

Pursuant to Article 34, paragraph 2 of the Law on Election of Members of Parliament ("Official Gazette of RS", No. 35/00, 57/03 - Decision of the Constitutional Court, 72/03 - other law, 18/04, 85/05 - other law, 101/05 - other law, 104/09 - other law, 28/11 - Decision of the Constitutional Court 36/11),

Republic Electoral Commission, at the sitting held on January 23, 2012, adopted the following

## **RULES OF PROCEDURE**

### **REPUBLIC ELECTORAL COMMISSION**

#### **I. BASIC PROVISIONS**

##### **Article 1**

These Rules of Procedure shall regulate the organisation, mode of operation and decision-making of the Republic Electoral Commission (hereinafter: Commission), as well as other issues fundamental to the operation of the Commission.

##### **Article 2**

The seat of the Commission is in Belgrade, in the House of the National Assembly, 13 Nikola Pasic Square.

The Commission shall use the office premises of the National Assembly in 14 Kralja Milana Street for the purpose of its operation.

##### **Article 3**

Commission shall use in its operation four seals (two big and two small ones) and two stamps.

Two seals shall be 32mm in diameter (zero seal and the seal with designation I), and two seals shall be 20mm in diameter (zero seal and the seals with designation I) .

The seals shall be of round shape with the small coat of arms of the Republic of Serbia embedded in the middle. Along the external rim of the seal the following text shall be inscribed: "Republic of Serbia". In the next inner circle the following text shall be inscribed: "Republic Electoral Commission". At the bottom of the stamp it shall be inscribed: "Belgrade".

The stamps shall be of rectangular shape and shall contain the following text: in the first line: "Republic of Serbia", in the second line: "Republic Electoral Commission", in the third line there will be a space left for the item reference number, in the fourth line shall be a space left for date and hour, and in the fifth line: "Belgrade".

The text of the seal and of the stamp shall be inscribed in Cyrillic alphabet.

The large and the small seal of the Commission (with zero designation) shall be deposited with the Registry and Shipping Office Section and the archive of the National Assembly and

the Section head will be charged with handling and safekeeping thereof. The great seal of the Commission (with I designation) shall be deposited with the Budgetary, Financial-Accounting and Public Procurement Division of the National Assembly, and the Division head shall be charged with handling and safekeeping thereof. The small seal (with I designation) shall be deposited with the Budgetary, Financial-Accounting and Public Procurement Division of the National Assembly, and the Division head shall be charged with handling and safekeeping thereof.

#### **Article 4**

Within its competences, the Commission shall cooperate with domestic, foreign and international bodies and organizations, in accordance with law.

#### **Article 5**

Commission may organize professional conferences and other forms of expert work on the issues within the scope of its competence.

## **II COMPOSITION AND ORGANISATION OF THE COMMISSION**

### **Commission**

#### **Article 6**

Commission shall operate and make decisions at a sitting in its permanent and extended composition.

Commission in its permanent composition shall comprise: Chairperson of the Commission, 16 members of the Commission and their substitutes.

Member of the Commission shall also be a representative of the Statistical Office of the Republic of Serbia who shall participate in the Commission's work without the right of decision-making.

Commission in its extended composition shall comprise the permanent Commission composition together with one representative of all submitters of the electoral MP candidate lists, i.e. proposer of the candidates for president of the Republic, and each of them shall have a substitute.

Commission shall work and decide in the extended composition as of the day of appointment of the members of the Commission's extended composition, until the moment the Commission determines and proclaims the election results.

Substitutes of the Commission members shall be entitled to the same rights and obligations as the members they substitute.

### **Secretary of the Commission and the Deputy Secretary of the Commission**

#### **Article 7**

Commission shall have a Secretary and Deputy Secretary who shall participate in the Commission's work without the right of decision-making.

### **Working groups**

#### **Article 8**

For the purpose of examining particular issues from its scope of activity, preparation of draft regulations, reports and other documents, and for undertaking certain electoral activities, Commission may establish working groups from the rank of its members.

