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ON REFERENDUM AND CIVIL INITIATIVE¹

I BASIC PROVISIONS

Article 1

This law shall regulate the manner of direct voting, i.e. decision making for citizens in a referendum and the manner of launching a civil initiative.

Article 2

A referendum shall be a way for citizens to decide on issues anticipated by the Constitution and law, and on issues under the authority of the National Assembly, i.e. autonomous province assembly, and municipal and city assemblies chosen by those assemblies.

A referendum may be held also for the purpose of forming a prior opinion on the issues referred to in paragraph 1 of this Article, or in order to approve acts passed by competent bodies.

Issues anticipated by the autonomous province statute, and statutes of a municipality or a city, i.e. other issues within their competences shall be subject to a referendum held in the manner and procedure defined by this law, unless otherwise defined by the law.

Article 3

By means defined by this law, citizens may propose amendments to the Constitution, law, other regulations and general acts under the authority of the National Assembly, i.e. assembly of the autonomous province, municipality or city, by holding a referendum to vote on specific issues and submit other proposals in line with the Constitution, law and statute (hereinafter referred to as: civil initiative).

Article 4

Those citizens entitled to vote in a referendum shall be the citizens who, in line with the regulations on elections, have the right to vote and the residence in the territory for which the referendum is held.

If a referendum puts to the vote the rights and obligations of citizens who reside outside of the territory for which the referendum is to be held, those citizens shall also have the right to vote.

Body responsible for holding a referendum, i.e. a body authorised by it to do so shall prepare a list of citizens entitled to vote in a referendum, who do not have the residence in the area in which the referendum is held, in the manner defined by the regulations on elections.

¹ "Official Gazette of RS", no 48/94 and 11/98.

Article 5

Right to participate in a civil initiative shall have those citizens who, in line with the regulations on elections, have the right to vote.

Article 6

In a referendum and national initiative the citizens shall be free to express their opinion.

No one may hold a citizen liable because of his/her expressed opinion in a referendum or for his/her participation in a civil initiative, in line with this law.

Article 7

Citizens shall vote in a referendum in person and by casting their vote in secret.

Citizens shall participate in a civil initiative by signing the relevant proposal.

Article 8

Acts on holding a referendum and launching a civil initiative shall not be subject to fees.

Article 9

Citizens shall have the right to a complaint about the irregularities in conducting the referendum procedure, and the right to point out the mistakes and shortcomings in the process of launching a civil initiative.

II HOLDING A REFERENDUM

Article 10

Act on announcing a Republic referendum shall be made by the National Assembly at the proposal of minimum fifty members of parliament, Government, or minimum 100.000 voters.

Act on announcing a referendum on issues within the authority of an autonomous province, municipality and city shall be made by the assembly of the autonomous province, municipality or city respectfully, in line with the statute.

From the date of announcement to the date of holding a referendum, it shall not be less than 15 days nor more than 90 days.

Statute of an autonomous province, municipality and city shall define the time period referred to in paragraph 3 of this Article.

Article 11

Citizens residing in the part of the territory of the Republic, i.e. autonomous province, municipality or city may decide in a referendum about the issues of importance for those citizens.

Article 12

Act on announcement of a referendum shall include in particular: the territory for which the referendum is held; the act or issue which citizens will vote on in the referendum; the date of holding the referendum and the time selected for voting in the referendum.

Act on announcement the referendum shall be published in the manner in which the regulations of the body holding the referendum and published.

Article 13

Bodies responsible for holding a referendum are the Commission and an electoral board.

Commission shall be established by the body announcing the referendum, and the Commission shall establish the electoral boards.

Article 14

If a referendum is announced for the territory of the Republic, autonomous province and city or their part, the commissions shall be established also in municipalities.

Municipal commission shall be established by the Republic commission when the referendum is announced for the territory of the Republic or its part, by the provincial commission when the referendum is announced for the territory of the autonomous province or its part, and by the city commission when the referendum is announced for the territory of the city or its part.

