



Office for Democratic Institutions and Human Rights

# REPUBLIC OF SERBIA

PARLIAMENTARY ELECTIONS  
21 JUNE 2020

ODIHR Special Election Assessment Mission  
Final Report



Warsaw  
7 October 2020

## TABLE OF CONTENTS

<b>I.</b>	<b>EXECUTIVE SUMMARY .....</b>	<b>1</b>
<b>II.</b>	<b>INTRODUCTION AND ACKNOWLEDGMENTS .....</b>	<b>3</b>
<b>III.</b>	<b>BACKGROUND AND POLITICAL CONTEXT .....</b>	<b>4</b>
<b>IV.</b>	<b>ELECTORAL SYSTEM AND LEGAL FRAMEWORK .....</b>	<b>5</b>
<b>V.</b>	<b>ELECTION ADMINISTRATION.....</b>	<b>7</b>
<b>VI.</b>	<b>VOTER REGISTRATION.....</b>	<b>9</b>
<b>VII.</b>	<b>CANDIDATE REGISTRATION.....</b>	<b>11</b>
<b>VIII.</b>	<b>CAMPAIGN ENVIRONMENT .....</b>	<b>12</b>
<b>IX.</b>	<b>CAMPAIGN FINANCE.....</b>	<b>13</b>
	<b>A. INCOME AND EXPENDITURE .....</b>	<b>14</b>
	<b>B. REPORTING AND DISCLOSURE .....</b>	<b>15</b>
	<b>C. OVERSIGHT AND SANCTIONS.....</b>	<b>15</b>
<b>X.</b>	<b>MEDIA .....</b>	<b>16</b>
	<b>A. MEDIA ENVIRONMENT.....</b>	<b>16</b>
	<b>B. LEGAL AND REGULATORY FRAMEWORK FOR THE MEDIA .....</b>	<b>17</b>
	<b>C. MEDIA COVERAGE OF THE CAMPAIGN .....</b>	<b>18</b>
<b>XI.</b>	<b>PARTICIPATION OF NATIONAL MINORITIES .....</b>	<b>18</b>
<b>XII.</b>	<b>COMPLAINTS AND APPEALS .....</b>	<b>19</b>
<b>XIII.</b>	<b>CITIZEN AND INTERNATIONAL OBSERVERS .....</b>	<b>20</b>
<b>XIV.</b>	<b>ELECTION DAY .....</b>	<b>21</b>
<b>XV.</b>	<b>POST-ELECTION DEVELOPMENTS.....</b>	<b>22</b>
<b>XVI.</b>	<b>RECOMMENDATIONS .....</b>	<b>24</b>
	<b>A. PRIORITY RECOMMENDATIONS .....</b>	<b>24</b>
	<b>B. OTHER RECOMMENDATIONS .....</b>	<b>25</b>
	<b>ANNEX 1 – ELECTION RESULTS.....</b>	<b>28</b>
	<b>ABOUT ODIHR .....</b>	<b>30</b>

**REPUBLIC OF SERBIA**  
**PARLIAMENTARY ELECTIONS**  
**21 June 2020**

**ODIHR Special Election Assessment Mission Final Report<sup>1</sup>**

**I. EXECUTIVE SUMMARY**

Following an invitation to observe the parliamentary elections and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) established a Special Election Assessment Mission (SEAM) on 6 June to observe the 21 June 2020 parliamentary elections. The ODIHR SEAM assessed compliance of the election process with OSCE commitments and other international obligations and standards for democratic elections, and domestic legislation. The ODIHR SEAM did not carry out systematic or comprehensive observation of election-day proceedings, in line with ODIHR's methodology for election assessment missions, however, mission members visited a limited number of polling stations.

In its Statement of Preliminary Findings and Conclusions issued on 22 June, the ODIHR SEAM concluded that the elections “were administered efficiently, despite challenges posed by the COVID-19 pandemic, but dominance of the ruling party, including in the media, was of concern. Outside the state of emergency, contestants were able to campaign, and fundamental freedoms of expression and assembly were respected. The advantage enjoyed by the governing parties, the decision of some opposition parties to boycott the elections, and limited policy debate narrowed the choice and information available to voters. Most major TV channels and newspapers promoted the policies of the government and gave it extensive editorial coverage, limiting the diversity of views.”

On 4 March, President Aleksandar Vučić called parliamentary elections for 26 April. The election process was suspended on 16 March, after a state of emergency was declared in response to the outbreak of the COVID-19 pandemic and resumed on 11 May with a new election date set for 21 June. The elections were held in the context of intense political polarization. Most opposition members of parliament boycotted parliament sessions since early 2019. In September 2019, several opposition parties announced a boycott of the upcoming elections, although some subsequently decided to stand.

The electoral legal framework generally provides a sound basis for the conduct of democratic elections but continues to contain a number of shortcomings. Many previous ODIHR recommendations remain to be addressed, including on election administration, media, campaign finance, dispute resolution and sanctions for electoral violations. Parliament adopted changes to the electoral legislation shortly prior to the elections, including on issues that had not been subject to public consultations held earlier, contrary to international commitments and good practice. Based on the recommendations of a working group composed solely of government officials, several positive measures were introduced, dealing with voter lists, election observers, prevention of misuse of state resources, and the work of the media regulatory body.

Recent changes include lowering the threshold for candidate lists to obtain seats in parliament, and a formula for enhanced representation of national minority lists. While the amendments allow for easier representation in parliament, several ODIHR SEAM interlocutors argued that these changes were aimed at reducing the effect of the opposition's boycott. The law was amended to provide an explicit

---

<sup>1</sup> The English version of this report is the only official document. An unofficial translation is available in Serbian.

ban on misuse of state resources and was accompanied by a government-run awareness campaign against such practices.

The elections were administered by a two-tiered election administration consisting of the Republic Electoral Commission (REC), and 8,433 Polling Boards (PBs). The REC also created 161 *ad-hoc* Working Bodies to provide a logistical and technical link between the REC and PBs. The REC organized the elections efficiently; election commissions observed by the ODIHR SEAM carried out their duties within legal deadlines. The REC adopted its decisions in a collegial manner in regular sessions open to observers and, broadcast online. However, REC members did not have access to the agenda or to background material prior to sessions that lacked any substantive discussion.

The Unified Voter Register (UVR) is maintained by the Ministry of Public Administration and Local Self-Government (MPALSG), which in 2019 undertook efforts to improve its accuracy. Despite a longstanding ODIHR recommendation, voter lists were not displayed for public scrutiny. Moreover, election authorities are not legally required to publish the number of registered voters by municipality and precinct until two days before election day, which reduces transparency. The REC announced that 6,584,376 voters were on the voter lists for these elections. Longstanding concerns about the accuracy of voter lists and low trust of citizens in their quality remain to be addressed.

The REC registered 21 candidate lists in a generally inclusive manner. Candidate lists had to be supported by at least 10,000 certified signatures of voters. Each voter could support only one list, contrary to international good practice and despite previous ODIHR recommendations. In a positive move to ease candidate registration procedures, following May 2020 legislative amendments, the power to certify supporting signatures was expanded to local authorities, in addition to public notaries and courts. Lists had to comply with a gender quota of at least 40 per cent to be registered.

The election campaign was low-key overall. It was more vibrant in the media, with most contestants also turning to social networks to connect with voters. The campaign centered around the COVID-19 pandemic, with governing parties claiming successful containment of the virus, and opposition accusing the government of misusing the crisis for electoral gain. While peaceful, the campaign featured negative elements, including mutual recriminations. The continued engagement of Mr. Vučić as a head of state and the leader of the Serbian Progressive Party (SNS) afforded him unparalleled public exposure, without clear differentiation of his roles. The blurring of the line between the SNS campaign and media coverage of the president and government, including in response to the COVID-19 crisis, challenged paragraph 5.4 of the 1990 OSCE Copenhagen Document. Reports of pressure on voters, especially public sector employees, featured in the media and were corroborated by reports of citizen observer groups and ODIHR SEAM interlocutors. The practice of using parallel voter lists to track voters on election day gave additional credence to these allegations.

Key prior recommendations by ODIHR and the Council of Europe's Group of States Against Corruption (GRECO) on campaign finance remain unaddressed. The Anti-Corruption Agency (ACA) deployed 120 observers to cross-check information collected against the financial reports to be submitted by the contestants. The absence of interim reporting limited transparency. There is no effective mechanism to identify illegal and unreported income and expenditure, or to verify compliance with bans on income from certain sources. The use of candidates' own funds and third-party campaigning is not regulated. Overall, the campaign finance regulatory framework and its current implementation do not ensure transparency, integrity and accountability of campaign finance, or the effectiveness of oversight.

Most television channels with national coverage and most newspapers promote government policies. The few media outlets offering alternative views provide no effective counterbalance, compromising the diversity of views available to voters in traditional media. Threats, attacks or pressure on

journalists and media outlets, combined with a lack of financial independence, foster self-censorship. Both the Supervisory Board established to monitor the campaign and the Regulatory Authority for Electronic Media (REM) remained passive overall in supervising media conduct. In the final phase of the campaign, the REM acted promptly and banned several election-related advertisements.

There are 23 registered national minorities, and recent amendments provide for increased minority representation in the parliament. The law authorizes the REC to determine a candidate list's eligibility for national minority status but does not provide clear and objective criteria for such a determination. Of the five lists granted national minority status, four won seats in parliament.

Whereas the dispute resolution mechanism is in place for complaints prior to election day, the law falls short of ensuring effective legal redress for complaints on voting and counting, and challenges of election results. The deadlines for filing complaints and rendering decisions are not sufficiently long, contrary to international good practice, and the lack of public hearings affects the transparency and effectiveness of the process. As required by law, decisions on complaints were generally published on the websites of the respective bodies, but not always in a timely manner.

Despite a longstanding ODIHR recommendation, the law does not provide for international and citizen observation, contrary to paragraph 8 of the 1990 OSCE Copenhagen Document. However, the REC accredited citizen and international observers and granted them access to all stages of the election process. The REC accredited each citizen observer for one municipality only, and citizen observer groups were not allowed to accredit additional observers to municipalities where repeat voting took place.

In polling stations visited by the ODIHR SEAM on election day, the voting process appeared to be smooth, and procedures were generally followed. However, the layout of some polling stations did not safeguard the secrecy of the vote, and the setup of polling booths was not always suitable for use by persons with physical disabilities. The ODIHR SEAM observed cases and received credible reports of violations of the campaign silence provisions in favour of the ruling party. From some areas, the ODIHR SEAM received reports of instances of carousel voting, unofficial voter lists maintained by PB members, vote buying, and pressure on voters to vote for certain candidates.

PB results protocols were posted online, albeit with a significant delay. The REC ordered repeat voting for 1 July at 234 polling stations. According to the REC, after election day over 5,000 complaints were filed alleging election-day irregularities. The REC reviewed most complaints during its sessions by merging often dozens or hundreds of complaints into one procedure and issued joint decisions, which raised serious concerns about due process.

This report offers a number of recommendations to support efforts to bring elections in the Republic of Serbia closer in line with OSCE commitments and other international obligations and standards for democratic elections. Priority recommendations relate to the legal framework, voter registration, misuse of administrative resources and abuse of office, pressure on voters, campaign finance, the media, the adjudication of election disputes, and the publication of polling station results protocols. ODIHR stands ready to assist the authorities to further improve the electoral process and to address the recommendations contained in this and previous reports.

