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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**LAW ON ELECTING THE PRESIDENT  
OF THE REPUBLIC OF SERBIA\***

**(1990 as amended 1992, 2002, 2003, and February 2004)**

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\* Consolidated version.

### **Article 1**

The President of the Republic of Serbia (hereinafter: President of the Republic) shall be elected or recalled in accordance with the provisions of the Law on Electing Representatives, unless otherwise stated in this Law.

### **Article 2**

The right to elect the President of the Republic shall be held by citizens of the Republic of Serbia, who are simultaneously citizens of Yugoslavia, who have reached the age of 18, who have business capacity, and reside in the territory of the Republic of Serbia.

### **Article 3**

Citizens of the Republic of Serbia who have reached the age of 18, have business capacity and have resided in the territory of the Republic of Serbia for at least one year before the date elections are held, may be nominated for President of the Republic.

Candidates for President of the Republic may be nominated by political parties or other political organisations that have collected at least 10, 000 signatures from voters in the Republic.

A group of citizen may also nominate a candidate for President of the Republic if it has collected at least 10, 000 signatures from voters in the Republic.

Political parties or other political organisations may nominate candidates for President of the Republic separately or jointly.

### **Article 4**

The President of the National Assembly shall call the elections for President of the Republic on the same day when the conditions stated in Articles 86 and 87 of the Serbian Constitution occur.<sup>†</sup>

### **Article 4a**

From the day of calling the elections till the day of carrying out the elections for the President of the Republic cannot pass less than 30 nor more than 90 days.

### **Article 5**

The Bodies with competency of implementing the electoral procedure or recalling of the President of the republic are: the Republican Election Commission, polling boards and election commissions of the local self-government units.

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<sup>†</sup> *"In the event of an immediate danger of war or state of war, the term of office of the President of the Republic shall be extended for the period this state lasts, and/or until the conditions are created which make possible the election of the President of the Republic"* - the excerpt from the Article 86 of the Serbian Constitution;

*"The term of office of the President of the Republic shall cease before the expiry of his election period in the event of recall or his resignation"* - the excerpt from the Article 87 of the Serbian Constitution.

Election commission of the local self-government unit is to:

1. organise technical preparations for carrying the elections;
2. establish polling boards and appoint the chairman and members of the polling board;
3. take over the election material from the Republican Election Commission and together with verified extract from the voters' register deliver it by the protocol to the polling boards;
4. take over the election material from the polling boards and together with the verified extract from the voters' register delivers it by the protocol to the Republican Election Commission.

#### **Article 5.a**

A voter may sign a proposal for only one candidate.

Candidate proposals for President of the Republic shall be submitted to the Republic Electoral Commission no later than 20 days before the day elections are to be held, on a special form containing:

1. The name of the submitter with the signature of an authorised person;
2. The name of the candidate, his profession, age, place of residence and address;
3. The name, place of residence and address, personal number and signature of the required number of voters from Article 3 of this Law.

Confirmation of the candidate's suffrage, the candidate's written acceptance of candidacy and confirmation of the candidate's residence shall be submitted along with the nomination.

#### **Article 5.b**

The submitter of the nomination for President of the Republic may withdraw the nomination no later than the day upon which the candidacy list for President of the Republic is concluded.

Every candidate may withdraw his candidacy up to the day upon which the candidacy list for President of the Republic is concluded.

Withdrawal of the nomination or renunciation of candidacy shall be submitted in written form.

#### **Article 5.v**

The Republic Electoral Commission shall conclude the list of candidates for President of the Republic containing the names of all nominated candidates in alphabetical order, no later than five days of expiry of the nomination deadline.

#### **Article 5.g**

The list of candidates for President of the Republic shall contain: the names of the candidates and the names of the political parties or other political organisations that have nominated the candidates.

If a candidate has been nominated by a group of citizens, this fact shall be noted next to his name on the list of candidates.

The Republic Electoral Commission shall publish the list of candidates for President of the Republic no later than the day following the day upon which the list is concluded.

#### **Article 5.d**

The President of the Republic shall be elected by secret vote on ballots containing:

1. the symbol of the Republic of Serbia;
2. the information that it is a ballot for President of the Republic, and
3. the names of all confirmed candidates from the list of candidates placed in the established order, with a note regarding the submitter and with an ordinal number next to each name.

#### **Article 5.đ**

A voter may vote for only one candidate whose name is on the ballot.

Voting shall consist of circling the ordinal number before the name of the candidate being voted for.

Should a ballot contain a circle around the candidate's name or around both his ordinal number and name, such ballot shall be considered valid.

The following shall be considered a null and void ballot: an unmarked ballot, a ballot marked in such a way that it is impossible to determine with certainty for which candidate the ballot has been cast, a ballot on which more than one candidate has been circled, as well as a ballot on which the name of a new candidate has been written in.

#### **Article 5.e**

In the case of simultaneous carrying of elections for representatives of the National Assembly and for the President of the Republic, the polling boards formed according to the Law regulating the elections of representatives shall directly run the elections for the President of the Republic as well, and perform other duties at the polling place connected with that election, according to the provisions of the Law.

#### **Article 5.ž**

Results of the elections for the President of the Republic are to be announced by the Republican Election Commission within 96 hours from the end of voting.

In the period from opening to closing the polling stations, the Republican Election Commission is to announce figures on the progress of the elections that are received from the Republican Statistical Bureau and respectively from other authorities responsible of carrying the elections.

From the end of voting until an announcement of the election results, the Republican Election commission is to announce preliminary figures on the election results upon the report received from the Republican Statistical Bureau.

#### **Article 5.z**

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

The number of voters who voted is to be established on the basis of the number of ballots that are in the ballot box.

If and none of the candidates received the majority of votes from voters that voted, voting shall be repeated within 15 days from the day of holding the last polling.

In the second round of voting the two candidates who received the largest number of the votes or more candidates that received equal and at the same time the largest number of the votes shall take part.

On the repeated voting, the candidate that receives the largest number of the votes regardless of how many voters voted will be elected President of the Republic.

#### **Article 5.i**

Between two rounds of the elections, additions to the extract of the Voters' Register are made by the Republican Election commission, on the basis of the decisions submitted by the municipal courts at least 72 hours before the day of the repeated voting.

#### **Article 5.j**

If the elections for the President of the Republic were unsuccessful, The President of the National Assembly of the Republic of Serbia is to call the new elections within 60 days from the day when the unsuccessful elections were held.

If the 60 days deadline starting from the day when the unsuccessful elections for the President of the Republic were held expires due to the termination of the mandate of the National Assembly, the new President of the National Assembly shall call the new elections for the President of the Republic within 60 days from the day of his/her election.

#### **Articles 6, 7, 8, 9** (Repealed)

#### **Article 10**

The President of the Republic may be recalled.

#### **Article 11**

The procedure to recall the President of the Republic shall be initiated by the National Assembly, should two-thirds of the total number of representatives concur.

**Article 12**

The recall procedure shall be carried out in the same way as the procedure to elect the President of the Republic.

**Article 13**

The President of the Republic shall be recalled should the majority of the total number of registered voters in the Republic so vote.

**Article 13.a**  
(Repealed)

**Article 14**

Elections for President of the Republic in 1990 shall be called by the President of the National Assembly of the Republic of Serbia. These elections shall be held on the day that representatives are elected.

Elections for President of the Republic shall be held in the same premises in which elections for representatives are held, except with a separate ballot box.

**Article 15**

This Law shall go into effect the day following the day it is published in the Official Gazette of the Republic of Serbia.