Representatives of the state institutions and organisations may take part in the operation of the working groups in order to provide expert assistance.

The Decision on establishing the Commission shall lay down its tasks and composition.

### **Service of the National Assembly**

#### **Article 9**

Service of the National Assembly shall ensure and provide necessary expert, administrative and technical assistance during performance of the tasks for the needs of the Commission and its working groups in compliance with law and the National Assembly decision on organisation and operation of the Service.

Commission Secretary shall ensure the provision of conditions for the functioning of the Commission.

## **III RIGHTS AND OBLIGATIONS**

### **Chairperson of the Commission**

#### **Article 10**

Chairperson of the Commission shall:

- represent the Commission,
- convene the sittings of the Commission and chair the sittings,
- sign the acts issued by the Commission,
- approve the business trips in the country and abroad,
- ensure that the Commission discharges its activities duly and in compliance with regulations,
- ensure the implementation of these Rules of Procedure, and
- perform other tasks envisaged by these Rules of Procedure.

Chairperson of the Commission may authorize the Secretary of the Commission to sign the acts issued by the Commission pertaining to operational issues.

### **Deputy Chairperson of the Commission**

#### **Article 11**

Deputy Chairperson of the Commission shall discharge the duties of the Chairperson of the Commission in case of her/his absence or inability to perform the function, and may perform other task upon authorization from the Commission Chairperson.

### **Members of the Commission**

#### **Article 12**

Members of the Commission shall have the right and obligation:

- to attend the sittings of the Commission regularly,
- to participate in the debate on issues on the agenda of the Commission sitting and vote on each proposal which is to be decided upon at the sitting,
- to perform all duties and tasks determined by the Commission.

### **Secretary of the Commission**

#### **Article 13**

Secretary of the Commission shall:

- prepare the Commission sittings,
- coordinate the work of the members and substitute members of the Commission,
- assist the Chairperson of the Commission in attending business within her/his scope of competence,
- ensure the preparation of the act proposals to be approved by the Commission and shall perform other tasks in compliance with law, these Rules of Procedure and orders by the Commission Chairperson.

## **IV MODE OF OPERATION**

#### **Article 14**

Sittings of the Commission shall be held in its seat.

If the need may be, the sittings of the Commission may be held on the premises of the National Assembly in 14 Kralja Milana Street.

## **Convening the sittings of the Commission**

### **Article 15**

Sitting of the Commission shall be convened by the Chairperson of the Commission.

Chairperson of the Commission shall be obliged to convene the sitting of the Commission at a short notice, upon the request of at least one third of the Commission members.

The sitting of the Commission shall be convened, as a rule, by sending an invitation in written form, and it may be convened by phone or in another convenient way, no later than two days before the day set for the sitting.

When necessary, sittings may be convened at shorter notice than referred to in Paragraph 3 of this Article.

Convocation of the sitting shall contain day, time, venue of the sitting of the Commission and the Draft Agenda. Together with the convocation of the sitting, members and substitute members of the Commission shall be provided with the material prepared for the items on the Draft Agenda, and the Minutes of the previous sitting of the Commission, if they were taken.

Agenda of the Commission sitting shall be proposed by the Commission Chairperson except in case of convening the sitting upon request of at least one third of the members of the Commission, in which case the Agenda shall be enclosed with the request for convening the sitting.

## **Opening and Participation in the Sitting**

### **Article 16**

The sitting may be held when attended by majority of the overall number of members, i.e. substitute members of the Commission in its permanent or extended composition.

The sitting shall be chaired by the Chairperson of the Commission, or, in his/her absence, Deputy Chairperson of the Commission.

In case the Chairperson needs to leave the sitting, the chairing shall be taken over by the Deputy Chairperson, i.e., in case of Chairperson's absence, by the most senior present member of the Commission. If the most senior present member of the Commission is not able or is not willing to chair the sitting, the chairmanship shall be taken over by the next most senior member of the Commission.

