



## **ACT**

### **AMENDING AND MODIFYING THE ACT ON THE ELECTION OF DEPUTIES**

#### **Article 1**

In Paragraph 3 of Article 13 of the Act on the Election of Deputies (Official Gazette of the Republic of Serbia, No. 35/2000), the word "refugees" shall be replaced by words "internally displaced persons."

Paragraph 4 shall be modified to read:

"Voters temporarily residing abroad shall be entered in the electoral roll according to their last place of residence before leaving the country, or the last place of residence of one of their parents."

#### **Article 2**

A new Article shall be added after Article 13, reading:

##### **"Article 13a**

The ministry charged with administrative affairs shall keep and update, separately by country name, a record of voters entered in the electoral roll whose temporary place of residence is abroad (hereinafter: Special Record of Voters Residing Abroad).

The Special Record of Voters Residing Abroad shall contain: ordinal number, name and surname, personal identity number, year of birth, voter's last place of residence before leaving the country or last place of residence of one of their parents, data on voter's place of temporary residence abroad, as well as space for remarks and notes.

The body charged with keeping the electoral roll shall be obliged to promptly notify the ministry charged with administrative affairs of any alterations to the electoral roll relating to voters temporarily residing abroad, in order for the alterations to be entered in the Special Record of Voters Residing Abroad."

#### **Article 3**

In Paragraph 2 of Article 15, after the words: "place of residence (street and house number, village, rural community, settlement)," the following words shall be added: "voter's place of temporary residence abroad".

#### **Article 4**

In Paragraph 1 of Article 19, the words: "Within three days from the day of the calling of the elections" shall be replaced by the words: "On the day following the day of the calling of the elections."

Paragraph 2 shall be modified to read:

"Every citizen may file with the body charged with keeping the electoral roll a request for being entered into or correction or modification of the electoral roll if they or another citizen are not listed in the electoral roll, or are listed but do not

have suffrage, or do not have suffrage on the territory of the municipality in which they are listed in the electoral roll, or if any of the data in the electoral roll are entered incorrectly. After an electoral list has been proclaimed, the submitter of the electoral list shall have the same rights to inspect or submit requests for the modification of the electoral roll, observing the same procedure as that followed by citizens. Necessary evidence shall be submitted together with the requests."

#### **Article 5**

Article 21 shall be modified to read:

"The Republic Electoral Commission shall publish the total number of voters in the Official Gazette of the Republic of Serbia.

The number of voters listed in special extracts from the electoral roll shall not be part of the total number of voters."

#### **Article 6**

Article 22 shall be modified to read:

"After the conclusion of the electoral roll, citizens and submitters of proclaimed electoral lists may request municipal courts to pass administrative rulings on modifications to the electoral roll (inscription or deletion of a voter from the electoral roll or modification, correction or addition of data in the electoral roll).

The ruling of the municipal court on alterations to the electoral roll shall be implemented by the Republic Electoral Commission, taking into account only rulings of courts received no later than 48 hours before the date set for the holding of the elections, after which the total number of voters is established and published in the Official Gazette of the Republic of Serbia."

#### **Article 7**

In Subsection 3, Paragraph 1 of Article 34, after the words: "of this Act", the following words shall be added: "especially on the conduct of voting abroad,".

#### **Article 8**

After Article 40, a new Article 40a shall be added, reading:

##### **"Article 40a**

For every four candidates on the electoral list (first group of four places, second group of four places and so on until the end of the list) there shall be one candidate of the gender less represented on the list, and the number of candidates of the gender less represented on the list shall be at least 30% of the total number.

If an electoral list should not meet the conditions set forth in Paragraph 1 of this Article, it shall be deemed incomplete for proclamation, and the submitter of the list shall be called to remedy the deficiencies of the list, in accordance with the present Act.

If the submitter of the list should not remedy the deficiencies described in Paragraph 2 of this Article, the Republic Electoral Commission shall refuse to proclaim the electoral list, in accordance with the present Act."

## **Article 9**

New Paragraphs 2 and 3 shall be added to Article 53, reading:

"Exceptionally, voters may vote outside of the polling station at which they are entered in the extract from the electoral roll, observing the conditions and procedure set forth by the present Act.

