

# **LAW ON LOCAL ELECTIONS<sup>1</sup>**

## **I BASIC PROVISIONS**

### **Article 1**

This Law regulates the election and termination of the mandate of councillors of assemblies of local self-government units (hereinafter: the councillors).

### **Article 2**

(1) Councillors shall be elected to a four-year term.

(2) Elections for councillors shall be conducted no later than 30 days prior to the expiration of the term of office of councillors whose mandate is expiring.

### **Article 3**

(1) Citizens shall elect councillors on the basis of free, universal and equal suffrage. Citizens shall exercise their aforesaid right directly, by secret vote.

(2) No one shall be entitled, on any grounds whatsoever, to prevent or force a citizen to vote, hold him/her to account for having voted or require him/her to state for whom he/she has voted or why he/she has not voted.

### **Article 4**

(1) Citizens shall be entitled to be equally, timely, truthfully, impartially and completely informed by the mass media about the election campaign of the submitters of the electoral lists and candidates on such lists, and about other events relevant for the elections.

(2) The mass media shall in the election campaign ensure equality, timeliness, truthfulness, impartiality and completeness in providing information about all submitters of the electoral lists and candidates on such lists, and about other events relevant for the elections.

(3) For the purposes of this Law, the election campaign refers to all public, political, promotional and other activities of the submitters of the electoral lists and candidates on such lists.

### **Article 5**

Councillors shall be elected based on the lists of political parties, their coalitions, and lists submitted by groups of citizens (hereinafter: the electoral list).

### **Article 6**

---

<sup>1</sup>Official Gazette of the RS", No 129/07, 34/10 – CC Decision and 54/11.

(1) The right to elect a councillor shall be vested in a full-age citizen of the Republic of Serbia with the business capacity and with a domicile on the territory of the local self-government unit where he/she exercises his/her suffrage.

(2) A full-age citizen of the Republic of Serbia with the business capacity and domicile on the territory of the local self-government unit where he/she was nominated for a councillor, shall be eligible to be elected as a councillor.

#### **Article 7**

(1) Elections for councillors shall be conducted in the municipality as a single electoral unit.

(2) Councillors' mandates shall be distributed amongst electoral lists proportionally to the number of votes won by each electoral list.

#### **Article 8**

(1) Elections for councillors shall be called by the Speaker of the National Assembly.

(2) Not less than 45 days, and no more than 60 days shall elapse between the day of calling for the elections and the day of holding the elections.

(3) The Decision on calling the elections shall also include the date of the elections, and the initial date for the deadlines for completion of electoral actions.

(4) In the case of simultaneous elections for councillors and elections for MPs to the National Assembly of the Republic of Serbia, the polling boards established to conduct the elections for MPs shall perform the duties of the polling boards for the elections for councillors.

(5) Within the meaning of the Law governing local self-government, in ethnically mixed local self-government units, with regard to the nomination of the polling boards referred to in paragraph 4 of this Article, special care shall be taken of representation of the political parties of national minorities in the assembly of a local self-government unit.

(6) In the case referred to in paragraph 4 of this Article, the submitted of the electoral list for councillors, who has not submitted the electoral list for MPs, shall have the right to have a representative in the polling board in enlarged composition, under the conditions laid down by this Law.

(7) The Decision on calling the elections shall be published in the "Official Gazette of the Republic of Serbia".

#### **Article 9**

In local self-government units with a mixed ethnic composition, national minorities shall be proportionately represented in the assemblies of local self-government units, in accordance with the Constitution and this Law.

#### **Article 10**

Elections for councillors shall be conducted by the electoral commissions of local self-government units and polling boards.

## **II. ELECTIONS FOR COUNCILLORS OF THE ASSEMBLY OF LOCAL SELF-GOVERNMENT**

### **1. Electoral bodies**

#### **Article 11**

(1) Electoral bodies shall be the electoral commission of the local self-government unit (hereinafter: the Electoral Commission) and the polling boards.

(2) Electoral bodies shall be autonomous and independent in their work and act in accordance with the Laws and regulations adopted on the basis of the Law.

(3) Electoral bodies shall be accountable for their work to the authority that has appointed them.

(4) All authorities and organizations shall provide assistance to electoral bodies and provide them with the information necessary for their work.

#### **Article 12**

(1) Members of the electoral bodies and their deputies may only be the citizens with the suffrage and with the domicile on the territory of the local self-government unit.

(2) Functions of the members of electoral bodies and their deputies in these bodies shall terminate when they accept the candidacy for a councillor.

