

# INOFFICIALLY CONSOLIDATED TEXT

## LAW

### ON THE ELECTION OF THE PRESIDENT OF THE REPUBLIC<sup>1</sup>

#### I GENERAL PROVISIONS

##### Election and the term of office of the President of the Republic

###### Article 1

The President of the Republic shall be elected pursuant to the universal and equal suffrage, in free and direct election, by secret and personal vote.

The President of the Republic shall be elected for a term of five years.

###### Passive and active suffrage

###### Article 2

The right to vote for the President of the Republic and stand for election as the President of the Republic shall have every person of legal age and with legal capacity holding the citizenship of the Republic of Serbia (hereinafter referred to as the „voter“).

###### Freedom of suffrage

###### Article 3

Nobody shall have the right to prevent someone from voting or force the voter to vote, to call him/her to account for having voted or not, or to request to be answered why somebody has not voted or for whom somebody has voted.

###### Deadline for calling and for holding of the elections

###### Article 4

The election for the President of the Republic shall be called by the Speaker of the National Assembly by a Decision promulgated in the “Official Gazette of the Republic of Serbia”.

The elections for the President of the Republic shall be called 90 days prior to the end of the term of office of the incumbent President of the Republic, in a manner providing that the elections are concluded not later than 60 days from the day of calling the elections.

Should the term of office of the President of the Republic be extended due to the state of war or the state of emergency, the elections for the President of the Republic shall be called in a manner providing that they are held not later than three months from the day when the state of war or emergency ended.

Should the term of office of the President of the Republic end before the term for which he has been elected, the elections for the President of the Republic shall be called in a manner providing that they are held not later than three months from the day when the term of office of the President of the Republic ended.

From the day of calling the elections until the polling day no less than 30 and no more than 60 days may elapse.

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<sup>1</sup> “RS Official Gazette”, No. 111/07 and 104/09.

## **Contents of the Calling of Elections Decision**

### **Article 5**

The Calling of Election Decision shall determine the day on which the poll for the election of the President of the Republic will be held and the day when the deadline for the implementation of the election procedures shall commence.

A non-working day: Saturday or Sunday has to be determined as the polling day.

### **Resources for the implementation of the elections**

#### **Article 6**

Resources for the implementation of the elections for the President of the Republic shall be allocated as provided in the budget of the Republic of Serbia.

### **Bodies responsible for the implementation of elections**

#### **Article 7**

The elections for the President of the Republic shall be conducted and implemented by the bodies responsible for the implementation of the elections for the MPs of the National Assembly.

### **Appropriate application of another law**

#### **Article 8**

For issues which are not specially regulated by this Law, provisions of the Law regulating the election and the termination of the term of office of the MPs of the National Assembly shall mutatis mutandis apply.

## **II NOMINATION OF CANDIDATES FOR THE PRESIDENT OF THE REPUBLIC**

### **Who may nominate a candidate**

#### **Article 9**

A candidate for the President of the Republic may be nominated by a political party registered in the Republic of Serbia prior to the day when the Calling of Election Decision was promulgated in the "Official Gazette of the Republic of Serbia", coalition of political parties and by a citizens' group.

The citizens' group shall be established in accordance with a written agreement by at least ten voters whose signatures must be verified by court and the citizens' group shall not require a name.

The nomination shall be submitted by the person authorised by a citizens' group, political party or a coalition of political parties.

### **Signatures supporting the nomination**

#### **Article 10**

The nomination of the candidate may be submitted only if it is supported by at least 10 000 voters' signatures verified by court.

The voters' signatures shall be collected and submitted on a form containing the full name of the voter and the voter's unique master citizen number.

It is forbidden to collect the supporting signatures in the workplaces or to expose the voter to any form of pressure asking him to support by his/her signature the nomination of a candidate.

A voter may give his/her support by signature to one candidate only.

The proposer of a candidate shall issue special authorisations to the persons entrusted with the collection of the voters' signatures of support.

### **Submission of the nomination of a candidate**

#### **Article 11**

The nomination of a candidate shall be submitted to the Republic Electoral Commission not later than 20 days prior to the day of elections.

The candidate nomination shall contain the candidate's name and surname, candidate's place of residence and occupation, candidate's unique master citizen number and the name of the proposer of a candidate, i.e. indication that the candidate is nominated by a citizens' group if the citizens' group does not have a name.

Along with the candidate's nomination the following must be submitted:

written consent of the candidate, confirming that he/she accepts the candidacy for the President of the Republic;

proof of the candidate's citizenship;

certificate of the candidate's electoral right;

certificate of the candidate's place of domicile;

voters' signatures supporting the nomination of the candidate;

written authorization of the person submitting the nomination of the candidate;

Coalition Agreement if the nomination of the candidate is submitted by a coalition of political parties;

Agreement on the establishment of the citizens' group if the nomination of the candidate is submitted by a citizens' group.

Only voters' signatures on the Agreement on the establishment of the citizens' group and the voters' signatures supporting the nomination of a candidate must be verified by court.