Article 15

Referendum commission shall perform the following activities:

- 1) ensure the legality of the Republic referendum;
- 2) ensure the material for the Republic referendum to be held;
- 3) proscribe the forms for the Republic referendum to be held;
- 4) count and announce the final results of the Republic referendum; and

5) perform also other activities specified by this law and act on announcing the referendum.

Commission for holding a Republic referendum, i.e. referendum for the territory of an autonomous province or city shall provide instructions for work to municipal commissions in terms of the provision of this law and shall harmonise their work.

Municipal commission shall perform technical preparations for holding a Republic referendum, i.e. a referendum for the territory of an autonomous province or city, define the polling stations, identify the results of the Republic referendum on the territory of a municipality based on received material from all polling stations, and provide them to the Republic, i.e. provincial or city commission, and perform other activities stipulated by this law and the decision on announcement of a referendum.

Article 16

Electoral boards shall manage the voting process at polling station, ensure regularity and secrecy of voting and identify the results of voting at the polling stations, in line with the instructions by the referendum commission.

Article 17

Act on establishing a body for holding a referendum in an autonomous province, municipality and city shall define their tasks.

Article 18

Time of voting in a referendum shall be defined in the manner to ensure the voting to all citizens having the right to express their opinion in a referendum.

Voting shall be closed when the period specified for voting expires, and citizens who find themselves at the polling stations at the closing time shall be enabled to cast their vote.

If all citizens registered at a particular polling station have cast their vote, voting may be closed before the designated time limit expires.

Article 19

A question which is subject to voting by the citizens in a referendum must be clearly expressed so that it can be answered with the words "for" or "against", or words "yes" or "no".

If two or more question are subject to voting in a referendum, each question must be separately formulated on a different ballot so that each question can be answered with the words "for" or "against", or "yes" or "no".

If a referendum is held for the purpose of forming a prior opinion of citizens, the question which is subject to the opinion of the citizens must be formulated so that in the answer to it the citizens select one of the multiple proposed answers.

Article 20

A ballot for voting in a referendum (hereinafter referred to as: ballot) shall contain the following:

- 1) the name of the body which is holding the referendum;
- 2) the day when the referendum is held;
- 3) the question which citizens need to answer in the referendum;
- 4) words "for" and "against", i.e. "yes" or "no" printed one next to the other.

Voting is performed by circling one of the possible answers on the ballot.

In terms of the manner of voting, the rights of citizens who are not able to cast their vote at the polling station, or to vote by themselves, shall be regulated by the regulations on the election of members of parliament which regulate the manner of voting of these citizens.

Article 21

Ballots shall be prepared by the referendum commission.

Referendum commission shall identify the number of ballots which must be equal to the number of citizens having the right to vote in the referendum, registered in the electoral rolls, and the number of spare ballots for holding the Republic referendum.

Ballots shall be printed in one place.

Body announcing the referendum may select up to three control persons to be present during the ballots printing, i.e. who shall control the process of delivery of ballots to the bodies which conduct the referendum.

Article 22

After the closure of voting the electoral board shall identify the results of voting on the polling station and make the record on that.

An invalid ballot shall be the one where both words “for” and “against”, i.e. word “yes” and “no” are circled, the one which is not filled out, and the one which has been filled out in such a way that it is impossible to conclude as to how a citizen voted.

The record kept on the results of voting on the polling station shall include: the date and place where voting was held; the polling station; proposal that has been voted on in the referendum; personal names of members of the electoral board; number of citizens with the right to vote at the polling station; number of citizens with the right to vote who voted, and the result of voting.

The record is signed by all electoral board members.

The record and other sets of material shall be submitted by the electoral board to the competent commission.

Article 23

The referendum commission shall provide the body announcing the referendum with the report on the conducted referendum.

The result of the Republic referendum shall be published in the form of a report in the “Official Gazette of the Republic of Serbia”.

The results of the referendums held for the territory of an autonomous province, municipality and city shall be identified in line with their decisions and published in the manner in which the decision on announcing a referendum is published.

Article 24

The referendum shall be valid if the majority of citizens with the right to vote has voted, registered in the electoral roll in line with this law.