#### **Article 13**

(1) The Electoral Commission shall work in a standing composition (appointed members) and in an enlarged composition (authorized members).

(2) The Electoral Commission shall work in its enlarged composition starting from the date of establishing such composition until the finalisation of the elections.

(3) No political party or party coalition may have more than half of the members in the standing composition of the electoral bodies.

(4) The Decision appointing the Chairperson and members of electoral bodies shall, in addition to the personal name of the Chairperson/member, include his/her political affiliation or the name of the party and/or party coalition that has proposed him/her for the appointment.

#### **Article 14**

(1) The Electoral Commission in its standing composition shall consist of the Chairperson and at least six members appointed by the Assembly of the local self-government unit, at the proposal of councillor groups in the assembly of the local self-government unit, in proportion to the number of councillors; and in its enlarged composition it shall also include one authorised representative of each submitter of the electoral list that has proposed at least two thirds of candidates out of the overall number of councillors to be elected.

(2) Political parties and political party coalitions of national minorities that propose at least one third of the candidates for councillors out of the overall number of councillors to be elected shall have the right to have their representative in the enlarged composition of the Electoral Commission.

(1) The Electoral Commission shall have a Secretary appointed by the assembly of the local self-government unit. The Secretary shall participate in the work of the Commission without decision-making rights.

(4) The Chairperson, the Secretary and the members of the Electoral Commission in its standing and enlarged composition shall have their deputies.

(5) A person who is a Law Faculty graduate shall be eligible to become a Chairperson, Deputy Chairperson, Secretary and Deputy Secretary of the Electoral Commission.

(6) On the date of proclamation of the electoral list, the Electoral Commission shall at the same time pass a decision determining which submitters of the electoral lists meet the requirements for appointing its members to the enlarged composition of the Electoral Commission.

(7) The Decision on the fulfilment or non-fulfilment of conditions for appointing an authorized representative to the enlarged composition of the Electoral Commission shall be communicated to the submitter of the electoral list by the Electoral Commission within 24 hours of the enactment of such a Decision.

(8) The submitter of the electoral list shall appoint its authorized representative to the Electoral Commission and notify the Electoral Commission thereof.

(9) The Electoral Commission shall establish its enlarged composition within 24 hours from the receipt of the notification about the persons assigned to its enlarged composition.

(10) If the submitter of the electoral list fails to assign its authorized representative to the Electoral Commission within five days prior to the date scheduled for the elections, at latest, the Electoral Commission shall continue to work and take binding decisions without the representative of the submitter of the electoral list.

(11) An appeal may be lodged with the Administrative Court against the Decision of the assembly of the local self-government unit on the appointment of the Chairperson and members of the Electoral Commission in its standing composition, within 24 hours from the enactment of such a Decision.

(12) Protection shall be ensured against the Decision of the Electoral Commission referred to in paragraph 7 of this Article, under the procedure for the protection of electoral right laid down by this Law.

## **Article 15**

(1) The Electoral Commission shall:

1) ensure the legality of the elections for councillors;

2) determine polling stations by taking particularly into account the equal distribution of voters at polling stations, and the accessibility of the polling station to the voters;

3) establish polling boards and appoint their members;

4) issue instructions to polling boards regarding the conduct of the elections for councillors;

5) provide for the forms and organize technical preparation for conducting the elections for councillors;

6) establish whether the electoral lists have been drawn up and submitted in accordance with the rules on the elections for councillors;

- 7) publicise the electoral lists;
- 8) define the form and contents of ballot papers, the number of ballot papers for polling stations, and keep minutes that it shall deliver to the polling boards;
- 9) establish and announce the overall results of the elections for councillors;
- 10) submit a report to the assembly of the local self-government unit on the conducted elections for councillors;
- 11) submit to the Ministry in charge of local self-government affairs and the state authority in charge of statistics the data on the organization and results of the elections for councillors, immediately upon the completion of the elections;
- 12) perform other duties specified by regulations on the elections for councillors.

(2) In its work, the Electoral Commission shall apply guidelines and other acts of the Republic Electoral Commission referring to the conduct of elections for MPs.

### **Article 16**

- (1) The polling board shall operate in its standing and enlarged composition.
- (2) The polling board in its standing composition shall consist of the Chairperson and at least four members.
- (3) The establishment of the composition of the polling board in its enlarged composition shall be subject to the provisions of this Law governing the Electoral Commission in its enlarged composition.
- (4) The Chairperson and members of the polling board shall have their deputies.
- (5) The polling board shall be appointed no later than ten days prior to the date scheduled for the elections.
- (6) The Decision on the appointment of the polling boards shall be submitted to all submitters of confirmed electoral lists within 48 hours of the adoption of such a Decision.