### **Forms prescribed for the nomination of a candidate**

#### **Article 12**

All forms required for the nomination of a candidate shall be prescribed by the Republic Electoral Commission, by a special act, printed and made available to the public within three days from the day when the elections were called.

### **Withdrawal of the nomination and the renunciation of candidacy**

#### **Article 13**

The proposer of a candidate may withdraw the nomination no later than the day upon which the list of candidates for the Election of the President is determined.

If the candidate is nominated by a coalition of political parties, the nomination is withdrawn when the last political party of the coalition withdraws its nomination, unless it has been determined differently by a coalition agreement.

If the candidate is nominated by a citizens' group, the nomination is considered to be withdrawn when the written statement on its withdrawal is signed and the signatures are verified by court, and submitted by the majority of those who have established the citizens' group, or by the number of voters determined as the number sufficient for the withdrawal of the nomination according to the Agreement on the establishment of a citizens' group.

The candidate may renounce his/her candidacy no later than the day upon which the list of candidates for the Election of the President is determined.

The renunciation from candidacy shall be submitted in writing, and the candidate's signature shall be verified by court.

### **III LIST OF CANDIDATES FOR THE ELECTION OF THE PRESIDENT OF THE REPUBLIC**

#### **Article 14**

The Republic Electoral Commission shall determine the list of candidates for the election of the President of the Republic not later than 15 days prior to the day of elections and it shall be promulgated in the "Official Gazette of the Republic of Serbia" on the day following the day it was determined.

The List of candidates for the election of the President of the Republic shall include candidate's name and surname and the name of the candidate's proposer, i.e. indication that the candidate was nominated by a citizens' group, if the citizens' group does not have a name.

The ordinal number of each candidate on the list shall be determined by lot, in the presence of a representative of a candidate's proposer.

### **IV VOTING**

#### **Ballot Paper**

#### **Article 15**

Along with the information that it is a vote for the President of the Republic, a ballot paper for the election of the President of the Republic shall contain:

1. the ordinal number of the candidate determined on the list of candidates for the President of the Republic, candidate's name and surname and the name of the proposer of the candidate, i.e. indication that the candidate was nominated by a citizens' group, if the citizens' group does not have a name.

2. instruction that a voter may vote for one candidate only by encircling the number before the full name of the candidate.

#### **Invalid ballot papers**

#### **Article 16**

An invalid ballot paper is a ballot paper which is not marked or a ballot paper marked in such a manner that it cannot be determined with certainty for which candidate the voter has voted.

## **V ELECTION RESULTS**

### **Final and provisional election results**

#### **Article 17**

The Republic Electoral Commission shall determine the results of elections according to the records kept and the final election results shall be published in the "Official Gazette of the Republic of Serbia" within 96 hours following the closure of the polling stations.

Awaiting the publication of final election results, the Republic Electoral Commission shall announce provisional election results.

### **Who has been elected President of the Republic**

#### **Article 18**

The candidate who receives the majority of votes cast by the voters that voted shall be elected President of the Republic.

The number of voters who voted shall be determined according to the number of ballot papers found in a ballot box.

### **Repeated ballot**

#### **Article 19**

If none of the candidates receives the majority of votes of the voters who voted, the ballot shall be repeated within 15 days of the first election day.

The day when the voting shall be repeated shall be determined by the Republic Electoral Commission with a decision published in the "Official Gazette of the Republic of Serbia".

The day when the voting is to be repeated shall have to fall on a non-working day.

### **Candidates participating in the repeated ballot**

#### **Article 20**

The two candidates that received the largest number of votes cast shall participate in the repeated ballot.

More than two candidates shall participate in the repeated ballot if there are more candidates who share the first or the second place.

On the ballot paper in the repeated ballot, the candidate who received the largest number of votes cast shall be the first in order.

The order of the candidates who received the same number of votes shall be determined by lot.

### **Who has been elected President of the Republic in the repeated ballot**

#### **Article 21**

The candidate who receives the largest number of votes in the repeated ballot for the President of the Republic, shall be elected.

If the candidates receive equal number of votes in the repeated ballot, the vote shall be repeated within 15 days.

**The loss of a candidate's election right between the first vote and the repeated ballot**

**Article 22**

Should a candidate lose his/her election right in the period between the first vote and the repeated ballot, the whole election process shall be repeated.

**Competences for the changes to the excerpt of the Electoral Roll**

**Article 23**

*Has been repealed.*

**VI TRANSITIONAL PROVISIONS**

**Article 24**

In the first elections for the President of the Republic to be held pursuant to this law, the right to vote shall exercise the citizens of the Republic of Serbia who have been entered on the Electoral Roll in accordance with the criteria used for the elections for the MPs of the National Assembly held on January 21<sup>st</sup> 2007.

**VII FINAL PROVISION**

**Article 25**

On the day this law enters into force, the Law on the Election of the President of the Republic ("Official Gazette of the Republic of Serbia", No. 1/90, 79/92, 73/02, 72/03, 93/03 и 18/04) shall cease to apply.

This Law shall enter into force on the eight day following the day of its promulgation in the "Official Gazette of the Republic of Serbia".