## **II. INTRODUCTION AND ACKNOWLEDGMENTS**

Following an invitation from the Republic Electoral Commission of the Republic of Serbia (REC), subsequently renewed by the president of Serbia, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) established a Special Election Assessment Mission (SEAM) on 6 June to

observe the 21 June 2020 parliamentary elections.<sup>2</sup> The mission, led by Ambassador Urszula Gacek, consisted of eight experts drawn from seven OSCE participating States. SEAM members remained in country until 4 July.

The ODIHR SEAM assessed compliance of the election process with OSCE commitments and other international obligations and standards for democratic elections, and domestic legislation. The ODIHR SEAM did not carry out systematic or comprehensive observation of the voting, counting and tabulation proceedings on election day, in line with ODIHR's methodology for election assessment missions. Mission members did, however, visit a limited number of polling stations on election day and on the day of repeat elections. This final report follows a Statement of Preliminary Findings and Conclusions which was released on 22 June 2020.

The ODIHR SEAM wishes to thank the authorities of the Republic of Serbia for their invitation to observe the elections, and the Republic Electoral Commission and the Ministry of Foreign Affairs for their assistance. It also expresses appreciation to other state institutions, the judiciary, political parties, media, civil-society organizations, international community representatives, and other interlocutors for their co-operation and for sharing their views.

### III. BACKGROUND AND POLITICAL CONTEXT

Serbia is a parliamentary republic, with legislative power vested in the unicameral National Assembly (parliament) and executive power exercised by the government, led by the prime minister, who is elected by the parliament.<sup>3</sup> The president is the head of state and is directly elected for a five-year term, with a two-term limit.

On 4 March, the president called parliamentary elections for 26 April, in line with constitutional provisions.<sup>4</sup> On 16 March, the election process was suspended when a state of emergency was declared in response to the outbreak of the COVID-19 pandemic. The state of emergency was lifted on 6 May, and the election process resumed on 11 May, with a new election date set for 21 June. Some opposition parties contested the initial absence of parliamentary assent to declare the state of

emergency and questioned the inclusiveness of the decision-making process that set the new election date, arguing for a further postponement of voting on grounds of public health concerns.<sup>5</sup>

The elections were held in the context of intense political polarization and increasingly rigid partisanship. Most opposition members of parliament (MPs) boycotted parliament sessions since early

---

<sup>2</sup> The Needs Assessment Mission (NAM) conducted from 12 to 15 November 2019 recommended deployment of an Election Observation Mission (EOM) for the forthcoming parliamentary elections. However, conditions imposed by the COVID-19 pandemic became a limiting factor for ODIHR to deploy EOM in line with the NAM recommendation. See previous [ODIHR election reports on Serbia](#).

<sup>3</sup> The following parties and coalitions entered parliament following the 2016 early parliamentary elections: the coalition led by the SNS – 131 seats, the coalition led by the Socialist Party of Serbia (SPS) – 29 seats, the Serbian Radical Party (SRS) – 22 seats, the coalition led by the Democratic Party (DS) – 16 seats, the Movement “Enough is Enough” – 16 seats, the coalition of “Doors” and the Democratic Party of Serbia – 13 seats, the coalition of the Liberal Democratic Party of Serbia (LDP), the Social Democratic Party and the League of Social Democrats of Vojvodina (LSV) – 13 seats. The remaining ten seats were won by five lists representing national minorities.

<sup>4</sup> Concurrently, provincial elections were held in Vojvodina, and municipal elections for mayors and municipal councils took place in the large majority of municipalities.

<sup>5</sup> Parliament voted on the measure introducing the state of emergency only on 29 April. According to the Constitution, a state of emergency must be declared with the support of the majority of MPs, unless they are unable to meet. In such a case, the president together with the prime minister and the speaker of parliament may enact it and seek parliamentary approval within 48 hours, or as soon as possible thereafter.

2019, citing persistent breaches of parliamentary procedure and absence of a meaningful legislative debate, scrutiny and oversight of the executive.<sup>6</sup> Later, opposition MPs withdrew from efforts to foster dialogue among different political factions, initially facilitated by civil society and the academe, and later mediated by the European Parliament.<sup>7</sup> The 2019 European Commission Progress Report on Serbia concluded that “there is an urgent need to create space for genuine cross-party debate and conditions for the opposition to participate meaningfully in the parliament. The role of independent bodies needs to be urgently guaranteed and supported.”<sup>8</sup>

In September 2019, several opposition parties announced that they would boycott the upcoming elections, although some subsequently decided to stand.<sup>9</sup> Protests denouncing democratic backsliding and the opposition’s lack of access to the main media, gave way to peaceful demonstrations of civic dissatisfaction during the state of emergency.<sup>10</sup> They were met with counter-protests that some ODIHR SEAM interlocutors described as intimidating and further deepening political confrontation ahead of the elections.<sup>11</sup>

While women enjoy considerable representation in political life – the prime minister, governor of the national bank, speaker of parliament and 93 (37 per cent) of outgoing MPs were women – the increase of the quota for the underrepresented gender to 40 per cent on candidate lists is a welcome step to further enhance women’s participation. However, women are less visible at the local level or in party leadership positions.<sup>12</sup>

#### IV. ELECTORAL SYSTEM AND LEGAL FRAMEWORK

The 250 members of the National Assembly are elected for a four-year term through a proportional system with closed candidate lists, in a single nationwide constituency. The threshold for candidate lists to participate in the distribution of mandates was lowered from five to three per cent of votes cast, less than three months prior to the originally scheduled election day. Lists representing national minorities are exempted from this threshold requirement.

Parliamentary elections are regulated by the 2006 Constitution, the 2000 Law on Election of Members of the Parliament (election law, last amended in 2020), the 2009 Law on the Unified Voter Register (LUVR), the 2011 Law on Financing Political Activities (LFPA, last amended in 2019), and the 2000

---

<sup>6</sup> In 2019, parliament considered only two legislative proposals for voting tabled by members outside the majority. More than half of the laws were adopted by urgent procedure.

<sup>7</sup> Roundtable discussions on conditions for democratic elections were held under the auspices of the Open Society Foundation and the Faculty of Political Science at the University of Belgrade in mid-2019. The European Parliament mediated cross-party talks that took place in October, November and December 2019.

<sup>8</sup> See the [2019 European Commission Progress Report on Serbia](#).

<sup>9</sup> Parties that boycotted the elections included the Democratic Party (Alliance for Serbia), the People’s Party (Alliance for Serbia), the Party of Freedom and Justice (SSP), the Serbian Movement “Doors”, and the Social Democratic Party. The New Party and the Movement of Free Citizens decided to stand after they had first announced an intention to join the boycott. The latter two cited the experience of seeing the country governed without parliament during the state of emergency, while others pointed to the lowered representation threshold, as reasons for reversal of the decision to boycott.

<sup>10</sup> As part of the ‘Noise Against Dictatorship’ initiative started by the “Do Not Let Belgrade D(r)own” civic association and endorsed by most opposition parties.

<sup>11</sup> Groups of youths described in some media as ‘football hooligans’ amassed atop of residential buildings in Belgrade and other cities during the pandemic lockdown, throwing flares and chanting anti-opposition slogans.

<sup>12</sup> According to a 2017 [report](#) by the Commissioner for the Protection of Equality, women headed only 12 municipalities.

Law on the Anti-Corruption Agency (LACA, last amended in 2020).<sup>13</sup> The legal framework is supplemented by the REC Rules of Procedure, regulations, instructions and decisions.

The legal framework generally provides a sound basis for the conduct of democratic elections. However, many previous ODIHR recommendations remain to be addressed, including on election administration, media, campaign finance, dispute resolution and sanctions for electoral violations. Key shortcomings include lack of clarity of some of candidate registration rules, insufficient measures against the misuse of administrative resources for campaigning, inadequate regulation and oversight of campaign finance, deficiencies and loopholes in dispute resolution, absence of sanctions for some violations, and the lack of provisions on election observation.

In August 2019, a working group composed of government officials was established to address prior ODIHR recommendations.<sup>14</sup> In parallel, public consultations on electoral reform were held. The opposition took part in the initial meetings, but was not present at a later stage. In December 2019 as well as in February, March and May 2020, parliament adopted changes to several election-related laws.<sup>15</sup> The changes, including lowering the electoral threshold, were introduced shortly prior to these elections and included issues that had not been subject to public consultations held earlier, contrary to international commitments and good practice.<sup>16</sup>

*In line with international commitments, legal changes should be adopted following public consultations. Fundamental aspects of the election should not be changed within a year prior to an election.*

In addition, the government issued instructions and recommendations to various state agencies, dealing with voter registration, and on post-election inspection of the voter list by voters, election observation, misuse of state resources, and the work of the media regulatory body. These were not publicly available. For instance, the government recommended that the REC issue instructions prescribing the right of voters to inspect the voter register after election day, and the right of citizen and international observers to observe the election process. While many of these measures were positive, their introduction by government instructions and recommendations, rather than through amendments to laws, raised concerns about legal certainty.<sup>17</sup>

*To ensure legal certainty, substantial regulations should be included primarily in laws, adopted by parliament, while only technical matters and details should be regulated by secondary legislation, including instructions of the Republic Electoral Commission (REC).*

---

<sup>13</sup> Relevant provisions are also included in the Criminal Code and in the Law on Administrative Disputes, on Free Access to Information of Public Importance, on Personal Data Protection, and on Public Gatherings.

<sup>14</sup> The working group “on cooperation with OSCE and ODIHR in coordinating and monitoring the implementation of recommendations for improving the election process” was headed by the Minister of Interior and composed of leading members of the executive.

<sup>15</sup> Amendments were made to the LACA, the LFPA, the Law on Public Enterprises, and the Law on Prevention of Corruption on 13 December 2019; to the election law on 8 February and 10 May 2020, to the local election law on 16 March and 10 May 2020, and to the Code of Conduct for Civil Servants on 8 November 2019 and 16 March 2020.

<sup>16</sup> Paragraph 5.8 of the [1990 OSCE Copenhagen Document](#) states that “legislation, adopted at the end of a public procedure, and regulations will be published, that being the condition for their applicability. Those texts will be accessible to everyone.” According to Section II.2.b of the 2002 Venice Commission [Code of Good Practice in Electoral Matters \(Code of Good Practice\)](#), “[t]he fundamental elements of electoral law, in particular the electoral system proper, membership of electoral commissions and the drawing of constituency boundaries, should not be open to amendment less than one year before an election, or should be written in the constitution or at a level higher than ordinary law.”

<sup>17</sup> See Section II.2.a of the [Code of Good Practice](#): “Apart from rules on technical matters and detail – which may be included in regulations of the executive – rules of electoral law must have at least the rank of a statute.”



The February 2020 legal amendments that were not subject to public consultations, included the lowering of the threshold for candidate lists to obtain seats in parliament, and a formula for enhanced representation of national minority lists (see Section XI, Participation of National Minorities). While these amendments allow for easier representation in parliament, several ODIHR SEAM interlocutors argued that such pluralism would not be genuine and that these changes were aimed at reducing the effect of the opposition boycott of the elections and could increase fragmentation of the political scene. Recent amendments also provided an explicit ban and additional clarifications on misuse of state resources and were accompanied by a government-run awareness campaign against such practices. These amendments enjoyed broad political support. Nevertheless, many ODIHR SEAM interlocutors raised concerns about insufficient implementation and persisting undue use of advantages of incumbency (see Section VIII, Campaign Environment).