The mode of voting outside of the polling station and the number of voters who voted in such a manner shall be entered in the minutes of the polling board."

## **Article 10**

After Paragraph 2 of Article 56, a new Paragraph shall be added, reading:

"Voting abroad shall last for two days and shall end on the day and hour, local time, corresponding to the end of voting in the Republic of Serbia."

## **Article 11**

After Article 72, two new Articles shall be added, reading:

### **"Article 72a**

Voters unable to vote at the polling station (persons unable to come or prevented from coming to the polling station) may inform the polling board, until no later than 11 o'clock on the day of voting, of whether they would like to vote.

Three members of the expanded polling board, representing submitters of three different electoral lists, designated by the polling board, shall visit such a voter, determine their identity and give them an official envelope, an officially stamped ballot, the final electoral list, the certificate of suffrage and a special envelope for the completed ballot. They shall inform the voter of the manner of voting, and shall then leave the room where the voter votes.

After voting, the voter shall sign the certificate of suffrage, fold the ballot and place it in the special envelope, which shall then be stamped by members of the polling board with a seal on sealing-wax, after which they shall place the signed certificate of suffrage and the special envelope containing the ballot in the official envelope.

Upon returning to the polling station, members of the polling board shall immediately hand over the official envelope to the remaining members of the polling board; the envelope shall then be opened by the polling board, the voter's ordinal number in the extract from the electoral roll shall be circled, on the basis of the signed certificate of suffrage, and, finally, the sealed envelope shall be opened, and the folded ballot removed and inserted into the ballot box in such a manner as the voter's preference not to be visible.

If the official envelope should not contain a signed certificate of suffrage, the voter is deemed not to have voted.

### **Article 72b**

Voters in custody or serving a prison sentence on the day of voting shall vote at a polling station inside the correctional facility they are in.

The Republic Electoral Commission shall establish special polling stations inside correctional facilities and nominate permanent members of polling boards and

members of expanded polling boards. Officials of the ministry charged with judicial affairs and persons voting inside the correctional facilities may not be members of polling boards.

The ministry charged with judicial affairs shall forward to the Republic Electoral Commission data on voters in custody or serving a prison sentence no later than 15 days before the day of the holding of the election.

The Republic Electoral Commission shall, on the basis of data received from the ministry charged with judicial affairs, complete and officially stamp special extracts from the electoral roll for every correctional facility and shall forward said extracts to the correctional facility polling board."

## **Article 12**

After Article 73, four new articles shall be added, reading:

### **"Article 73a**

Voters temporarily residing abroad shall vote at diplomatic missions and consular posts of the State Union of Serbia and Montenegro and at special polling stations established by the Republic Electoral Commission, the Commission having consulted beforehand with the ministry charged with foreign affairs.

Permanent members of polling boards abroad shall be nominated by the Republic Electoral Commission, at the proposal of the ministry charged with foreign affairs.

Expanded polling boards abroad shall be made up of one representative of each submitter of a proclaimed electoral list. Members of expanded polling boards shall be nominated by the Republic Electoral Commission at the proposal of submitters of proclaimed electoral lists.

The chairman of the polling board shall be, as a rule, a graduate jurist from the ranks of the employees of the diplomatic mission or consular post.

### **Article 73b**

On the basis of the Special Record of Voters Residing Abroad, the ministry charged with administrative affairs shall, immediately upon the calling of elections, prepare a special record for each foreign country, and shall forward it to the ministry charged with foreign affairs, which shall, through the diplomatic missions and consular posts of the State Union of Serbia and Montenegro, inform voters of the calling of the elections, the date of the elections and the means of exercising their suffrage.

Voter records shall be displayed at the diplomatic missions and consular posts of the State Union of Serbia and Montenegro, while copies thereof shall be displayed at the ministry charged with administrative affairs. With regard to the rights of citizens and submitters of electoral lists relating to the inspection of voter records and their copies, as well as the right to demand modifications to the Special Record of Voters Residing Abroad, provisions of this Act relating to the rights of citizens and submitters of electoral lists to inspect electoral rolls and to demand modifications to electoral rolls shall apply.

The ministry charged with administrative affairs shall pass decisions on requests for inscription into, deletion from, modifications and corrections to, and additions to data in the Special Record of Voters Residing Abroad, even if those requests

should be submitted to diplomatic missions or consular posts of the State Union of Serbia and Montenegro, or to the body charged with keeping the electoral roll.