### **Article 17**

- (1) The polling board shall directly conduct the elections, ensure the regularity and secrecy of the vote, establish the voting results at the polling station and perform other tasks prescribed by Law.
- (2) The polling board shall ensure the maintenance of order at the polling station during the voting. More specific rules about the tasks of the polling board shall be defined by the Electoral Commission.

## **2. Nomination of Candidates**

### **Article 18**

- (1) Candidates for councillors may be nominated by registered political parties, coalitions of registered parties, as well as by groups of citizens whose electoral lists are supported by the signatures of at least 30 voters per nomination for each candidate on the electoral list. The submitter's list shall include at least one third of the overall number of councillors to be elected.

(2) In local self-government units with less than 20.000 voters, electoral lists referred to in paragraph 1 of this Article shall be established even if supported by the signatures of at least 200 voters.

(3) On behalf of a political party or group of citizens, only a person authorized by a political party or group of citizens may submit nominations referred to in paragraphs 1 and 2 of this Article.

(4) On behalf of a coalition of political parties, no more than two authorized persons may submit the nomination referred to in paragraphs 1 and 2 of this Article.

### **Article 19**

(1) The electoral list shall be submitted to the Electoral Commission no later than 15 days prior to the date scheduled for elections.

(2) The following documentation shall be attached to the electoral list submitted to the Electoral Commission:

1) the certificate of electoral rights for each candidate from the electoral list, including the name and surname, date of birth, occupation and the unique master citizen number of the candidate;

2) the candidate's written statement accepting the nomination;

3) the certificate of the candidate's place of domicile;

4) the written consent of the carrier of the electoral list;

5) the authorization of the person submitting the list;

6) the proof of the nationality;

7) the signatures of the voters that have supported the electoral list.

(3) The documentation specified in paragraph 2, points 1), 3) and 6) of this Article shall not be subject to a fee.

### **Article 20**

(1) The same person may be a candidate for a councillor on one electoral list only.

(2) The submitter of the electoral list shall establish the order of candidates on the list.

(3) On the electoral list, among each three candidates as per order on the list (the first three places, next three places and on to the end of the list) there shall be at least one candidate – of the gender less represented on the list.

(4) If the electoral list is not in compliance with the requirements referred to in paragraph 3 of this Article, the electoral list shall be deemed to include shortcomings which prevent its proclamation and the submitter of the list concerned shall be invited to remove such shortcomings in conformity with this Law.

(5) If the submitter of the list fails to eliminate the shortcomings referred to in paragraph 4 of this Article, the Electoral Commission shall refuse the proclamation of the electoral list, in conformity with this Law.

(6) If upon issuing of the Decision on the proclamation of the electoral list, the candidate is deprived of his/her legal capacity by a final court decision, loses the nationality of the Republic of Serbia, renounces his candidacy, or in case of death, the submitter of the electoral list shall lose the right to nominate a new candidate.

### **Article 21**

(1) The submitter of an electoral list may withdraw the list before the day of the establishment of the general electoral list, at the latest.

(2) With the withdrawal of the electoral list, the function of the submitter's representative in all electoral bodies and the rights he/she has enjoyed in this capacity in accordance with the provisions of this Law, shall cease.

### **Article 22**

(1) The name of the electoral list shall be determined according to the name of the political party submitting the list, and the name may include the name and surname of the person nominated by the political party as the carrier of the electoral list.

(2) If two or more political parties submit a joint electoral list, the name of the electoral list and the carrier of the electoral list shall be agreed upon by these political parties.

(3) Along with the name of the electoral list of a group of citizens, the submitter shall specifically define the list, and the name may include the name and the surname of the person nominated by the group of citizens as the carrier of the electoral list.

(4) The person designated as the carrier of the electoral list may be a candidate for a councillor.

### **Article 23**

(1) The Electoral Commission shall provide for the format and content of the form for the signatures of voters supporting an electoral list and shall make such form available to the participants in the elections within three days from the call of the elections.

(2) A voter may put his/her signature in support of the electoral list of only one submitter.

(3) The signature of a voter in support of an electoral list shall be verified in accordance with the Law governing the verification of signatures.

(4) The fee for the verification of signatures shall be established by a separate act of the Ministry in charge of justice affairs.