At the opening of the sitting, the Chairperson shall establish the number of the present members of the Commission.

Chairperson of the Commission, members of the Commission, Secretary of the Commission and their substitutes may take part in the debate.

Upon invitation of the Chairperson of the Commission, the representatives of the state institutions and organizations may attend the sitting if the issues from their scope of work are

discussed, whereof the Chairperson shall inform the members of the Commission at the beginning of the sitting.

## **Proceedings of the Sitting**

### **Article 17**

Before establishing the Agenda, the Minutes of the previous sitting shall be adopted, if they were kept and duly submitted to the members and substitute members of the Commission.

Comments on the Minutes may be given by every member of the Commission or by substitute member.

If there are no submitted comments on the Minutes, the Chairperson shall put to vote the Minutes in the proposed text form.

The Commission shall decide on the comments made to the Minutes according to the order they were raised in the debate.

Following the deliberation on the comments on the Minutes, the Chairperson shall conclude that the Minutes are adopted in the proposed text form, i.e. together with the approved comments.

The Chairperson shall sign the Minutes.

### **Article 18**

The Commission shall determine the agenda of the sitting.

Each member of the Commission, i.e. each substitute member, shall have the right to put forward modification or amendment of the proposed Agenda.

The vote shall be taken without debate on the proposals for modification or amendment of the proposed Agenda according to the order of proposals raised in the sitting.

Following the declaration of opinion on the proposals for modification or amending of the proposed Agenda, the Commission shall take vote on the adoption of the Agenda as a whole.

On proposal of the Chairperson or a Commission member, i.e. substitute member, the Commission may decide to limit the debate time given to each participant, on the particular item of the Agenda.

### **Article 19**

The proceedings of the sitting shall follow the order of items of the established Agenda.

Before opening the debate on the item on the Agenda, the Chairperson of the Commission, or the member appointed by the Chairperson, shall report to the Commission and shall propose the further proceedings of the Commission (Rapporteur).

If an act proposal to be approved by the Commission is deliberated at the sitting, the Secretary of the Commission shall make the Commission acquainted with the act proposal before opening the debate.

### **Maintaining order at the sitting**

#### **Article 20**

The Chairperson shall ensure the order at the sitting of the Commission and shall give the floor to members and substitute members of the Commission who applied for participation in the debate.

When the Chairperson deems it necessary, she/he may declare a break.

### **Deciding**

#### **Article 21**

If the Chairperson establishes that the debate on the item on the Agenda is finished, she/he shall conclude the debate on the item on the Agenda and proceed to voting.

Commission shall pass decisions by majority vote of all the members of the Commission in permanent, i.e. extended composition.

Only members of the Commission shall have the right to vote, and substitute members shall have the same right only in case of absence of the member they substitute.

In case of more proposals given within one item on the Agenda, the Chairperson shall put the proposal to vote according to order they were presented.

The Commission shall always take a vote for the adoption of proposals.

If the proposal which is put to vote does not acquire the required majority vote, that proposal shall be deemed defeated.

### **Deciding on the act proposals to be adopted by the Commission**

#### **Article 22**

If it may be the case that proposals for deletion or modification of an act are put forward in the debate, the Chairperson shall first put these proposals to vote. In that case, deciding shall be done according to the order in which the proposals for deletion or modification were presented, whereby the Chairperson shall first put the proposal for deletion and then the proposal for modification.

Following the voting on all the given proposals, the Chairperson shall put to vote the adoption of act proposal as a whole.

### **Deciding on complaints**

### **Article 23**

If it may be the case that proposal for dismissal of a complaint is put forward in the debate, the Chairperson shall first put this proposal to vote.

When several proposals for dismissal of a complaint have been made, the vote on the proposals shall be taken according to order they were put forward in the debate. If a proposal is adopted, the others will not be put to vote.