## V. ELECTION ADMINISTRATION

According to the law, parliamentary elections are administered by a two-tiered election administration consisting of the REC and 8,433 Polling Boards (PBs).<sup>18</sup> While the law does not provide for intermediate-level election commissions, the REC created 161 *ad-hoc* Working Bodies (WBs) in all municipalities to provide a logistical and technical link between the REC and the PBs. The role and responsibilities of the WBs included collecting and consolidating proposals for the permanent and extended compositions of PBs, providing operational support to PBs, delivering and retrieving the electoral material, and scanning and submitting PB results protocols to the REC on election day.<sup>19</sup> As previously recommended by ODIHR, the important role of WBs underlines the need to establish by law an intermediate level of the election administration for parliamentary elections.

*Consideration should be given to establishing all levels of the election administration by law, and clearly define their role and responsibilities.*

The REC has overall responsibility to administer parliamentary elections, which includes technical preparations; registration of candidate lists, appointment of members of lower-level election-administration bodies, adjudication of complaints, and the tabulation and announcement of election results. The president, the vice president, the 16 permanent members of the REC and their substitutes were appointed for a four-year term in August 2016 by the political parties represented in the then-newly elected parliament.<sup>20</sup> Following the registration of candidate lists, each of the 21 registered candidate lists nominated one member and one substitute member to the REC. The extended composition of the REC comprised 38 voting members and their respective substitutes, including a total of 29 women.

---

<sup>18</sup> A total of 107 polling stations were established for military personnel, 29 for voters in detention facilities and prisons, and 40 for voters abroad. The REC finalized the list of polling stations three days prior to election day, adding 50 PBs to the previously set up 90 PBs in Kosovo, and cancelling voting in three polling stations abroad. The changes were attributed to security concerns and limitations imposed by the COVID-19 pandemic. All references to Kosovo, whether to the territory, institutions or population, in this text should be understood in full compliance with [United Nations Security Council Resolution 1244](#).

<sup>19</sup> WBs were headed by co-ordinators nominated from the ranks of municipal administrations. 82 of the 161 co-ordinators were women. WB members were appointed by the parliamentary parties, in proportion to their representation in the National Assembly.

<sup>20</sup> By law, a secretary, deputy secretary and representative of the Republic Statistical Office (RSO) were also nominated as non-voting REC members. Each REC member has a substitute, who enjoys equal authority as a member, and the right to vote in the absence of the respective REC member. Of the 34 voting members appointed in 2016, 28 were still serving during the 2020 elections. The representation of parliamentary parties in the permanent membership of the REC remained unchanged, with the exception of the member appointed by the “Enough is Enough” movement, who was replaced by a representative of the “Party of Modern Serbia.”

The REC appointed its members and substitute members as field co-ordinators in 26 districts, to liaise with the WBs. Their responsibilities included supervising the delivery and retrieval of the election material and proposing draft decisions on PB protocols with omissions after election day to REC members. In the absence of a secretariat of its own, the REC relied on the National Assembly Service for administrative and technical support.

The REC adopted its decisions in a collegial manner, during regular sessions that were open to observers and, positively, were broadcast online. To have a quorum, more than half of the members had to be present; decisions were taken by the majority of all members. Contrary to the REC Rules of Procedure, invitations to sessions observed by the ODIHR SEAM were sent only a few hours in advance, and members did not have access to the agenda or to the respective background material prior to REC sessions.<sup>21</sup> Sessions routinely took place in late-night hours and lacked substantive discussion.<sup>22</sup> Some REC members assessed that these arrangements posed a serious limitation to the decision-making capacity. Due to the worsening pandemic situation, starting from 30 June, the REC introduced electronic meetings instead of in-person sessions. The agenda, the draft decisions and the background material were sent to members and substitute members by email. Members had three hours to make written remarks and vote by email, without any opportunity for debate.

*In order to enhance the capacity of the REC and to ensure the ability of its members to make informed decisions, all members should be provided with timely and comprehensive information about the agenda of upcoming sessions, including all relevant background material, ensuring the possibility of substantive discussion in all circumstances.*

The REC issued instructions and decisions to provide a framework for issues that were not or insufficiently regulated by law, including on the criteria for appointment of PB members, formation and duties of WBs, additional criteria to invalidate PS results, and the roles and responsibilities of citizen and international observers. Positively, for these elections the REC also produced, distributed and published improved training and information material to PBs, WBs, voters, and observers.

The PBs, appointed by the REC, also operated under both a permanent and an extended composition. Members of the permanent composition, appointed 10 days prior to election day, were proposed by parliamentary factions, in proportion to their representation in the National Assembly. The permanent PB membership consisted of a chairperson and two members. Duties of the PB included conducting voting at the polling station; ensuring the regularity and the secrecy of the vote; and establishing the voting results at the polling station. Five days before election day, the composition of PBs was extended to include contestants' representatives. Each PB member had a substitute. The REC did not publish aggregated data on the number of PB members and the gender composition of PBs.

The REC organized the elections efficiently; all election commissions observed by the ODIHR SEAM carried out their duties within legal deadlines, despite the tight timeframe. However, some REC decisions, including on the registration of candidate lists and the granting of national-minority status to candidate lists, were arbitrary.<sup>23</sup> The political appointment of the permanent REC membership remained a concern for some representatives of candidate lists and civil society.

---

<sup>21</sup> Article 15 of the REC Rules of Procedure stipulates that, with certain exceptions, invitations to sessions should be sent “no later than two days before the day set for the sitting,” and “together with the convocation, members ... shall be provided with the material prepared for the items on the draft agenda.”

<sup>22</sup> Between 5 March and 29 June, 23 of the 48 in-person REC sessions started between 21:00 and 03:00 hrs., including five that started after midnight.

<sup>23</sup> The REC's initial rejection of the candidate list of “Levijatan Movement – I Live for Serbia” and the rejection of the national minority status of the Russian Party.

## VI. VOTER REGISTRATION

The right to vote is granted to all citizens who have reached 18 years of age by election day and have permanent residence, except those who were deprived of legal capacity by a court decision.<sup>24</sup> Disenfranchisement on the basis of psychosocial or intellectual disability is contrary to international standards and remains unaddressed despite a prior ODIHR recommendation.<sup>25</sup>

*The legislation should be harmonized with the objectives of the UN Convention on the Rights of Persons with Disabilities, by removing all restrictions on voting rights on the basis of intellectual or psychosocial disability.*

Voter registration is passive. The Unified Voter Register (UVR) is an electronic database maintained by the Ministry of Public Administration and Local Self-Government (MPALSG). It is updated continuously based on municipal records, input provided by other state institutions, and voters' requests for corrections. The UVR closes for changes 15 days before election day. Beyond this, modifications may be requested directly with the MPALSG, until 72 hours before election day.

Until 30 May, voters could request to vote according to any place of residence or abroad.<sup>26</sup> Internally displaced persons (IDPs) vote according to their place of temporary residence.<sup>27</sup> Special voter lists were compiled for military voters, detainees and prisoners.<sup>28</sup> In general, ODIHR SEAM interlocutors did not raise concerns about the inclusiveness of the voter lists or voters' access to ID documents, including in relation to vulnerable groups.<sup>29</sup> However, widespread and longstanding concerns that the voter lists contain numerous entries of deceased persons and voters living abroad diminish the trust in the accuracy of voter lists.<sup>30</sup>

A total of 6,584,376 voters were registered to vote in these elections, which is two per cent less than in the last national election (the 2017 presidential election). In 2019 the MPALSG undertook efforts to remove obsolete and duplicate entries, including through cross-checks with municipal records, which increased the accuracy of the UVR and led to a reduction in the number of voters.<sup>31</sup> Following administrative action undertaken by the Ministry of Interior (MoI) on verification of the accuracy of residential addresses, some were 'deactivated' and these citizens were therefore removed from the UVR.<sup>32</sup>

---

<sup>24</sup> The law defines procedures for partial or complete deprivation of legal capacity. When deciding on a partial deprivation, a judge may, but is not required to, decide on retention of the right to vote.

<sup>25</sup> See Articles 12 and 29 of the 2006 [UN Convention on the Rights of Persons with Disabilities](#) (CRPD). See also Paragraph 9.4 of the 2013 CRPD Committee's [Communication No. 4/2011](#), which states that "Article 29 does not foresee any reasonable restriction or exception for any group of persons with disabilities. Therefore, an exclusion of the right to vote on the basis of a perceived or actual psychosocial or intellectual disability, including a restriction pursuant to an individualized assessment, constitutes discrimination on the basis of disability, within the meaning of article 2 of the Convention".

<sup>26</sup> A total of 13,251 voters were registered to vote in 40 polling stations abroad.

<sup>27</sup> By law, IDPs and other persons who are registered according to a temporary residence must extend this registration every two years. Officially, in June 2020, there were 196,995 persons with an IDP status.

<sup>28</sup> Some 8,646 detainees and prisoners were registered to vote.

<sup>29</sup> Homeless persons and those residing in informal settlements are registered at addresses of social welfare centers.

<sup>30</sup> A [research](#) commissioned by the Center for Research, Transparency and Accountability (CRTA) in 2018 and acknowledged by the government shows that 31 per cent of citizens think that voter lists are inaccurate due to administrative errors, and 28 per cent believe that they are inaccurate due to intended electoral malfeasance.

<sup>31</sup> According to the MPALSG, digitalization of all source registers was completed by 1 January 2019.

<sup>32</sup> The election law requires that citizens have a residential address in Serbia to be included in the voter list. The Law on Permanent and Temporary Residence provides for the possibility of deactivation of citizens' residential addresses by the MoI based on requests of courts of other state administration bodies, in case police determine that the address is inaccurately reported or recorded. In such cases, the citizen must report the current place of residence within eight days. If the citizen fails to do so, the MoI determines another address following a prescribed procedure with no legal deadline.

While the law does not foresee the possibility of permanent loss of residence unless requested by citizens permanently residing abroad, some civil-society interlocutors raised concerns that a number of voter list entries were removed through this process. The MPALSG acknowledged this as a possibility but could not elaborate further as MoI does not provide detailed reasoning for removal of UVR entries.

Positively, the MPALSG organized an information campaign to explain how voter lists are updated and published a comprehensive handbook detailing the process of UVR maintenance. However, the MPALSG did not provide disaggregated data on UVR updates, and the total number of voters was announced by the REC and published 15 days before election day, as required by law. Moreover, the number of voters registered per municipality and precinct was made publicly available only two days before election day.<sup>33</sup> The lack of timely availability of data on the voter lists and their updates reduced overall transparency.