### **Article 24**

(1) The Electoral Commission shall proclaim the electoral list immediately upon the receipt of the list concerned and the accompanying documentation, no later than within 24 hours from the receipt of the electoral list.

(2) The Electoral Commission shall immediately submit to the submitter the Decision on the proclamation of the electoral list referred to in paragraph 1 of this Article.

### **Article 25**

(1) If the Electoral Commission establishes that the electoral list has not been timely submitted, it shall enact a Decision rejecting such electoral list.

(2) If the Electoral Commission establishes that an electoral list contains shortcomings which represent an impediment for the proclamation of the electoral list in accordance with this Law, it shall within 24 hours from the receipt of the electoral list,

issue a conclusion instructing the submitter of the electoral list to remove such shortcomings within 48 hours of the submission of this conclusion, at the latest. The conclusion shall also indicate the activities to be performed by the submitter of the electoral list in order to remove the shortcomings.

(3) If the Electoral Commission establishes that the electoral list contains shortcomings as stipulated in this Law or if it establishes that the shortcomings of the electoral list have not been eliminated or have not been eliminated in due time, it shall within 24 hours enact a Decision refusing the proclamation of the electoral list.

### **Article 26**

(1) The Electoral Commission shall establish the general electoral list, which shall include all electoral lists with the personal names of all candidates and information about the dates of birth, occupation and place of domicile.

(2) The order of the electoral lists with the names of all candidates on the general electoral list shall be determined according to the order of their proclamation.

(3) The general electoral list shall be published by the Electoral Commission in the same manner as are published the regulations of local self-government units, and no later than ten days prior to the date scheduled for the elections.

(4) Each submitter of an electoral list shall have the right, within 48 hours from the publication of the general electoral list, to inspect through authorized persons all submitted electoral lists and the accompanying documentation.

### **Article 27**

(1) The citizens shall have the right to be informed about the electoral lists.

(2) The citizens shall have the right to be timely, truthfully and impartially informed, through the mass media, about all activities of the participants in the electoral procedure and events relevant for the elections.

## **3. Conduct of Elections**

### **Article 28**

(1) The Electoral Commission shall for each polling board timely prepare the balloting material and in particular the necessary number of ballot papers, the excerpt from the electoral roll, certificates of electoral right, special official envelopes for voting, as well as the reporting forms of the polling board.

(2) Ballot papers shall be prepared and verified by the Electoral Commission.

(3) The Electoral Commission shall establish the overall number of ballot papers which must equal the number of voters registered in the electoral roll of the municipality.

(4) The Electoral Commission shall supervise the preparation and verification of ballot papers and determine the number of spare ballot papers, which may not exceed 0,3% of the overall number of ballot papers.

(5) Ballot papers shall be printed at one place.

(6) The submitter of the electoral list shall notify the Election Commission of the name of the person entitled to be present at printing, counting and packing of the ballot papers, as well as of their delivery to electoral bodies.

(7) In municipalities in which the languages of national minorities are in official use, the ballot papers shall also be printed in those languages.

(8) The Electoral Commission shall specify the content, format and layout of ballot papers and determine the printing company, the manner and control of the printing, as well as the delivery and handling of the ballot papers.

### **Article 29**

(1) The election material shall be handed over no later than 24 hours before the date scheduled for the elections.

(2) Municipal authorities shall ensure the arrangement of the polling station, and shall prepare the necessary number of ballot boxes with the wax sealing stationery, polling screens, and the writing stationery, for each polling board.

(3) On the ballot day and prior to the start of the vote, the polling board shall examine whether the prepared election material for a given polling station is complete and correct, and whether the polling station has been arranged so as to ensure the secrecy of the vote and whether the voting may begin, and shall record all such details in the minutes of its work.

### **Article 30**

(1) The ballot paper shall contain:

(1) the ordinal number placed before the name of the electoral list;

2) names of electoral lists, according to the order determined in the general electoral list, with the name of the first candidate on the list;

(3) A note that only one electoral list may be voted for, by circling the ordinal number before the name of that list or the name of the list.

### **Article 31**

(1) The general electoral list, with the names of the electoral lists and of all the candidates shall be visibly displayed at the polling station throughout the voting.

Content, form and manner of displaying the general electoral list referred to in paragraph 1 of this Article shall be defined by the Electoral Commission.