If no proposal for dismissal of complaint is presented in the debate or none of the given proposals are adopted, the Commission shall vote on the adoption of complaints.

The Chairperson shall always put on vote the proposal for the adoption of a complaint.

If the proposal to adopt the complaint does not acquire the required majority vote, the complaint shall be deemed dismissed.

### **Article 24**

In the complaint procedure on issues that are not explicitly provided for by law, the Commission shall accordingly apply the provisions of the Law on general administrative procedure.

### **Minutes**

### **Article 25**

Minutes of the proceedings shall be kept at Commission sittings.

Minutes shall contain main data on the sitting proceedings, especially on the proposals being discussed, including names of the participants in the debate, decisions, conclusions and other acts approved at the sitting, including results of all the voting carried out at the sitting.

Shorthand notes shall be taken at the sitting of the Commission and they shall be integral part of the Minutes.

If the conditions for taking shorthand notes do not exist, the transcription of audio-records of the sitting of the Commission shall be taken and it shall be the integral part of the Minutes.

After being approved, the Minutes shall be signed by the Chairperson and the Secretary of the Commission.

The Secretary of the Commission shall ensure taking and keeping of the Minutes.

### **Originals and transcriptions of the Commission's acts**

### **Article 26**

Original act shall be deemed to be the text of an act approved at the sitting of the Commission in the prescribed form, signed by the Chairperson and with the official seal of the Commission affixed.

The Secretary of the Commission shall ensure making and keeping of the original act.

For the purpose of providing it to parties, the transcription of the original act shall be made in the form identical to the original act and signed by the Secretary of the Commission and with the affixed seal of the Commission.

## **V TRANSPARENCY OF WORK**

### **Article 27**

The work of the Commission is public.

The Commission shall provide the transparency of its work by:

- enabling the accredited representatives of public media to attend the sessions of the Commission,
- enabling the interested national, foreign and international organisations and associations (observers) to follow the work of the Commission during the electoral procedure,
- publishing the acts of the Commission in the "Official Gazette of the Republic of Serbia", in compliance with these Rules of Procedure,
- publishing the Information brochure on the work of the Commission and by enabling the access to information of public importance being at the disposal of the Commission in compliance with law,
- publishing the acts and information on Commission's work on the web site of the Commission,
- releasing press statements, and
- arranging media conferences and giving media statements in compliance with these Rules of Procedure.

### **Media representatives**

#### **Article 28**

Media representatives shall be given opportunity to attend the sittings of the Commission in compliance with the National Assembly acts regulating internal operation of the National Assembly and accreditation procedure of the media representatives.

Media shall be informed on the date, time and venue of the Commission sitting by the Service of the National Assembly.

## **Article 29**

The material prepared for the work of the Commission shall be put at disposal of media representatives who attend the sitting of the Commission .

## **Observers**

### **Article 30**

Commission shall allow the interested national, international and foreign organizations and associations (observers) to follow the work of the Commission during electoral procedure, in compliance with the rules issued by the Commission.

Fulfilment of conditions for following the Commission's work shall be stated by the Chairperson at the sitting of the Commission.

## **Publishing acts in the "Official Gazette of the Republic of Serbia"**

### **Article 31**

General acts of the Commission shall be published in the "Official Gazette of the Republic of Serbia".

Commission may decide that a single act be published in the "Official Gazette of the Republic of Serbia".

Secretary of the Commission shall ensure publishing of acts.

### **Article 32**

If the text of the act published in the "Official Gazette of the Republic of Serbia" is not identical to the original act, the corrected version shall be issued by the Secretary of the Commission.

The correction referred to in the paragraph 1 of this Article shall be published in the same way as an act that is corrected thereby.

### **Article 33**

Commission may authorize the Secretary of the Commission to determine the consolidated text of the general act issued by the Commission.