*To increase the transparency of voter registration and confidence in the voter list, the authorities could consider periodical publishing of voter registration data, disaggregated by different types of updates, and the number of voters registered per municipality.*

Voters can check their personal data on the MPALSG website and upon request at municipalities.<sup>34</sup> While the LUVR stipulates that voter lists are displayed for familiarization by municipal administrations, the MPALSG instruction narrowly defines this as a possibility for individual checking of records using one's personal identification number. This interpretation is in line with the Law on Personal Data Protection but contradicts provisions of the LUVR. The lack of possibility for public scrutiny is at odds with good practice and contributes to stakeholders' distrust in the accuracy of voter lists.<sup>35</sup>

*Voter lists should be made available for public scrutiny. The laws on the Unified Voter Register and on Personal Data Protection should be harmonized and should detail the scope of personal data of voters made public, and the secure and lawful access to these data.*

In September 2019, the MPALSG established a working group, with the participation of civil-society organizations, to conduct an audit of the UVR. However, this process was delayed, partly due to legal requirements on personal data privacy.<sup>36</sup> The mandate of the working group expired at the end of 2019, but the MPALSG stated its willingness to resume the process following the elections.

*To address concerns over the accuracy of voter lists, the authorities should conduct an audit of the Unified Voter Register as soon as practically possible.*

For the first time, to address concerns over the possible misuse of voter list entries on election day, voters could check with the REC if their voter list entries had been marked and signed, either by receiving information electronically or by checking in person on the REC premises. While the REC informed the ODIHR SEAM that it will not set a cut-off date for receiving such requests, it also did not respond expediently to requests it received. The REC informed the ODIHR SEAM that all

---

<sup>33</sup> Some election stakeholders informed the ODIHR SEAM that they received these data by submitting individual information requests to municipal administrations, based on the Law on Free Access to Information of Public Importance. Under this law, institutions have 15 days to respond to such requests.

<sup>34</sup> In June 2020, 392,627 voters checked their entries online, including 101,537 on election day.

<sup>35</sup> Section I.1.2.iii of the [Code of Good Practice](#) provides that "electoral registers must be published."

<sup>36</sup> According to the Law on Personal Data Protection, any institution handling personal data of citizens must assess how the citizens' personal data is handled in terms of privacy and seek an opinion of the Commissioner for Information of Public Importance and Protection of Personal Data.

requests were addressed but could not provide information on how many such requests had been received.

## VII. CANDIDATE REGISTRATION

Every voter has the right to stand for election. Candidate lists may be submitted by political parties, coalitions of parties, and groups of at least ten eligible voters. The candidate registration period started on 4 March and ended on 5 June but was interrupted by the state of emergency between 15 March and 11 May. Among other requirements, requests to the REC to register a candidate list had to be accompanied by at least 10,000 certified signatures from voters. Each voter could support only one candidate list, despite previous ODIHR recommendation. This practice may limit political pluralism and freedom of association and is contrary to international good practice.<sup>37</sup>

*To make the candidate registration process more inclusive, consideration could be given to lifting the restriction that voters may support only one candidate list.*

A legislative amendment that took effect on 10 May expanded the power to certify supporting signatures to local authorities, in addition to public notaries and courts, to reduce their workload during the pandemic. The certification fee of RSD 50 (around EUR 0.42) per signature, payable by the submitter of the candidate list, was considered excessive by some contestant representatives.

Requests to register candidate lists were assessed by the REC. In a subsequent step, the MPALSG checked the validity of the supporting signatures against the UVR. The REC established that the number of supporting signatures submitted by eight candidate lists dropped below the required number following the verification of the validity of the signatures, and ordered the submitters to collect the missing signatures within 48 hours.<sup>38</sup> Any candidate list may be withdrawn upon the submitter's request prior to the establishment of the final candidate list by the REC. The withdrawal of individual candidates from registered lists is not regulated by the legal framework.

The law requires a gender quota of at least 40 per cent as a prerequisite for registration of a list, with at least two out of every five candidates on a candidate list being from the less represented gender. All candidate lists fulfilled this requirement. The REC registered 21 candidate lists with a total of 3,419 candidates in a generally inclusive manner.<sup>39</sup> Two candidate lists were headed by women.

---

<sup>37</sup> Paragraph 77 of the [2010 ODIHR and Venice Commission Guidelines on Political Party Regulation](#) recommends that “in order to enhance pluralism and freedom of association, legislation should not limit a citizen to signing a supporting list of only one party. Such a limitation is too easily abused and can lead to the disqualification of parties who in good faith believed they had fulfilled the requirements for registration.”

<sup>38</sup> The REC registered all candidate lists that submitted the missing signatures within the deadline. However, the REC initially voted against the registration of the list “Levijatan Movement – I Live for Serbia” which provided the REC with the 3,085 missing valid supporting signatures within 48 hours, questioning that these had been collected without any undue third-party aid. Following to the submitter's appeal to the REC, the candidate list was registered.

<sup>39</sup> The REC initially registered the list of “Brave – Milica Đurđević Stamenkovski – Serbian Party ‘Zavetnici’”, but upon a complaint filed by a citizen that the name of the list did not meet legal requirements, the Administrative Court requested resubmission of the complete supporting documentation within 48 hours, including recollection of the 10,000 supporting signatures under an amended name. The party withdrew its request for registration, and one week later resubmitted a new request under the name “Milica Đurđević Stamenkovski – Serbian Party ‘Zavetnici’”, which was registered by the REC.

## VIII. CAMPAIGN ENVIRONMENT

The official campaign period began on 4 March, but contestants could start campaigning only after their candidate list was registered. The campaign was suspended during the state of emergency. Overall, the campaign was low-key. Most contestants opted not to organize mass rallies in light of ongoing health concerns. The ruling SNS held smaller meetings with voters, including ‘virtual rallies’ over the Internet, while its coalition partner, the Socialist Party of Serbia (SPS), maintained a schedule of well-attended events. Postal mailings, door-to-door visits, text messages and telemarketing strategies were used to attract voters throughout the campaign, including on election day. Concerns were voiced about the intrusive nature of some of these methods and about the use of private data, including held by the majority state-owned telecom operator, for the benefit of the governing party.

The campaign was more vibrant in media and social networks, with most contestants turning to Facebook and Twitter to connect with voters. The absence of regulations concerning third-party campaigning, especially online, had a negative effect on voters’ ability to make an informed choice.<sup>40</sup> The lack of transparency was compounded by limited disclosure of campaign spending, provided by international social network companies, such as Facebook. In April, Twitter announced that it had deleted more than 8,500 accounts engaged in “inauthentic coordinated activity” to criticize the opposition and “promote Serbia’s ruling party and its leader.”<sup>41</sup>

The campaign was peaceful, but featured some negative elements, including mutual recriminations. It centered around the COVID-19 pandemic, with the governing parties campaigning on claims of successful containment of the virus, and the opposition accusing the government of misusing the crisis for electoral gain.<sup>42</sup> The boycotting parties sought to reframe the campaign and elections in general as a choice between granting and denying legitimacy to the process.<sup>43</sup> The status of Kosovo, foreign policy, as well as issues of corruption and the economy also featured as campaign topics. Issues of women’s participation and specific concerns of women voters did not feature in the campaign.<sup>44</sup>

Combining the roles of the president and leader of the ruling party, Mr. Vučić featured prominently in the campaign.<sup>45</sup> His continued engagement as the head of state afforded him unparalleled public

---

<sup>40</sup> Some ODIHR SEAM interlocutors suggested that third-party advertisements aimed to create fake perception of wider grassroots support.

<sup>41</sup> See Twitter Safety [statement](#).

<sup>42</sup> Numerous stakeholders criticized the decision to hold elections due to the epidemiological situation, and saw the decision on holding two football matches with spectators in Belgrade during the election campaign benefiting the ruling party.

<sup>43</sup> The SSP issued a statement calling on citizens to abstain from voting and stressing that the real choice is not between options on the ballot, but between participation, which legitimizes the government’s win, and the boycotting opposition. The party’s leader announced the creation of a ‘shadow parliament’ and was repeatedly on record referring to the elections as a ‘hoax vote’. The leader of the political party Serbian Movement ‘Doors’ called on the opposition that decided to participate to withdraw their candidates, so as not to “violate the constitution and create a semblance of democracy.” A video message advocating the boycott that aired on *NI TV* was banned by the Regulatory Authority for Electronic Media (REM).

<sup>44</sup> Ten women’s organizations signed the [appeal](#), citing a disproportionate level of poverty among women, and calling on contestants to pay more attention to measures to enhance the quality of life of women.

<sup>45</sup> The party’s name and visual identity were side-lined in favour of Mr. Vučić, who actively participated in the campaign and whose own name was adopted in the bearer of the electoral list.

exposure, without clear differentiation of his roles.<sup>46</sup> This was most visible during the state of emergency, when, as the official campaign was suspended, the president and government officials held regular briefings, including on measures to sustain livelihoods and employment, which at times took on the form of tacit campaigning.<sup>47</sup> The blurring of the line between the campaign of the ruling party that put Mr. Vučić at its core and the media coverage of the president and government's activities, including responses to the COVID-19 crisis, challenged paragraph 5.4 of the 1990 OSCE Copenhagen Document.<sup>48</sup> The institutions responsible for monitoring the compliance with the campaign regulations, such as the Anti-Corruption Agency (ACA), did not effectively responded to issues and allegations of misuse of office and state resources.<sup>49</sup>

*Authorities should undertake measures to prevent misuse of office and state resources. The monitoring of compliance should be effective, and sanctions imposed should be proportionate and dissuasive.*

The ODIHR SEAM received numerous reports of pressure on voters or undue enticement to support the ruling party. Despite existing prohibitions in the legal framework and new measures introduced in February 2020, reports of pressure on public-sector employees featured in the media and were corroborated by reports of citizen observer groups as well as several ODIHR SEAM interlocutors. The practice of using parallel voter lists to track voters who have yet to cast their ballots on election day, as also observed directly by the ODIHR SEAM, gave credence to allegations that voters faced pressure to turn out until the closing of polls, which is at odds with Paragraph 7.7 of the 1990 OSCE Copenhagen Document.<sup>50</sup>

*Authorities should undertake measures to prevent pressure on voters, including employees of state or state-affiliated institutions and enterprises. Cases of alleged duress must be thoroughly investigated and individuals responsible brought to account.*

## IX. CAMPAIGN FINANCE

Campaign finance is regulated by the LFPA, the ACA law, the election law and the ACA rulebook. Key prior recommendations by ODIHR and the Council of Europe's Group of States Against Corruption (GRECO) on campaign finance remain unaddressed, including introducing lower donation limits; an expenditure ceiling; financial reporting and disclosure prior to election day; as well as

---

<sup>46</sup> Throughout the campaign period, the president and some public officials used their office to highlight the governing party's achievements on opening of infrastructure projects or delivering hospital equipment. On 12 June, the president encouraged voters to vote for the list bearing his name while discussing official business during a televised interview; on 12 June, the mayor of Zaječar used a campaign slogan when announcing major waterworks; and on 10 June, in the village of Kukulovce, both the mayor of Leskovac municipality and the director of a public road construction company announced roadworks while campaigning.

<sup>47</sup> For instance, the country's pensioners received a letter signed by Mr. Vučić in his capacity as party leader stating that they would receive a EUR 100 grant, shortly after he informed the public, in his role as president, about the measure through a widely televised address. The EUR 100 grant was paid out automatically to close to 1.9 million pensioners and welfare recipients, while another 4.3 million citizens had to apply for it.