### **Article 32**

Representatives of the submitters of electoral lists and candidates for councillors shall be entitled to inspect the election material, and especially the excerpts from electoral rolls, minutes of the Electoral Commission, minutes of polling boards and ballot papers. Such inspection shall be carried out on the official premises of the Electoral Commission. The balloting material may be inspected within five days from the Ballot Day.

### **Article 33**

(1) A voter shall cast a vote at the polling station where he/she is registered on the electoral roll.

(2) A voter may also vote outside of the polling station where he/she is registered in the excerpt from the electoral roll under the conditions and in the manner stipulated by Law.

(3) Voting outside of the polling station, as well as the number of voters that have voted in such a manner shall be entered in the minutes of the polling board.

#### **Article 34**

(1) A voter shall cast his/her vote in person.

(2) A voter may vote for only one electoral list on the ballot paper.

(3) A vote is cast by circling the ordinal number preceding the name of the electoral list to be voted for so that it can be unequivocally determined which electoral list the voter has voted for.

(4) A voter shall personally fold his/her ballot paper so that it cannot be visible who he/she has voted for and put it into a ballot box and leave the polling station immediately.

### **4. Establishing and Announcing Election Results**

#### **Article 35**

(1) Upon completion of voting, the polling board shall proceed to the establishment of the voting results at the polling station.

(2) The polling board shall establish the number of unused ballot papers and put them in a specially sealed envelope, with an indication that it contains unused ballot papers.

(3) On the basis of the excerpt from the electoral roll, the polling board shall establish the total number of voters that have turned out for the vote.

(4) When the ballot box is opened, the control sheet shall be checked and valid ballot papers shall be separated from invalid ones.

(5) The polling board shall establish the number of invalid ballot papers and enter it in the minutes and seal the invalid ballot papers in a special envelope with an indication that it contains invalid ballot papers and then it shall establish the number of valid ballot papers and the number of votes won by each electoral list, which shall also be entered in the minutes.

(6) Valid ballot papers shall be placed in a specially sealed envelope with an indication that it contains valid ballots papers.

(7) An invalid ballot paper shall be deemed to be a ballot paper that is not filled in, the ballot paper filled out in a manner not allowing to determine for which electoral list the vote has been cast, and the ballot paper on which more than one electoral list has been circled.

(8) If the full name of the first candidate in an electoral list is encircled or the name of the electoral list or a part of the title is encircled, or if both the serial number and the electoral list name and the full name of the first candidate are encircled, such a ballot paper shall be deemed valid.

(9) If established that the number of ballot papers in the ballot box exceeds the number of voters that have voted or if the control sheet is not found in the ballot box, the polling board shall be dismissed and a new one shall be appointed, while the vote at the polling station shall be repeated.

#### **Article 36**

(1) Upon establishing the results of the vote, the polling board shall enter the following in the minutes: number of ballot papers received, number of unused ballot papers; number of invalid ballot papers; number of valid ballot papers; number of votes won by each electoral list; number of voters according to the excerpt from the electoral roll and the number of voters that have voted.

(2) The minutes on the work of the polling board shall also include objections and opinions of the members of the polling board, submitters of electoral lists and joint representatives of the submitters of electoral lists, as well as all other facts of importance for the vote.

(3) The minutes of the polling board shall be signed by all members of the polling board.

### **Article 37**

(1) The minutes on the work of the polling board shall be drawn up on the appropriate form to be printed in six copies.

(2) In municipalities in which the languages of national minorities are in official use, the minutes on the work of the polling board shall also be printed in those languages.

(3) The first copy of the minutes and the ascertained election material shall be submitted to the Electoral Commission.

(4) The second copy of the minutes shall be displayed at the polling stations for perusal by general public.

(5) The remaining four copies of the minutes shall be submitted to representatives of the submitters of the electoral lists that have won the largest number of votes at that polling station and it shall be done immediately if the submitter of the electoral list has a representative in the polling board, and if this is not the case, the representative of the submitter of the electoral list may take over the copy of the minutes from the Electoral Commission within a period of 24 hours.

The remaining submitters of the electoral lists shall be entitled, within 24 hours after the transfer of the election material from the polling station to the Electoral Commission, to obtain from the Electoral Commission a verified photocopy of the minutes from the polling station concerned.

### **Article 38**

(1) Upon establishing the voting results, the polling board shall without delay and no later than within eight hours from the closing of the polling station, submit to the Electoral Commission the minutes on establishing the results of the vote at the polling station, the excerpt from the electoral roll, valid ballot papers in a separate sealed envelope, unused ballot papers in a separate sealed envelope, invalid ballot papers in a separate sealed envelope, as well as the remaining election documentation.