Authorization for determining the consolidated text of the general act may be included in the act modifying the general act, or in a separate conclusion that shall be adopted by the Commission.

Consolidated text of the general act shall be published in the "Official Gazette of the Republic of Serbia".

**Publishing the Information brochure on the work of the Commission  
and access to information of public importance**

**Article 34**

Commission shall publish Information brochure on its work.

Secretary of the Commission shall be an authorized person to act upon requests for access to information of public importance.

Commission shall decide upon requests for access to information of public importance pertaining to electoral material.

**Web Site of the Commission**

**Article 35**

Commission shall have its Web Site where the general acts issued by the Commission shall be posted, including reports on the electoral results, information on the previous Commission's sittings and press releases and other information and documents produced in the work or pertaining to the work of Commission, and of importance for the public information.

Commission Secretary shall take care of updating the Web Site of the Commission.

**Press release**

**Article 36**

Press release, the wording of which shall be determined by the Commission, shall be issued by the Service of the National Assembly.

**Media conference and media release**

**Article 37**

The public shall be informed about the work of Commission by the Commission Chairperson or by its member authorized by the Commission, at the media conference and media release.

Media shall be informed on the date, time and venue of the media conference referred to in paragraph 1 of this Article, by the Service of the National Assembly.

Commission Secretary shall be authorized to make statements on the technical aspects of the Commission's work and the conduct of elections.

**VI PERSONAL DATA PROTECTION**

**Article 38**

Commission members and substitute members and the employees of the Service of the National Assembly engaged in attending business for the Commission needs shall be obliged to act in compliance with the regulations pertaining to the personal data protection in their tasks performance.

Commission shall adopt an act regulating organizational and technical measures on personal data protection in compliance with law.

## **VII FINANCIAL OPERATIONS**

### **Article 39**

The resources necessary for the operation of electoral bodies, electoral material and other expenses for the conduct of elections shall be secured from the budget of the Republic.

Commission shall submit the financial plan of the necessary resources for regular work and expenses for the conduct of election to the National Assembly and the report on the resources spent for the regular work and the conduct of elections.

The Secretary of the Commission shall ensure preparation of the draft financial plan and report mentioned in the paragraph 2 of this Article.

Principles in charge of payment referred to in the 1 paragraph of this Article shall be the Chairperson and Secretary of the Commission.

## **VIII OFFICE AND ARCHIVE OPERATIONS**

### **Article 40**

Regulations governing office and archive operations shall be applied to the office and archive operations of the Commission.

### **Article 41**

Commission shall proscribe the way of keeping, handling and use of electoral material.

Commission shall determine the list of registration material categories together with the deadlines for keeping in compliance with law.

## **IX AMENDMENTS TO THE RULES OF PROCEDURE**

### **Article 42**

Each member and substitute member of the Commission shall have the right to propose amendments to the Rules of Procedure.

A proposal for amending the Rules of Procedure shall be submitted in writing.

The Chairperson of the Commission shall put the proposal referred to in paragraph 2 of this Article on the Agenda of the Commission sitting at an earliest convenience.

## **X FINAL PROVISIONS**

### **Article 43**

The issues of importance for the Commission's work not stipulated by these Rules of Procedure may be regulated by a special decision and a conclusion of the Commission in compliance with law and these Rules of Procedures.

### **Article 44**

Commission shall adopt the acts envisaged by these Rules of Procedure not later than 90 days after these Rules of Procedure became effective.

### **Article 45**

By coming into force of these Rules of Procedure, the Rules of the Procedure of the Republic Electoral Commission shall become ineffective ("Official Gazette of the Republic of Serbia", No. 28/08 - consolidated text)

### **Article 46**

These Rules of Procedure shall enter into force on the eight day from the day of their publishing in the "Official Gazette of the Republic of Serbia".

02 No: 013-25/12

In Belgrade, January 23, 2012

## **REPUBLIC ELECTORAL COMMISSION**

CHAIRMAN

Predrag Grgic