<sup>48</sup> Paragraph 5.4 of the [1990 OSCE Copenhagen Document](#) provides that participating States will maintain "a clear separation between the State and political parties; in particular, parties will not be merged with the State."

<sup>49</sup> See ODIHR and Venice Commission [2016 Joint Guidelines for Preventing and Responding to the Misuse of Administrative Resources During Electoral Processes](#).

<sup>50</sup> Paragraph 7.7 of the [1990 OSCE Copenhagen Document](#) stipulates that participating States "ensure that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views and qualifications, or prevents the voters from learning and discussing them or from casting their vote free of fear of retribution."

proportionate and dissuasive sanctions. Overall, the current regulatory framework, as implemented, does not ensure transparency, integrity and accountability of campaign finances.

*To enhance the transparency of campaign finances, previous ODIHR and GRECO recommendations should be addressed, including lowering donation limits, and introducing requirements to submit and publish financial reports prior to election day.*

## A. INCOME AND EXPENDITURE

Political parties represented in parliament receive annual public funding.<sup>51</sup> Additional public funding totalling RSD 745 million (around EUR 6.34 million) was allocated for election campaigns to contestants, provided that they had paid an electoral bond prescribed by law.<sup>52</sup> Of this amount, 20 per cent was allocated as an advance payment, equally to all contestants, prior to election day. While 20 of the 21 contestants applied for the advance payment, it was allocated only to the 18 contestants who had paid the electoral bond, in line with the law. Each contestant received RSD 7.45 million (around EUR 63,400). The remaining 80 per cent (SRD 610 million; around EUR 5.19 million) has to be allocated within five days after the proclamation of the final election results proportionally to the number of seats won. Contestants who fail to obtain one per cent of votes cast (0.2 per cent for minority lists) must refund the advance payment.

Contestants may also receive funding from private sources, as well as loans. An individual may donate up to approximately RSD 1.1 million (EUR 9,350) annually, whereas a legal entity may donate up to RSD 11 million (EUR 93,500); these limits are doubled in an election year.<sup>53</sup> Donation limits remain high and allow for undue impact of financial interests on political agendas. Notwithstanding, in past elections parties indicated that only some three per cent of their income originated from private sources.<sup>54</sup> The law prescribes bans on income from certain sources, including companies with public procurement contracts. However, there is no effective mechanism for verifying compliance with these bans due to limited powers of the ACA.<sup>55</sup> The use of candidates' own funds and third-party campaigning are not regulated by law, allowing for possible circumvention of the rules.

A party may have more than one bank account but linked with the same tax identification number. However, contestants must open and use only one bank account dedicated to campaign income and expenditure. For these elections, all donations over RSD 54,571 (EUR 464) had to be received by bank transfer, whereas donations below this amount could be received in cash but had to be deposited to the campaign account within five days of receipt. Donations exceeding the limit or from impermissible sources have to be returned by the beneficiary party to the donor or transferred by the beneficiary to the state budget if the donor is anonymous. In addition, contestants may transfer funds from their regular party accounts to their campaign fund, without revealing the origins of such funds in their campaign finance reports. Contrary to prior ODIHR and GRECO recommendations, there is no campaign spending limit. This undermines the equality of opportunity of contestants and allows for overspending, which may potentially have an undue impact on the will of voters. Moreover, there is

---

<sup>51</sup> In 2019, the total annual party funding was some RSD 1,035 billion (some EUR 8.8 million).

<sup>52</sup> A contestant wishing to use public funds for campaigning must deposit a bond of the same amount with the Ministry of Finance. Contestants who fail to obtain one per cent of votes cast (or 0.2 per cent for minority lists) must refund the advance payment.

<sup>53</sup> The annual donation limit is 20 and 200 average monthly salaries for individuals and for legal entities, respectively (40 and 400 average monthly salaries in an election year). The net average salary in May 2020 amounted to RSD 54,571 (approximately EUR 464).

<sup>54</sup> For instance, according to [research by Transparency Serbia](#), for the 2016 parliamentary elections, political parties reported that only 3 per cent of their income came from individuals, and 0 per cent from legal entities.

<sup>55</sup> Paragraphs 220 of the [2010 ODIHR and Venice Commission Guidelines on Political Party Regulation](#) refer to good practice that "legislation should grant regulatory agencies the ability to investigate and pursue potential violations".



no legal requirement for imprints on print or electronic campaign materials, which does not allow for traceability of expenditures and for identification of unreported expenditures.

*Consideration could be given to introducing a legal requirement for imprints on all print and digital campaign materials, as well as sanctions for non-compliance and effective enforcement, including confiscation of campaign materials without imprints.*

## **B. REPORTING AND DISCLOSURE**

Contestants are required to submit financial reports to the ACA annually and within 30 days after the final elections results have been established; however, no financial reporting is required before election day. Moreover, there is no legal deadline by which the ACA must publish these financial reports. The ACA only publishes campaign-finance reports months after an election, accompanied by conclusions, which are not mandatory by law. These shortcomings limit transparency and are at odds with international commitments.<sup>56</sup>

*To enhance transparency, the law could be amended to require reporting and disclosure of campaign income and expenditure prior to election day. Consideration could be given to making the ACA conclusions mandatory and to publish them at a later stage.*

## **C. OVERSIGHT AND SANCTIONS**

The ACA is mandated with the oversight of political finance and misuse of state resources. For these elections, it deployed 120 observers across the country to collect data on campaign materials, campaign events and campaigning in the media. The ACA monitors compliance with the regulations only after receiving the financial reports of the contestants, after the elections. It informed the ODIHR SEAM that it plans to cross-check these reports against the reports of ACA observers to identify potential irregularities. The ACA may also request access to the bookkeeping records of the parties and information from banks and other institutions, but it is not obliged to do so.

*Consideration could be given to introducing mechanisms for effective oversight, including mandatory receipt of bank statements that would enable the verification of the accuracy of contestants' campaign finance reports.*

The ACA can issue warnings and initiate misdemeanour or criminal proceedings for possible violations. However, the sanctions prescribed by law are not graduated and allow for inconsistent implementation.<sup>57</sup> The ACA rejected as unsubstantiated most of the 25 complaints received on misuse of state resources and campaign finance irregularities. The ACA issued warnings in four cases.<sup>58</sup>

---

<sup>56</sup> Article 7.3 of the 2003 [United Nations Convention against Corruption](#) provides that states should “consider taking appropriate legislative and administrative measures [...] to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties.”

<sup>57</sup> For instance, the fine for a party receiving income from impermissible sources, misusing state resources, using multiple bank accounts, failing to submit or publish financial reports or to publish donations ranges from RSD 200,000 to RSD 2 million (around EUR 17,000 to 170,000), which is significantly lower than the limit of a single donation. At the same time, a party may be deprived of the annual public funding for the same irregularities. Paragraphs 224-225 of the [2010 ODIHR and Venice Commission Guidelines on Political Party Regulation](#) underline that sanctions against political parties found in violation of the law must at all times be objective, enforceable, effective and proportionate.

<sup>58</sup> Two warnings were issued to the SNS, for an election campaign video broadcast on the official SNS YouTube channel on 10 June, which showed a statement by an employee wearing a uniform of the public electricity company, and a second video featuring a statement by a doctor at a public health institution; one warning to the SPS for an election campaign video recorded in the premises of water supply and heating plants; and one warning to “For a Better Serbia” for an election campaign event held at a primary school in Topola municipality.

*The law should prescribe a graduated system of proportionate and dissuasive sanctions, and irregularities should be sanctioned.*

## X. MEDIA

### A. MEDIA ENVIRONMENT

The media landscape has deteriorated over the past years, and diversity of views in the broadcast media was limited.<sup>59</sup> Television remains the primary source of political information, followed by Internet and daily newspapers. The main television operators broadcasting nationwide are several private channels, and the public service broadcasters Radio Television Serbia (RTS) and Radio Television Vojvodina (RTV).<sup>60</sup> According to ODIHR SEAM interlocutors and relevant civil society reports, private television channels with national coverage and most daily newspapers promote policies of the government. The few private media outlets with alternative and critical views provide no effective counterbalance due to their limited outreach.<sup>61</sup>

In its 2019 report, the European Commission voiced concerns about lack of improvement in the area of freedom of expression and noted cases of threats, intimidation and violence against journalists.<sup>62</sup> Such cases were also reported by various journalists' associations.<sup>63</sup> These incidents combined with a lack of financial independence in the media sector foster self-censorship, especially when the authorities fail to publicly condemn such cases in a prompt manner.

The plethora of media outlets compete for limited advertising revenue.<sup>64</sup> The process of allocation of public funds to media, especially at local level, was criticized by many ODIHR SEAM interlocutors as non-transparent and open to abuse in favour of government-friendly media outlets. Moreover, co-financing of the public media from the state budget makes them vulnerable to political influence.<sup>65</sup>

---

<sup>59</sup> According to Freedom House's [Nations in Transit](#), the rating of independent media has decreased from 4.00 in 2014 to 3.25 in 2020. In Reporters Without Borders's [World Press Freedom Index](#), out of 179 countries Serbia is now ranked 93, as compared to 54 in 2014. The European Commission [Non-paper on the state of play regarding chapters 23 and 24 for Serbia](#) noted unbalanced representation by public broadcasters of the plurality of political views.

<sup>60</sup> The leading private channels are TV Pink, TV B92, TV Prva and Happy TV. The acquisition of two TV channels in 2018 by an entrepreneur linked to the ruling party contributed to monopolization of the media sector. The Kopernikus Corporation, owned by a family member of an official of the ruling party, purchased TV stations *Prva* and *O2* after selling its cable operator company to the state-owned telecommunications company Serbian Telekom.

<sup>61</sup> The daily newspaper *Danas*, and cable news channel *N1* which are considered not to be affiliated with any party offer a diverse range of views, according to media monitoring of various civil society organizations.

<sup>62</sup> The European Commission, [Serbia 2019 Report](#). The European Commission [Non-paper on the state of play regarding chapters 23 and 24 for Serbia](#) noted that hate speech and smear campaigns against journalists continued in the period before the elections originally scheduled for April 2020 and constant refusal of public institutions to publish information continues to hinder the work of journalists.

<sup>63</sup> These included verbal attacks on journalists of *Južne Vesti* from Niš; physical assault on a journalist of *Radio DIR* on election day in Kikinda; a *TV Forum* journalist from Prijepolje was targeted online. On 18 June, a journalist from *Glas Zaječara*, a web portal, was prevented from reporting from a SNS rally. See details of the [case of Ana Lalić](#), a of cable TV *Nova.rs* reporter, who was detained overnight on 1 April for "causing panic and unrest" after she published a story indicating poor working conditions in a hospital in Novi Sad.

<sup>64</sup> According to the Business Registers Agency there are 332 radio and 241 TV channels, 931 daily and periodical newspapers, and 792 Internet portals. According to the Regulatory Authority for Electronic Media (REM) there were 380 valid licenses for terrestrial broadcasting, excluding public broadcasters. [Media Ownership Monitor Serbia](#) estimated the average annual market value of advertising below EUR 200 million.

<sup>65</sup> According to the [2019 RTS report](#), 23 per cent of its total revenue comes from the state budget and 55 per cent from subscription fees.