#### Article 73c

Voters entered in the Special Record of Voters Residing Abroad may, no later than 20 days before the day of the holding of the elections, inform the diplomatic mission or consular post of the State Union of Serbia and Montenegro or the ministry charged with administrative affairs of their intention to vote at a polling station in the Republic of Serbia, which shall be entered in the Special Record of Voters Residing Abroad.

Voters not entered in the Special Record of Voters Residing Abroad and entered in the electoral roll may, no later than 20 days before the day of the holding of the elections, inform the diplomatic mission or consular post of the State Union of Serbia and Montenegro or the ministry charged with administrative affairs of their intention to vote abroad. Having submitted all necessary documents, the voter shall be entered in the Special Record of Voters Residing Abroad and deleted from it after the elections have been held.

#### Article 73d

The ministry charged with administrative affairs shall, no later than 15 days before the day of the holding of the elections, conclude the Special Record of Voters Residing Abroad, create and officially stamp special extracts from the electoral roll for every polling station abroad, create lists of voters entered in the Special Record of Voters Residing Abroad for every municipality, and shall forward the officially stamped special extracts from the electoral roll and all lists of voters entered in the Special Record of Voters Residing Abroad immediately to the Republic Electoral Commission.

The Republic Electoral Commission shall forward the officially stamped extracts from the electoral roll to the ministry charged with foreign affairs, which shall then forward said extracts, along with other electoral materials, to all polling stations abroad where voting is to be organised.

The list of voters entered in the Special Register of Voters Residing Abroad shall be sorted according to polling stations in the Republic of Serbia by the Republic Electoral Commission, and shall forward said lists to polling boards along with other electoral materials."

### Article 13

Three new Paragraphs shall be added to Article 81, reading:

"Political parties of ethnic minorities and coalitions of political parties of ethnic minorities shall participate in the distribution of mandates even when receiving less than 5% of the total number of votes.

All parties whose basic aim is to represent and stand for the interests of an ethnic minority and the protection and improvement of the rights of members of ethnic minorities, in accordance with standards set forth by international law, shall be considered political parties of ethnic minorities.

The Republic Electoral Commission shall decide, at the proclamation of an electoral list, whether the submitter of the electoral list should be considered a political party of an ethnic minority or a coalition of political parties of ethnic minorities, at the request of the submitter of the electoral list which should be

made when the electoral list is submitted.

#### **Article 14**

In Paragraph 1 of Article 96, the full stop after the word "objection" shall be deleted, and the words: "as well as to all submitters of electoral lists." shall be added.

#### **Article 15**

Paragraph 1 of Article 97 shall be modified to read:

"An appeal to the Supreme Court of Serbia may be lodged against all rulings of the Republic Electoral Commission passed as a result of objections raised."

In Paragraph 7, after the word "appeal", the words "and annul the electoral action, or elections" shall be added.

#### **Article 16**

The ministry charged with internal affairs shall be obliged to forward to the ministry charged with administrative affairs the list of voters temporarily residing abroad within 30 days from the day of the coming into force of the present Act.

The ministry charged with administrative affairs shall be obliged to establish the Special Record of Voters Residing Abroad within 30 days from the receipt of the list of voters temporarily residing abroad.

#### **Article 17**

If elections for the National Assembly should be held before the establishment of the Special Record of Voters Residing Abroad, the ministry charged with foreign affairs shall, as soon as the elections are called, inform voters temporarily residing abroad by public announcement of the calling of the elections and call on them to forward data necessary to update the electoral roll to diplomatic missions or consular posts of the State Union of Serbia and Montenegro.

The data received shall be forwarded by the ministry charged with foreign affairs to the Republic Electoral Commission no later than 15 days before the day of the holding of the elections. The Republic Electoral Commission shall, on the basis of the data forwarded to it, compile and officially stamp special extracts from the electoral roll for every polling station abroad and shall forward said extracts to the ministry charged with foreign affairs, which shall then forward them, along with other electoral materials, to all polling stations abroad where voting is to be held.

#### **Article 18**

This Act shall come into force on the day following the day of its publication in the Official Gazette of the Republic of Serbia.