Decision on the issue which was subject to the referendum shall be considered made if the majority of citizens referred to in paragraph 1 of this Article has voted in favour of it, unless a higher number of votes is specified for that in the Constitution, law or statute.

Act confirmed in a referendum shall be published in line with the Constitution, law and statute.

Article 25

Decision made in a referendum is obligatory.

When citizens have voted in a referendum on a certain issue before the competent body passed an act which regulates that issue, the competent body shall be obliged to pass the act by observing the results of the referendum and within the time limit specified by the act on holding the referendum, and not later than within 60 days from the date when the referendum was held.

If the citizens, by the referendum, voted for the confirmation of the act, the act shall be considered adopted on the day of the referendum, i.e. the date of passing the act.

If the citizens, by the referendum, did not confirm the act, the act shall be considered as not passed.

Article 26

If citizens, by the referendum, did not confirm the act, i.e. did not vote for the issue which was subject to voting, that act, i.e. issue may not be subject to repeated referendum within the time period shorter than six months from the date when the referendum was held.

Article 27

A citizen shall have the right to file a complaint to the referendum commission, within 24 hours from the moment when a decision was made, or an act was committed or a mistake was made, if he/she deems that it constitutes an irregularity in the procedure of conducting the referendum.

The complaint referred to in paragraph 1 of this Article which relates to the acts of the municipal commission shall be filed to the National Commission when the referendum is held for the territory of the Republic, to the provincial commission when the referendum is held for the territory of the autonomous province, and to the city commission when the referendum is held for the territory of the city.

The commission to which the complaint is filed shall decide on the complaint within 48 hours from the moment it was filed to it.

Article 28

If irregularities which occurred at one or more polling stations significantly affected the results of voting, the Referendum Commission shall annul voting results at those polling stations and specify the time for repeated voting.

The municipal commission shall inform the Republic commission about the annulment of the voting results when the referendum was held for the territory of the Republic, the provincial commission when the referendum was held for the territory of the autonomous province, and the city commission when the referendum was held for the territory of the city.

If the irregularities in conducting the referendum occurred by the act of the municipal commissions, the Republic commission, i.e. provincial and city commission shall annul the activities of the municipal commission which were irregularly conducted and order the repetition thereof.

Article 29

A complainant may file a complaint to the Supreme Court against the decision of the municipal, city, provincial or Republic commission made based on the complaint referred to in Article 27 of this law, as well as in case when a competent commission fails to render its decision based on the complaint within the specified time limit.

The Supreme Court shall render the judgement on the complaint referred to in paragraph 1 of this Article within 48 hours from the moment of receiving the complaint.

Decision made by the Supreme Court regarding the complaint shall be final.

Article 30

Resources for holding a referendum shall be ensured by the assembly announcing the referendum.

III LAUNCHING THE CIVIL INITIATIVES

Article 31

In order to launch a civil initiative, citizens shall form a petition board of at least three members with the right to vote.

The petition board may form special boards for collection of signatures at specific places.

Article 32

A proposal for amendment to or adoption of a certain act, or other proposal covered by a civil initiative shall be created so as it clearly illustrates the directions of amendments, i.e. solutions about which the competent body should decide.

The proposal referred to in paragraph 1 of this Article shall be signed by all petition board members.

Article 33

The petition board shall submit the proposal to the body competent for the adoption of the act, i.e. for addressing the issue which the proposal refers to (hereinafter referred to as: competent body) for the notification that signatures are being collected for that proposal.

Competent body shall confirm the receipt of the proposal for which signatures are being collected on the first page of the text of the proposal and validate each page of the proposal text in the number of copies submitted by the petition board.

Competent body shall keep one copy of the proposal for which signatures are being collected.

The proposal for which signatures are being collected may not be amended in any way after it has been submitted.

Article 34

The petition board shall report the collection of signatures to the Ministry of Interior - organisational unit in a municipality on which territory the collection of signatures is conducted.

The report referred to in paragraph 1 of this Article shall be submitted not later than three days before the beginning of signatures collection.