*The independence of the public broadcasters should be strengthened by securing sufficient and sustainable funding, ultimately eliminating public broadcasters' dependence on the state budget.*

## **B. LEGAL AND REGULATORY FRAMEWORK FOR THE MEDIA**

The election law stipulates basic principles of media coverage, including an obligation for the media to ensure equal reporting about all contestants and the right of citizens to be informed about electoral programmes and activities of contestants. The 2014 Law on Electronic Media (LEM) obliges media to provide free, honest, objective, complete, and timely information. In addition, the 2014 Law on Public Service Broadcasting (LPSB) reiterates coverage-related obligations and requires media to facilitate the free expression of opinions and to advance the public dialogue.

The Supervisory Board (SB) mandated by election law to oversee the media coverage of the campaign, was constituted for the first time since 2000 parliamentary elections.<sup>66</sup> It held six sessions to discuss appeals from civil society organizations and the Regulatory Authority of Electronic Media (REM) media monitoring reports, and issued public statements on the improvement of the process, but took no further actions.<sup>67</sup> Its unclear mandate, as acknowledged by the SB itself, and lack of proactive approach did not allow for meaningful oversight of the media.

The REM is vested with general responsibility to control the operations of media service providers, ensure consistent application of the law, and decide on complaints in connection with their programming activities.<sup>68</sup> On 30 January, the government adopted a media strategy and proclaimed the need to ensure the independence of the REM as its core goal.<sup>69</sup> The REM's media monitoring focused on selected quantitative aspects of the media coverage, giving a overall picture.<sup>70</sup> The REM acted only upon received complaints or appeals, rather than *ex officio*.<sup>71</sup> Its decision making was often unclear and at times lacked sound legal reasoning, and communication with the complainants was insufficient.<sup>72</sup> Shortly before the elections, the REM acted promptly and instructed broadcasters to stop airing some election-related advertisement, including a spot by the ruling party that was in breach of regulations concerning the protection of minors, and another one promoting the election boycott.

*The independence of the Regulatory Authority for Electronic Media (REM) should be strengthened, and its responsibilities during the campaign period should be explicitly defined by law and extended to all aspects of media coverage of elections. The REM should act upon its own initiative, including*

---

<sup>66</sup> Ten members of the SB are appointed by the parliament. Five are proposed by the Government, and five are citizens not affiliated with political parties participating in elections.

<sup>67</sup> These were filed by the Movement for the Restoration of the Kingdom of Serbia, and Transparency Serbia.

<sup>68</sup> In February 2020, the REM issued a rulebook for public broadcasters and in March 2020 a recommendation for private media on coverage of the campaign. These contained a clause on non-discriminatory representation based on the 'the importance of political parties or candidates' without further defining this concept.

<sup>69</sup> The strategy recognises that REM's independence is not fully ensured due to regulatory gaps and improper or lack of application of the existing framework.

<sup>70</sup> The media monitoring reports published by the REM indicate the amounts of time allocated to electoral contestants in specific election programmes. These monitoring reports did not show coverage of other relevant actors such as government officials, coverage of actors in other segments of broadcasts, including in news programmes outside of election chronicles. In the campaign period, the REM received some ten complaints and several inquiries, mainly from civil-society organizations and pertaining to insufficiently regulated political advertising.

<sup>71</sup> According to some ODIHR SEAM interlocutors, the REM decision to ban boycott advertisement aired on *NI TV*, infringed on its sponsors' right to express opinions and impart information, whilst others highlighted concerns about transparency of the largely unregulated domain of political advertising.

<sup>72</sup> Most of the decisions were not published. SEAM interlocutors stated that they filed several cases with the REM related to the campaign in media, but received no response from the REM.

*through timely actions based on systematic monitoring of election coverage and compliance with established regulations.*

### C. MEDIA COVERAGE OF THE CAMPAIGN

The public-service media provided contestants with free airtime and equal access to dedicated election programming, as stipulated by law. Contestants were also able to promote their platforms through paid advertising. The national private broadcast media provided coverage of contestants mainly in the election segments of their news programs; outside these segments, they paid little attention to most contestants.

Several civil-society organizations conducted media monitoring activities during the campaign period, some also during the state of emergency.<sup>73</sup> The reports noted that during the state of emergency, the government and president overwhelmingly dominated the space in the national broadcast media, while other political actors were virtually absent.<sup>74</sup> Overall, their monitoring results indicate that the government benefited from extensive and often positive coverage of its activities, primarily in the private media, and mostly on *Pink TV*. Such coverage was also noted in the public-service media and on their websites, albeit to a much lesser extent. Those promoting a boycott of the elections, according to the monitoring reports by the civil society organizations were largely ignored or criticized in all national channels, including the public-service broadcaster *RTS*.<sup>75</sup> Media representatives met by the ODIHR SEAM, including from public-service media, affirmed that covering the activities of political actors who hold official positions and are also involved in the campaign poses a serious challenge, due to the large number of official events organized during the campaign period and expectations of political actors to receive media coverage.

*To level the playing field, regulation of media coverage of officials who are also candidates could be considered.*

## XI. PARTICIPATION OF NATIONAL MINORITIES

The Constitution guarantees the rights and freedoms of national minorities, including those related to political association, cultural institutions, education and access to information in their own languages, and the rights to elect and to be elected. There are 23 national minorities in Serbia, which have constituted and exercise their rights through their respective National Minority Councils. Out of the 123 political parties listed in the registry administered by the MPALSG, 74 are registered as representing national minorities.

Some electoral information material, such as the voters' guide, was published in 11 languages of national minorities; however, decisions and instructions of the REC were published in Serbian only. Ballots were printed in up to five minority languages in municipalities where one or more national minority languages are officially used.

Following recent legislative amendments, votes cast for candidate lists with national minority status are multiplied by 1.35 to enhance their representation. Recent amendments of the law authorize the REC to determine whether a candidate list's main objective is to represent the interests of the national minority and is therefore eligible for national minority status, but does not provide clear and objective

---

<sup>73</sup> Media monitoring projects focusing on traditional media were conducted by CRTA, the Bureau for Social Research (BIRODI), and the Center for Monitoring Elections and Election Procedures (CPI), and online activities of parties were monitored by the Novi Sad School of Journalism and the SHARE Foundation.

<sup>74</sup> See [statement](#) by CRTA and [statement](#) by BIRODI.

<sup>75</sup> See BIRODI's [report](#) on their media monitoring.

criteria for such determination. While providing for exceptions to the normal seat allocation criteria for parties representing national minorities is in line with good practice, many ODIHR SEAM interlocutors stated that provisions for obtaining national minorities status are often misused for accessing related benefits, including enhanced representation and exemption from the 3 per cent threshold.

Initially, the submitters of six candidate lists applied for national minority status. The REC approved four of these requests and rejected two. An Administrative Court decision reverted one rejection only two days before election day, conferring upon the list of the Russian Party the status of a list representing a national minority.<sup>76</sup>

*Consideration should be given to establishing clear criteria in the law which would allow for the determination of national minority status of candidate lists thus ensuring that special provisions for national minority lists are not abused.*

Eventually, five national minority lists competed in the elections, one representing the Hungarian minority, two representing the Bosniak minority (one with a Macedonian coalition partner), one representing the Albanian minority, and one representing the Russian minority. Out of these, all but the Russian Party won seats in parliament. A total of 19 candidates were elected from lists representing national minorities.

Other candidate lists had within their ranks parties or candidates self-identifying as belonging to national minorities who were elected. The requirement to submit 10,000 supporting signatures in order to register a candidate list is difficult to meet for parties representing national minorities, especially the smaller ones.

## **XII. COMPLAINTS AND APPEALS**

Whereas the dispute resolution mechanism is generally in place for complaints prior to election day, the law falls short of ensuring effective legal redress for complaints on voting, counting and challenges of election results. Moreover, the actual implementation of the dispute resolution process does not fully ensure effectiveness and transparency. The right to seek legal redress is broadly granted to voters, candidates and submitters of candidate lists, in line with good practice. Complaints against REC decisions are filed with the REC itself, which entails a risk of conflict of interest. The law provides for judicial review of REC decisions by the Administrative Court, which has final jurisdiction. The parliament, at its first session, must confirm the terms of office of at least two thirds of the new deputies, a decision subject to review by the Constitutional Court, which must decide within 72 hours.

The deadlines for filing complaints and rendering decisions are not sufficiently long, contrary to international good practice.<sup>77</sup> Namely, complaints must be filed with the REC within 24 hours of the decision or of the irregularity that is the subject of the complaint, and appeals must be filed with the Administrative Court within 48 hours from receipt of the REC decision. The 24-hour deadline for filing complaints does not provide complainants with adequate time to properly substantiate their cases. Both the REC and the court must render decisions within 48 hours. However, the court stated

---

<sup>76</sup> The Russian Party's request for national minority status was rejected twice by the REC, which did not accept the submitter's argument that the party's primary goal is to represent the interests of the Russian minority. The request for national minority status submitted by the Čedomir Jovanović – Coalition for Peace list was rejected as untimely.

<sup>77</sup> Section II.3.3.g of the Venice Commission [Code of Good Practice](#) recommends three to five days each for lodging a complaint and for deciding on it.

that the 48-hour deadline does not provide adequate time for a thorough review of the case to render a final decision and does not allow time for a public hearing, which is not mandatory by law.

*To ensure effective dispute resolution, in line with good practice, the deadlines for filing complaints and for taking decisions by the REC and the Administrative Court could be extended. Deadlines for submission should run from the moment when the irregularity came to the attention of the complainant.*

The lack of public hearings does not provide an opportunity for the parties to present and defend their cases and does not ensure due process.<sup>78</sup> Since REC members received the agenda and documents, including on complaints, at the start of each REC sessions, this did not allow them adequate time to review documents and did not guarantee a substantive discussion. As required by law, decisions on complaints were generally published on the websites of the respective bodies, but not always in a timely manner. The SEC informed ODIHR SEAM that it maintained a complaint register but did not publish it, as it is not required to do so by the law, diminishing transparency.

*To further enhance the transparency of the dispute resolution process, the REC could consider publishing its complaints register on its website in a timely manner.*

Prior to election day, the ODIHR SEAM was made aware of 16 complaints filed to the REC, mostly by contestants and mainly on candidate registration.<sup>79</sup> These were considered by the REC within the legal deadlines, and all but one rejected as inadmissible or unsubstantiated. An additional 2,591 identical complaints were filed by voters to the REC, against the REC decision to resume the election process, citing persisting COVID-19 health risks.<sup>80</sup> All these complaints were denied admissibility for missing the 24-hour deadline, and in four cases unsuccessful appeals were filed to the Administrative Court. The court also heard five additional appeals against REC decisions on candidate registration and overturned two of them, one on denial of registration of a candidate list and one on denial of national minority status to a candidate list.

### XIII. CITIZEN AND INTERNATIONAL OBSERVERS

Despite long-standing ODIHR recommendations and contrary to OSCE commitments, the law does not provide for citizen or international election observation.<sup>81</sup> In practice, however, REC instructions granted unrestricted access to accredited citizen and international observers to all stages of the electoral process and all levels of the election administration, including to WBs.