(2) Minutes of the hand-over of the election documentation shall be kept and signed by the representative of the Electoral Commission and at least two members of the polling board who have submitted the election documentation.

### **Article 39**

Upon the receipt of the election material from the polling stations, the Electoral Commission shall, within 24 hours from the closing of polling stations, verify: a total

number of voters registered in the electoral rolls; number of voters that have voted at the polling stations; number of voters that have voted outside the polling station; total number of ballot papers received; total number of invalid ballot papers; total number of valid ballot papers, and the number of votes won by each electoral list.

(2) The Electoral Commission shall establish the results of the vote at the polling stations no later than within six hours of the submission of the polling stations' reports.

#### **Article 40**

(1) The Electoral Commission shall establish the results of the elections and include them in separate minutes.

(2) Each electoral list shall be entitled to the number of mandates proportionally to the number of votes it has won.

(3) The Electoral Commission shall establish the number of mandates belonging to each electoral list.

(4) The distribution of mandates shall include electoral lists that have won the votes of at least 5% of the total number of votes cast.

(5) Political parties of national minorities and coalitions of national minority political parties shall participate in the distribution of mandates even if they have won less than 5% of the total number of votes cast.

(6) Political parties of national minorities are all those parties whose main goal is to represent and advocate for the interests of a national minority and the protection and improvement of the rights of persons belonging to national minorities, in accordance with international legal standards.

(7) Whether the submitter of an electoral list has the status of a national minority political party or national minority political coalition shall be subject to a decision of the Electoral Commission of the local self-government unit when the electoral list is submitted and at the request of the submitter of the electoral list.

#### **Article 41**

(1) The Electoral Commission shall allocate the mandates by applying the system of the largest quotient.

(2) The mandates shall be distributed by dividing the total number of votes won by each individual electoral list by the numbers ranging from one to the number corresponding to the number of councillors to be elected to the assembly of the local self-government unit, inclusive. The resulting quotients obtained in such a way shall be sorted by size, taking into account the number of the largest quotients that corresponds to the number of councillors being elected to the assembly of the local self-government unit. Each electoral list shall be assigned the number of mandates that corresponds to the number of quotients assorted to the given list.

(3) If two or more electoral lists obtain the same quotients on the basis of which one mandate is to be assigned and there are no more unassigned mandates, the mandate shall be assigned to the list with the largest number of votes won.

(4) The Electoral Commission shall, within 24 hours of the closure of the polling stations, allocate the councillors' mandates in the manner referred to in paragraph 1 of this Article and shall make a separate record thereof.

#### **Article 42**

Mandates belonging to a particular electoral list shall be assigned to the candidates from that list, in accordance with the provisions of this Law.

#### **Article 43**

The Electoral Commission of the local self-government unit shall no later than 10 days from the announcement of the overall election results, assign all obtained mandates from the electoral list to the candidates according to the order on the electoral list, starting from the first candidate on the list.

#### **Article 44**

The Electoral Commission shall announce the election results within 24 hours of the closure of polling stations.

#### **Article 45**

The Electoral Commission shall issue to the councillor a certificate of his/her election.

### **5. Termination of Mandate and Repeated Elections**

#### **Article 46**

(1) A councillor's mandate shall terminate prior to the expiration of the term to which he/she has been elected in the following cases:

- 1) if he/she resigns,
- 2) if a decision on the dissolution of the assembly of the local self-government unit is passed;
- 3) if he/she has been convicted by a final court decision to an unconditional prison sentence of at least six months;
- 4) if he/she has been debarred from legal capacity by a final court decision;
- 5) by accepting a post or assuming a function stipulated by the Law as incompatible with the function of a councillor;
- 6) in case of termination of domicile on the territory of the local self-government unit;
- 7) if he/she loses the citizenship,
- 8) if the councillor dies.

(2) A councillor may resign verbally in the session of the assembly of the local self-government unit, and in between two sessions, he/she may tender his resignation in an officially verified written statement.

(3) Upon the verbal resignation of a councillor, the assembly shall immediately ascertain, in the same session, that the mandate of the councillor has terminate.

(4) The assembly shall, in its first following session, decide upon the resignation handed in by the councillor in between two sessions.

(5) A councillor shall be entitled to withdraw his resignation until the assembly ascertains the termination of his/her mandate.