The report shall include: the name of body to which the proposal for which the signatures are collected has been submitted, and the receipt number under which that proposal is registered; place, time and manner of signatures collection; personal information of persons to collect the signatures and the measures to be taken by the petition board in order to prevent possible abuse in relation with the signature collection.

Report shall be signed by the petition board members, i.e. members of the board to collect the signatures.

Article 35

The list of citizens' signatures for the civil initiative shall contain:

1) the proposal for which signatures are being collected with the register number of the competent body;

2) data on the signatories supporting the initiative, registered in the following columns: ordinal number of the signatory supporting the civil initiative; personal name of the signatory supporting the initiative, written in clear capital letters and confirmed by the personal signature; address of the signatory supporting the initiative; personal number of the signatory supporting the initiative if any; registration number of the ID of the signatory supporting the initiative;

3) date and location where signatures are collected;

4) statement of the petition board, i.e. board collecting the signatures that all the signatories in the list have the right to participate in the civil initiative in line with the law and that they have signed the initiative only once on the list, and the note on potential recall of a signature of citizens;

5) the signatures of the petition board members, or a board responsible for the collection of signatures.

Article 36

Collection of signatures of citizens participating in the civil initiative shall last no longer than seven days, including the day reported to the Ministry of Interior as the first day of signature collection.

A citizen may sign the list of signatories supporting the civil initiative only once.

A citizen may recall his/her signature by the last day designated for the collection of signatures.

A signature shall be recalled in writing, and the board responsible for the collection of signatures shall state the recall in the list of signatories supporting civil initiative.

Article 37

At the location designated for the collection of signatures, there must be the text of the proposal for which the signatures are collected, verified by the competent body and provided with its registration number, displayed so that it is available to the citizens.

Article 38

A citizen shall have the right to file a complaint to the competent body about the mistakes and shortcomings in the process of signature collection for the proposal covered by the civil initiative.

Article 39

The petition board shall provide the competent body with the list of signatories supporting the civil initiative.

The competent body shall check if the list of signatories supporting the civil initiative is created in line with the provisions of this law and if the sufficient number of signatures is collected, taking into consideration possible complaints filed by the citizens against the process of signature collection.

If a citizen, or the petition board deems that the competent body made irregularities in performing the activities referred to in paragraph 2 of this Article, he/she may file a complaint to the Supreme Court.

Supreme Court shall review the complaint referred to in paragraph 3 of this Article within 48 hours from receiving the complaint.

Decision made by the Supreme Court on the complaint shall be final.

Article 40

When the list of signatories supporting the civil initiative is created in line with the provisions of this law, and the sufficient number of signatures is collected, the competent body shall be obliged to decide on the proposal for which the signatures are collected in the manner and according to the procedure stipulated by the Constitution and the law, i.e. relevant statute or rulebook.

Article 41

When the competent body rejects a proposal referred to in Article 40 of this law, it is obliged to inform the petition board about it.

If the petition board deems that the competent body failed to act properly in the case referred to in paragraph 1 of this Article, it may file a complaint to the Supreme Court.

The Supreme Court shall review the complaint referred to in paragraph 2 of this Article within 15 days from receiving the complaint.

Decision made by the Supreme Court on the complaint shall be final.

IV TRANSITIONAL AND FINAL PROVISIONS

Article 42

In terms of polling stations, voting materials, the way electoral boards are operating, the manner of voting, calculating results at polling stations, and other issues in regard to voting which have not been regulated by this Law appropriate provisions of the Law on Election of Members of Parliament ("Official Gazette of RS", no 79/92 and 83/92) shall apply.

Article 43

With the date of entry into force of this law:

- 1) Law on Referendum ("Official Gazette of RS", number 40/89);
- 2) Law on Procedure of Previous Voting in Republic Referendum on State Symbols ("Official Gazette of RS", number 66/91).

Shall cease to be valid.

Article 44

This law shall enter into force on the eight day from the date of publication in the "Official Gazette of the Republic of Serbia".