*The principle of providing access for international and citizen observers to all stages of the electoral process should be enshrined in the law, in line with OSCE commitments.*

---

<sup>78</sup> Section II.3.3.h of the Venice Commission [Code of Good Practice](#) recommends that “the applicant’s right to a hearing involving both parties must be protected.” Paragraph 100 of the Explanatory Note to the Code of Good Practice states that “The appeal procedure should be of a judicial nature, in the sense that the right of the appellants to proceedings in which both parties are heard should be safeguarded.”

<sup>79</sup> Including complaints against the denial of registration of the candidate list “Levijatan Movement – I Live for Serbia”, the denial of national minority status to the candidate lists of the Russian Party and the “Coalition for Peace,” and the registration of the candidate lists “Brave – Milica Đurđević Stamenkovski – Serbian Party ‘Zavetnici’”, “Milan Stamatovic – May the Healthy Win – Dragan Jovanović – Better Serbia – Healthy Serbia” and the “Socialism is the Only Way Out – NKPJ – SKOJ – Aleksandar Banjanac, Aleksandar Djenić.”

<sup>80</sup> These were allegedly filed after a Facebook page advised voters to submit complaints *en masse* by copying the exact text posted on that page.

<sup>81</sup> Paragraph 8 of the [1990 OSCE Copenhagen Document](#) states that “the participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place.”

For these elections, REC accredited 111 international and 3,341 citizen observers. REC regulations stipulated that only organizations with a declared goal that relates to elections are eligible to observe the process. The largest citizen observation efforts were carried out by CRTA, the Center for Free Elections and Democracy (CeSID), the Center for Monitoring Elections (CPA), and the Organization for Fair Elections and Democracy (OFID).

REC regulations stipulated that no more than one citizen observer representing the same organization was allowed to be present in a polling station at a time. This restriction did not apply to international observers. Observers were not explicitly entitled to receive copies of PB results protocols. The REC accredited each citizen observer for one given municipality only. This created difficulties for citizen observer groups that were not allowed to accredit additional observers to the municipalities where repeat voting took place on 1 July. Due to this limitation and the worsening pandemic situation, the only citizen observer group that observed the repeat voting on 1 July was CPA.

*To facilitate access to all stages of the electoral process, the law should allow observers to request and obtain new accreditations to observe the repeat elections.*

#### **XIV. ELECTION DAY**

In accordance with ODIHR standard methodology for election assessment missions, the ODIHR SEAM did not observe election-day proceedings in a systematic and comprehensive manner. However, mission members visited a limited number of polling stations in Belgrade and in South Banat district.

Election day took place in a calm environment. Polling was well organized at the polling stations visited by the ODIHR SEAM. However, in some instances the small size of voting premises and the large number of PB members contributed to overcrowding. Personal protective equipment against the spread of the COVID-19 pandemic such as masks and gloves, was readily available but not always used. Procedural shortcomings noticed by the ODIHR SEAM included ballot boxes without tamper-evident seals and inconsistent checking of voters' fingers for invisible ink. The design and setup of polling booths were generally not suitable for use by persons with physical disabilities. The layout of some polling stations observed by ODIHR SEAM did not safeguard the secrecy of the vote, at odds with OSCE commitments and other international obligations and standards for democratic elections.<sup>82</sup>

*To ensure the secrecy of the vote for all voters, including persons with physical disabilities, the layout of polling stations and the design of polling booths should be reviewed. Consideration should be given to increasing public awareness of the importance of the secrecy of vote by targeted voter-education efforts.*

From some areas, the ODIHR SEAM received reports of instances of carousel voting, parallel voter lists maintained by PB members, vote buying, and pressure on voters to vote for certain candidates. Such irregularities, while according to ODIHR SEAM interlocutors often related to local elections held in parallel with the parliamentary vote, may have had an impact on the integrity of the parliamentary elections in certain polling stations.<sup>83</sup>

---

<sup>82</sup> See Paragraph 5.1 of the [OSCE 1990 Copenhagen Document](#) and Article 25 (b) of the [International Covenant on Civil and Political Rights](#).

<sup>83</sup> The ODIHR SEAM did not observe the municipal elections or the Vojvodina provincial elections.

Following the vote count at the polling stations, the WBs, in cooperation with representatives of the RSO, scanned and electronically forwarded the PB results protocols to the REC, entered the results into an online database maintained by the RSO, and identified the PB protocols with mistakes or omissions. The REC held a press conference on the day after the elections and published the preliminary results, based on 70.57 per cent of PB protocols. According to an RSO representative, the remaining almost 30 per cent of PB protocols showed formal, arithmetical or logical mistakes or omissions that made them ineligible for inclusion in the preliminary results. The high percentage of PB protocols with deficiencies and instances of procedural shortcomings observed on election day underscore the need for improved training for all PB members.<sup>84</sup>

*All members of PBs, including the extended ones, should receive timely, efficient and uniform training on election-day procedures, in particular as regards the vote count, the logical-computational control of the results, and the completion of the results protocol.*

In a positive initiative, prior to these elections the REC initiated an evaluation of all voting premises to assess wheelchairs accessibility. According to the observation of CRTA, some 55 per cent of polling stations throughout the country remained inaccessible or only partially accessible.<sup>85</sup>

## XV. POST-ELECTION DEVELOPMENTS

The REC started announcing preliminary results at 22:00 hours on election day. Political stakeholders' responses to the announcement of preliminary results marked a continuation of intense polarization. The president welcomed the outcome that gave his party a constitutional majority in parliament, and on election night vowed to include in the new cabinet representatives of other political parties, including those that did not cross the three per cent threshold. Leaders of the opposition denounced the results and legitimacy of the elections.<sup>86</sup> Leaders of the Alliance for Serbia parties that boycotted the elections claimed success in Belgrade, where turnout was significantly below the national average.<sup>87</sup>

The law does not oblige the REC to publish election results disaggregated by polling station. Before election day, the REC declared that the results protocols scanned by the WBs upon receipt from PBs would be published online within a few hours after the closing of polling stations.<sup>88</sup> However, protocol scans were only posted with a significant delay.<sup>89</sup> The short 24-hour deadline for filing complaints to REC significantly reduced the possibility for stakeholders to challenge election-day

---

<sup>84</sup> According to the REC, the standing members of PBs received training some 4 to 5 months prior to election day. The extended members, in most cases, were not trained, despite their specific role on election day, which includes administering mobile voting.

<sup>85</sup> The REC published individual [reports](#) from all municipalities on the accessibility of the polling stations.

<sup>86</sup> The chairperson of the Social Democratic Party [stated](#) that "the results testify that Vučić completely destroyed the political structure of Serbia." The SSP leader in an *NI* TV interview on 25 June [questioned](#) the authenticity of the results and appealed to the European Parliament to help resolve the ensuing crisis. Also on *NI*, on 26 June the leader of the "Group of Citizens: 1 of 5 Million" stated that the movement "will not recognize the election results: neither the parliament, nor the government, but also the results of the boycott" and called for the resignation of the boycotting parties' leaders, accusing them of forfeiting the trust of the electorate. The Serbian Radical Party repeated its accusations that the incumbent party encouraged the processes of registering disingenuous contestants that further fragmented the political spectrum in an effort to stifle the existing opposition groups' electoral chances.

<sup>87</sup> According to final REC figures, some 38.27 per cent of voters participated in Belgrade, against a national average of 48.93 per cent.

<sup>88</sup> According to the election law, PBs are obliged to post the protocols at the polling station immediately after its finalization.

<sup>89</sup> The publication of the scanned PB results protocols on the REC website started two days after election day and lasted over ten days.



irregularities, as polling station results, scanned results protocols and the possibility to inspect the electoral material were only made available after the expiry of the deadline. Moreover, the law prescribes the right of stakeholders to inspect PB documents and materials, but this process lacks clarity and does not establish a right to challenge the election results. Several ODIHR SEAM interlocutors called for an inspection of all polling station results where anomalies were reported, including where City or Municipal Election Commissions determined irregularities concerning the concurrent municipal elections.

*To enhance transparency, the law should provide for the prompt publication of all scanned Polling Board (PBs) results protocols and of election results by polling station, including those corrected later in the process or determined by repeat elections.*

While the law stipulates reasons for repeat elections in various provisions, it is silent on recounts and according to the REC recounts are not allowed. Upon the delivery of the PB results protocols to the REC, representatives of the RSO performed a data entry which provided the basis for the final election results. The REC applied ‘minor’ numerical corrections to some 1,200 PB protocols and ordered repeat voting at further 233 polling stations where deficiencies in the results protocols were such that the election results could not be determined or where the results protocols went missing.<sup>90</sup> The REC used wide discretionary powers in taking this decision, as these grounds for repeat elections are not prescribed by law.<sup>91</sup> The REC, as stipulated by the election law and instructions, only acted upon complaints submitted within the legal deadline or when a PB results protocol did not allow for the determination of the voting results. The fact that REC does not have *ex officio* the authority to rectify irregularities may leave anomalies unaddressed and is also contrary to good practice.<sup>92</sup>

*In line with good practice and in order to ensure the integrity of the electoral process, the REC could be assigned with rectifying or overturning decisions taken by lower-level election commissions, and with annulling elections entirely or in one or more polling stations if it determines that irregularities affected the outcome.*

According to the REC, after election day over 5,000 complaints were filed by voters, contestants, and citizen observer organizations alleging election-day irregularities and procedural shortcomings.<sup>93</sup> The REC claimed that the complaints in general did not provide sufficient evidence on which irregularities

---

<sup>90</sup> The REC considered ‘minor’ mistakes to be omissions or inaccuracies that did not have an impact on the voting results at a polling station (such as a missing or erroneously indicated number of registered voters, total valid or invalid votes, or of ballots received). In cases where the REC was unable to establish the voting results from the respective protocol, it ordered repeat voting. According to the REC, in 117 cases the number of ballot papers found in the ballot box was higher than the number of voters who voted, in 110 cases the PB results protocols showed irreconcilable numerical errors, and six PB protocols were lost. At one polling station, voting was repeated following a complaint submitted by a voter regarding the fact someone else had signed the voter list on her behalf. Decisions on numerical corrections and repeat voting were taken during REC sessions, however without any substantive discussion.

<sup>91</sup> REC decisions to annul PB results and order repeat elections in cases where it was not possible to determine the election results based on the results protocol are based on Article 87 of the Instruction for Conducting the National Assembly Elections, Announced for 21 June 2020.

<sup>92</sup> Section II.3.3.e. of the [Code of Good Practice](#) provides that “the appeal body must have authority to annul elections where irregularities may have affected the outcome. It must be possible to annul the entire election or merely the results for one constituency or one polling station.” Further, Section II.3.3.i stipulates that “Where the appeal body is a higher electoral commission, it must be able *ex officio* to rectify or set aside decisions taken by lower electoral commissions.”

<sup>93</sup> This includes approximately 3,000 complaints that were submitted by individuals, with identical text and content except the polling station the complaints referred to. According to some ODIHR SEAM interlocutors, these ‘spam’ complaints may have had the sole purpose of slowing down or blocking the REC’s decision-making capacity. Out of the around 5,000 complaints submitted to the REC, the REC only satisfied one, submitted by a voter who found that someone else had signed the voter list on her behalf.

could have been established. However, the majority of the complaints was presented verbally at REC sessions; the members of the REC were not provided with access to the text of the complaints or to the supporting documentation prior to the sessions. The REC reviewed most complaints during its sessions by merging often dozens or hundreds of complaints into one procedure based on the alleged irregularities and issued joint decisions, in a process which appeared to be a mere formality. This raises serious concerns about due process. Following election day, the Administrative Court received some 2,000 appeals concerning REC decisions on complaints related to election day; those sent back to the REC for reconsideration were eventually rejected again.<sup>94</sup> The REC did not make any aggregated data public on the number and the nature of complaints regarding election-day irregularities.