(6) If the mandate of the councillor terminates in the cases referred to in paragraph 1 of this Article, points 2) to 8), the assembly of the local self-government unit shall, in the first session after the receipt of the information about such case, ascertain that the mandate of the councillor has terminated.

#### **Article 47**

(1) The councillor shall personally present his/her resignation, certified with the authority in charge of certification of signatures, to the President of the assembly of the local self-government unit, within three days from the date of certification.

(2) The President of the assembly of the local self-government unit shall put the presented resignation on the agenda of the assembly in the first following session, with a proposal to be the first item on the agenda.

#### **Article 48**

(1) If the mandate of a councillor expires prior to the expiry of the term he/she has been elected to, the mandate shall be assigned to the first following candidate on the same electoral list who has not been assigned the mandate of a councillor.

(2) If the mandate of a councillor who has been elected from the coalition electoral list expires prior to the expiry of the term he/she has been elected to, the mandate shall be assigned to the first following candidate on the electoral list who has not been assigned the mandate – a member of the same political party.

(3) A candidate who has been assigned the mandate of a councillor, and whose mandate has terminated due to assuming the office of the municipal president or lord-mayor, or municipal deputy president or deputy lord-mayor, may be provided with the mandate again, in the same session of the assembly of the local self-government unit provided that:

- the candidate's office of municipal president or lord-mayor or municipal deputy president or deputy lord-mayor has terminated;
- there is a vacant councillor seat that belongs to the same electoral list, and
- the candidate has filed the request for assignment of the mandate of a councillor with the electoral commission of the local self-government unit.

(4) If the mandate of a councillor terminates prior to the expiry of the term he/she has been elected to, and the electoral list that the councillor was elected from contains no other candidates for whom the submitter of the electoral list has not obtained a mandate, the mandate shall belong to the submitter of the electoral list with the next largest quotient for which he has not obtained a mandate.

(5) The mandate of a new councillor shall last until the expiry of the mandate of the councillor whose mandate has terminated.

(6) Prior to the councillor's acceptance of the mandate, a written consent to the mandate shall be provided by the candidate.

#### **Article 49**

(1) An appeal may be lodged with the Administrative Court against the decisions of the assembly of the local self-government unit on the termination of a councillor's mandate, as well as on the confirmation of the mandate of the new councillor.

(2) Filing an appeal is also possible if the assembly fails to enact the decisions referred to in paragraph 1 of this Article.

(3) In case the appeal referred to in paragraph 2 of this Article is justified, the court shall pass a ruling confirming the termination of a councillor's mandate or ascertaining the mandate to a new councillor.

(4) Every councillor shall be entitled to lodge an appeal referred to in paragraph 2 of this Article.

(5) The appeal shall be lodged within 48 hours from the enactment of the decision of the assembly of the local self-government unit and/or from the day of the session in which the assembly failed to enact decisions referred to in paragraph 1 of this Article.

(6) The Administrative Court shall decide on the appeal within 30 days from the date of the receipt thereof.

### **Article 50**

(1) Repeated elections shall be held if the Electoral Commission or the Administrative Court annul the elections due to irregularities, in the cases laid down by this Law.

(2) If the elections are annulled at a certain polling station, the vote shall be repeated only at this polling station.

(3) At the polling stations where the election procedure was not conducted in accordance with this Law, elections shall be repeated within seven days from the date of verification of irregularities in the election procedure, in the manner and according to the procedures established for the conduct of elections.

(4) Repeated elections shall be called by the Electoral Commission.

(5) Repeated elections shall be conducted according to the list of candidates established for the elections that were annulled, unless the elections were annulled due to irregularities in establishing the electoral list.

(6) In case of repeated elections, final election results shall be established upon the completion of the repeated voting.

## **6. Protection of Electoral Rights**

### **Article 51**

Each voter, candidate for councillor and proposer of a candidate shall be entitled to the protection of his/her electoral rights, under the procedure stipulated by this Law.

### **Article 52**

(1) A voter, candidate for councillor and proposer of a candidate shall be entitled to lodge an objection with the Electoral Commission of the local self-government unit over irregularities in the candidacy procedure, conducting of the elections, as well as over the establishment and announcement of the election results.

(2) The objection shall be lodged within 24 hours from the date of the decision, action or omission.

### **Article 53**

(1) The Electoral Commission shall take a decision within 48 hours from the receipt of the objection and submit the decision to the objector.

(2) If the Electoral Commission of the local self-government unit approves the objection, it shall annul the decision or the action.

#### **Article 54**

(1) The complaint against the decision of the Electoral Commission may be filed with the Administrative Court within 24 hours of the submission of the decision.

