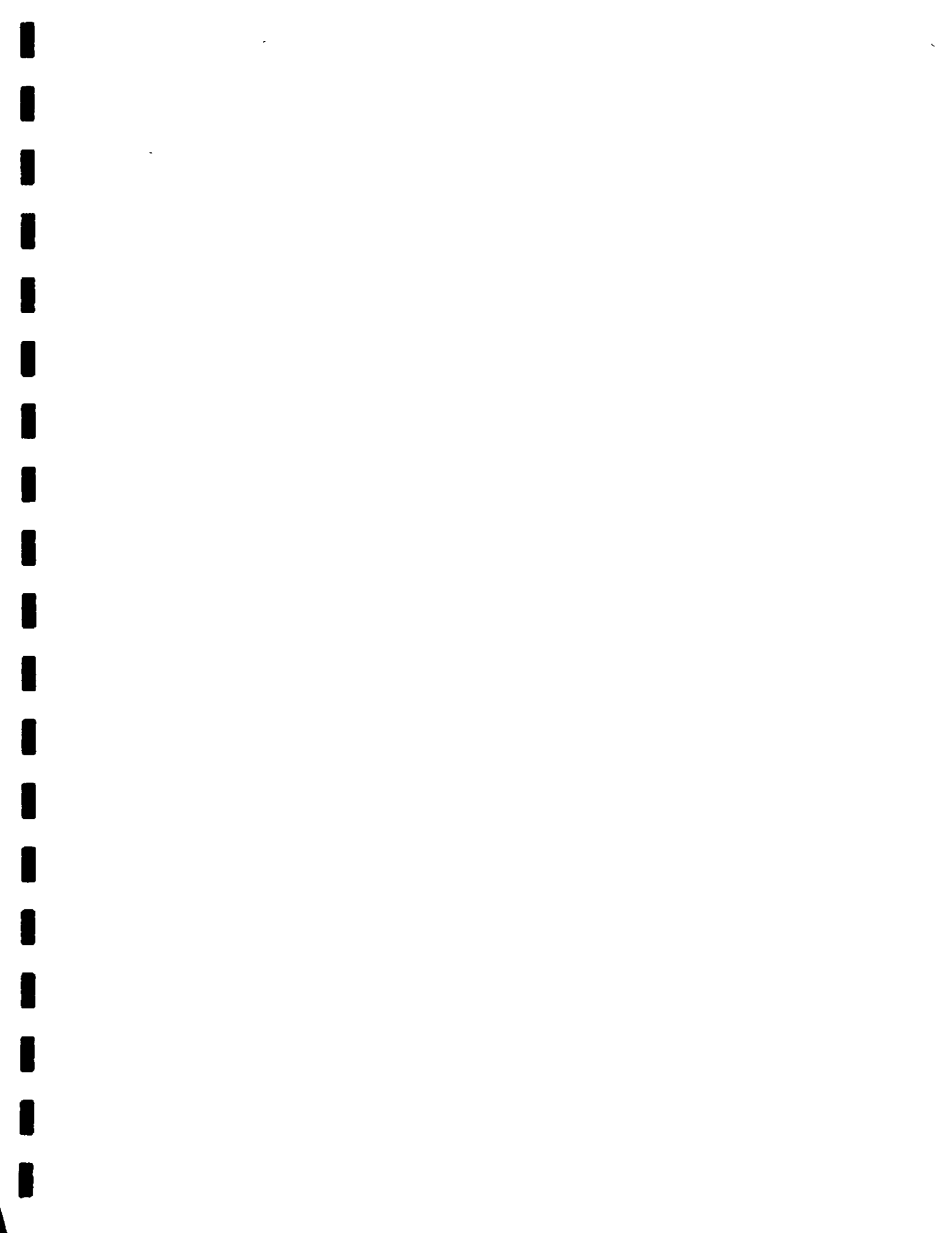
On behalf of Presidency of
PVD Medvedja
(signature)

Annexe 8

(Carte de Medvedja)

N.B.: Je n'ai pas apporté une copie de cette carte.

La proposition serbe pour Medvedja est presque identique à la carte proposée à l'annexe 3.



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