*An effective system should be established for stakeholders to file complaints on election-day irregularities. To facilitate such a process, a standardized complaints form could be made available at polling stations and instructions on handling such complaints could be included in the manual on election-day procedures.*

Repeat voting took place on 1 July at 234 polling stations throughout the country. The repeat election day, marked by low turnout, was orderly at the limited number of polling stations observed by the ODIHR SEAM. The REC announced the final election results on 5 July. The final voter turnout was 48.93 per cent. A total of 97 women (i.e. 38.8 per cent of all 250 MPs) were in positions on candidate lists that secured them election as members of the new parliament.

## **XVI. RECOMMENDATIONS**

These recommendations, as contained throughout the text, are offered with a view to enhance the conduct of elections in the Republic of Serbia and to support efforts to bring them fully in line with OSCE commitments and other international obligations and standards for democratic elections. These recommendations should be read in conjunction with prior ODIHR recommendations, which remain to be addressed.<sup>95</sup> ODIHR stands ready to assist the authorities of Serbia to further improve the electoral process and to address the recommendations contained in this and previous reports.

### **A. PRIORITY RECOMMENDATIONS**

1. In line with international commitments, legal changes should be adopted following public consultations. Fundamental aspects of the election should not be changed within a year prior to an election.
2. To ensure legal certainty, substantial regulations should be included primarily in laws, adopted by parliament, while only technical matters and details should be regulated by secondary legislation, including instructions of the Republic Electoral Commission (REC).

---

<sup>94</sup> According to the Administrative Court, from 22 June until 30 June, the court received 1,965 appeals against REC decisions regarding election-day complaints. By the time the information was given to the ODIHR SEAM, the court had resolved 857 cases: 840 appeals were adopted, 2 were rejected as unfounded, 14 were rejected as untimely or filed by an unauthorized person, and the procedure on 1 appeal was suspended.

<sup>95</sup> According to paragraph 25 of the [1999 OSCE Istanbul Document](#), OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations”. The follow-up of prior recommendations is assessed by ODIHR as follows: recommendation 3 from the final report on the 2016 parliamentary is mostly implemented. The recommendations 4, 9, 15, 23 and 24 from the final report on the 2016 parliamentary elections are partly implemented. The recommendation 7 from the final report on the 2017 presidential election is partly implemented. See also the ODIHR [electoral recommendations database](#).

3. Authorities should undertake measures to prevent misuse of office and state resources. The monitoring of compliance should be effective, and sanctions imposed should be proportionate and dissuasive.
4. Authorities should undertake measures to prevent pressure on voters, including employees of state or state-affiliated institutions and enterprises. Cases of alleged duress must be thoroughly investigated and individuals responsible brought to account.
5. To enhance transparency, the law could be amended to require reporting and disclosure of campaign income and expenditure prior to election day. Consideration could be given to making the ACA conclusions mandatory and to publish them at a later stage.
6. Voter lists should be made available for public scrutiny. The laws on the Unified Voter Register and on Personal Data Protection should be harmonized and should detail the scope of personal data of voters made public, and the secure and lawful access to these data.
7. The independence of the Regulatory Authority for Electronic Media (REM) should be strengthened, and its responsibilities during the campaign period should be explicitly defined by law and extended to all aspects of media coverage of elections. The REM should act upon its own initiative, including through timely actions based on systematic monitoring of election coverage and compliance with established regulations.
8. To ensure effective dispute resolution, in line with good practice, the deadlines for filing complaints and for taking decisions by the REC and the Administrative Court could be extended. Deadlines for submission should run from the moment when the irregularity came to the attention of the complainant.
9. In line with good practice and in order to ensure the integrity of the electoral process, the REC could be assigned with rectifying or overturning decisions taken by lower-level election commissions, and with annulling elections entirely or in one or more polling stations if it determines that irregularities affected the outcome.
10. To address concerns over the accuracy of voter lists, the authorities should conduct an audit of the Unified Voter Register as soon as practically possible.
11. To enhance transparency, the law should provide for the prompt publication of all scanned Polling Board (PBs) results protocols and of election results by polling station, including those corrected later in the process or determined by repeat elections.

## **B. OTHER RECOMMENDATIONS**

### **ELECTION ADMINISTRATION**

12. Consideration should be given to establishing all levels of the election administration by law, and clearly define their role and responsibilities.
13. In order to enhance the capacity of the REC and to ensure the ability of its members to make informed decisions, all members should be provided with timely and comprehensive information about the agenda of upcoming sessions, including all relevant background material, ensuring the possibility of substantive discussion in all circumstances.

14. All members of PBs, including the extended ones, should receive timely, efficient and uniform training on election-day procedures, in particular as regards the vote count, the logical-computational control of the results, and the completion of the results protocol.

#### **VOTER REGISTRATION**

15. The legislation should be harmonized with the objectives of the UN Convention on the Rights of Persons with Disabilities, by removing all restrictions on voting rights on the basis of intellectual or psychosocial disability.
16. To increase the transparency of voter registration and confidence in the voter list, the authorities could consider periodical publishing of voter registration data, disaggregated by different types of updates, and the number of voters registered per municipality.

#### **CANDIDATE REGISTRATION**

17. To make the candidate registration process more inclusive, consideration could be given to lifting the restriction that voters may support only one candidate list.

#### **CAMPAIGN FINANCE**

18. To enhance the transparency of campaign finances, previous ODIHR and GRECO recommendations should be addressed, including lowering donation limits, and introducing requirements to submit and publish financial reports prior to election day.
19. Consideration could be given to introducing a legal requirement for imprints on all print and digital campaign materials, as well as sanctions for non-compliance and effective enforcement, including confiscation of campaign materials without imprints.
20. Consideration could be given to introducing mechanisms for effective oversight, including mandatory receipt of bank statements that would enable the verification of the accuracy of contestants' campaign finance reports.
21. The law should prescribe a graduated system of proportionate and dissuasive sanctions, and irregularities should be sanctioned.

#### **MEDIA**

22. The independence of the public-service broadcasters should be strengthened by securing sufficient and sustainable funding, ultimately eliminating public broadcasters' dependence on the state budget.
23. To level the playing field, regulation of the media coverage of officials who are also candidates could be considered.

#### **PARTICIPATION OF NATIONAL MINORITIES**

24. Consideration should be given to establishing clear criteria in the law which would allow for the determination of national minority status of candidate lists thus ensuring that special provisions for national minority lists are not abused.

## **COMPLAINTS AND APPEALS**

25. To further enhance the transparency of the dispute resolution process, the REC could consider publishing its complaints register on its website in a timely manner.

## **CITIZEN AND INTERNATIONAL OBSERVERS**

26. The principle of providing access for international and citizen observers to all stages of the electoral process should be enshrined in the law, in line with OSCE commitments.
27. To facilitate access to all stages of the electoral process, the law should allow observers to request and obtain new accreditations to observe the repeat elections.

## **ELECTION DAY**

28. To ensure the secrecy of the vote for all voters, including persons with physical disabilities, the layout of polling stations and the design of polling booths should be reviewed. Consideration should be given to increasing public awareness of the importance of the secrecy of vote by targeted voter-education efforts.
29. An effective system should be established for stakeholders to file complaints on election-day irregularities. To facilitate such a process, a standardized complaints form could be made available at polling stations and instructions on handling such complaints could be included in the manual on election-day procedures.

**ANNEX 1 – ELECTION RESULTS**

<b>Total number of registered voters</b>	6,584,376
<b>Total number of votes cast</b>	3,221,908
<b>Total number of valid votes</b>	3,100,608
<b>Total number of invalid votes</b>	118,155
<b>Turnout (percentage)</b>	48.93%

<b>Number on the ballot</b>	<b>Candidate List</b>	<b>Votes won</b>	<b>Percentage of votes cast</b>	<b>Mandates won</b>
1	Aleksandar Vučić – For Our Children	1,953,998	60.65	188
2	Ivica Dačić – Socialist Party of Serbia (SPS), Dragan Marković Palma – United Serbia (JS)	334,333	10.38	32
5	Aleksandar Šapić – Victory for Serbia	123,393	3.83	11
4	Alliance of Vojvodina Hungarians – István Pásztor	71,893	2.23	9
8	Academician Muamer Zukorlić – Straight Ahead – Justice and Reconciliation Party (SPP), Democratic Party of Macedonians (DPM)	32,170	1.00	4
16	Albanian Democratic Alternative	26,437	0,82	3
11	Party of Democratic Action (SDA) of the Sandžak – Dr. Sulejman Ugljanin	24,676	0,77	3
6	For the Kingdom of Serbia (Movement for the Restoration of the Kingdom of Serbia, Monarchist Front) – Žika Gojković	85,888	2.67	0
15	Sovereignists	73,953	2.30	0
9	Broom 2020	72,085	2.24	0
3	Dr. Vojislav Šešelj – Serbian Radical Party	65,954	2.05	0
14	Sergej Trifunović – Movement of Free Citizens	50,765	1.58	0
12	Milica Đurđević Stamenkovski – Serbian Party “Zavetnici”	45,950	1.43	0
10	Milan Stamatović – Let the Healthy Win, Dragan Jovanović – Better Serbia – Healthy Serbia	33,435	1.04	0
7	United Democratic Serbia (Vojvodina Front, Serbia 21, League of Social Democrats of Vojvodina, Party of Modern Serbia, Civic Democratic Forum, Democratic Alliance of Croats in Vojvodina, Democratic Bloc, Together for Vojvodina, Union of Romanians of	30,591	0.95	0

	Serbia, Vojvodina Party, Montenegrin Party)			
21	Levijatan Movement – I Live for Serbia	22,691	0.70	0
17	Civic Group: 1 of 5 Million	20,265	0.63	0
20	Čedomir Jovanović – Coalition for Peace (Liberal Democratic Party – Tolerance of Serbia, Bosniak Civic Party, Party of Montenegrins, Vlach National Party – Partia Neamului Rumânesc, Liberal Democratic Movement of Vojvodina, Association of Yugoslavs In Serbia, AMARO – Action Network of Associations and Roma Organizations, Civic Association “Romanians of Homolje”, Skaska)	10,158	0.32	0
13	People’s Bloc – Velimir Ilić – General Momir Stojanović	7,873	0.24	0
18	Masks Off – Green Party – New Party	7,805	0.24	0
19	Russian Party – Slobodan Nikolić	6,295	0.20	0

NB: The results for lists representing national minorities are italicized.

Source: [REC website](#)

## ABOUT ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 150 staff.

ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it coordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. ODIHR implements a number of targeted assistance programmes annually, seeking to develop democratic structures.

ODIHR also assists participating States' in fulfilling their obligations to promote and protect **human rights and fundamental freedoms** consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas, including human rights in the fight against terrorism, enhancing the human rights protection of trafficked people, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance** and **non-discrimination**, ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website ([www.osce.org/odihr](http://www.osce.org/odihr)).