(2) The Electoral Commission shall submit to the court immediately, and no later than within 12 hours, all the information and records for necessary making a decision.

(3) For the electoral right protection procedure, the Court shall accordingly apply the provisions of the Law governing the procedure in administrative disputes.

(4) The decision on the appeal shall be taken no later than 48 hours from the receipt of the appeal with the files.

(5) The decision taken within the appeal related procedure shall be final and may not be subject to a request for exceptional review of the court ruling, nor for repeating the procedure, as provided for by the Law on Administrative Disputes.

#### **Article 55**

(1) If the court approves the appeal, it shall declare void the decision or action in the procedures of proposing the candidate or election of the councillor, or it shall annul the election of the councillor.

(2) Where the Court decides that the contested decision should be annulled, if appropriate and if the ascertained facts provide reasonable grounds for it, the Court may take a meritorious decision solving the election dispute. The decision of the court shall fully replace the annulled enactment.

(3) If upon objection or appeal, an action in the election procedure or the election of the councillor has been annulled, the Electoral Commission shall repeat the election action or the elections within the time-limit envisaged for repeated elections by this Law. The time-limit shall start as of the date of enacting the decision on the annulment.

#### **Article 56**

(1) The mandate of a councillor shall start on the date of the mandate's verification.

(2) The verification of the mandate shall be decided upon by the assembly in its constitutive session.

(3) The constitutive session of the assembly shall be called by the President of the assembly from the previous assembly's term of office within 15 days from the announcement of the election results.

(4) The constitutive session shall be chaired by the oldest councillor, who shall be also authorized to convene the constitutive session in case the president of the assembly from the previous term of office fails to do so in the legally prescribed time-limit.

(5) The verification of a councillor's mandate, on the basis of the verification committee report, shall be decided upon by the assembly by public vote. The

councillors whose mandates have been assigned in accordance with Article 43 of this Law and who have received a certificate of election by the Electoral Commission of the local self-government unit, may participate in the vote.

(6) When upon its constitution the assembly vote on the verification of mandates of new councillors, the candidates whose mandates have been assigned in accordance with Article 48 of this Law and who have a certificate of election by the Electoral Commission of the local self-government unit shall also be entitled to participate in the vote.

(7) An appeal may be lodged with the Administrative Court against the decision on the verification of councillors' mandates within 48 hours from the date of adoption of the decision by the assembly of the local self-government unit.

## **7. Costs of Conducting Elections**

### **Article 57**

(1) Funds for conducting the elections and financing the activities related to the elections for councillors of the assembly of a local self-government unit shall be provided for in the budget of the local self-government unit.

(2) Applications and actions in the election procedure shall not be subject to a fee.

## **8. Application of provisions on the election for Members of Parliament**

### **Article 58**

The provisions of the Laws on the election of Members of Parliament ("Official Gazette of the Republic of Serbia", no. 35/00, 57/03 – Decision of the Constitutional Court of the Republic of Serbia, 72/03 – other law, 75/03 – corrigendum of other law, 18/04, 85/05 – other law and 101/05 – other law) on electoral rolls, election material, appointment to the Electoral Commission and polling boards, polling stations, informing the citizens on the proposed candidates, ban on duration of election propaganda and announcement of early results or estimates of election results, voting, establishment and announcement of election results, tax and contributions payment exemption for funds paid as remuneration for the work of persons in electoral bodies and fines, shall accordingly apply to the election of councillors, unless otherwise stipulated by this Law.

## **III TRANSITIONAL AND FINAL PROVISIONS**

### **Article 59**

The provisions of this Law on the elections for councillors of assemblies of local self-government units shall be applied as of the first following elections for councillors of assemblies of local self-government units in all units of local self-government.

### **Article 60**

The first elections for councillors of assemblies of local self-government units in all units of local self-government, upon this Law's entering into force, shall be called by the Speaker of the National Assembly, so as to be held within the time-limit not

shorter than 120 days and not longer than 180 days from the date when the elections are called.

#### **Article 61**

On the day of this Law's entering into force, the Law on Local Elections ("Official Gazette of the Republic of Serbia", No.33/02, 37/02 - corrigendum, 42/02, 72/03 – other law, 75/03 – corrigendum of other law, 100/03 – Constitutional Court and 101/05 – other law) shall cease to have effect.

#### **Article 62**

This Law will enter into force on the date of its publication in the "Official Gazette of the Republic of Serbia".

