

Republic of Serbia

Belgrade Local Election, 2018

Report by the Centre for Free Elections and Democracy (CeSID)



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1. Introduction

This report aims to present adetailed set of unbiased and impartial findings arrived at by CeSID during its monitoring of the 2018 election for the Belgrade City Legislature.

The report is structured so as to comprise all key segments of the election: its political background and legal framework, activities of the electoral administration, analysis of the campaign, and polling day observation.

CeSID also observed the operations of the City Electoral Commission (CEC) and monitored 300 polling stations on election day. The assessment of this aspect of the poll was based on direct observations made by the monitoring mission.

A team of experts at CeSID's headquarters in Belgrade was tasked with tracking the other aspects of the election process. CeSID was not able to undertake eithermedia monitoring to international standards,or campaign finance monitoring; therefore, in this regard we will outline a limited set of conclusionswe were able to draw from desk-based research and interviews with relevant stakeholders and decision-makers.

The report concludes with recommendations to improve the electoral process based on the data obtained by this and previous monitoring missions.

We would like to use this opportunity to thank all our partners and media for their co-operation. We owe a large debt of gratitude to our election monitors, associates, statisticians, and volunteers who performed this taxing work under such difficult circumstances.

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2. Summary

4 Political context

On 15 January 2018, the Speaker of the Serbian Parliament, Maja Gojković, called a regularly scheduled election for the legislature of the City of Belgrade; the election was held on 4 March. The election campaign lasted 45 days. The election followed the same set of conditions as the previous three polls: they employed a proportional electoral system with one single constituency and a 5 percent threshold; votes were cast for electoral lists and seats were distributed amongst the winners using the D'Hondt formula. The 2018 local election was called in accordance with a regular schedule and after several months of speculation about whether a snap general election would be held on the same day. The start of the campaign was marked by themurder of Kosovo Serb politician Oliver Ivanović in Kosovska Mitrovica, whilst its conclusion was punctuated by a number of high-level meetings by key public officials: Aleksandar Vučić, the President of Serbia, met Croatian President Kolinda Grabar Kitarović and German Chancellor Angela Merkel, whilst the Serbian Minister of Foreign Affairs Ivica Dačić, also head of the Socialist Party of Serbia (SPS), hosted a state visit to Serbia byRussian Foreign Minister Sergei Lavrov.

Electoral administration

The two levels of authorities charged with ensuring the election followed the Local Election Law – the CEC, at the central level, and polling boards, for each polling station–performed their duties efficiently but without enough transparency.

The CEC met for a total of 40 sessions, of which nearly one-half were held without the presence of accredited independent scrutineers. Local observers were made to wait three weeks for the CEC to authorise them to oversee its meetings: this is a worryingly long period of time and is inconsistent with practice to date. By contrast, the CEC continuedits habitofproviding materials only at the beginning of each session, which at times resulted in meetings being pushed back because the CEC's members were not given sufficient time to study the documents. Materials were not provided at all for two sessions, and no session was broadcast live. Only official announcements, but not session transcripts, were posted under the 'Local Election'heading on the City Administration web site. The web site was also used to publish most rulings issued by the CEC, but decisions dismissing or upholding objections or conclusions ordering election participants to remedy deficiencies were not posted, although these would have permitted a more thorough assessment of the CEC's performance. Yet the Commission was indisputably efficient: the CEC adopted all decisions, rulings, conclusions, and other documents in due time and in



accordance with the rules. A total of 24 electoral lists were promulgated, and only one was denied official recognition. Apart from the transparency issue, the CEC faced controversy in promulgating a number of electoral lists, primarily that of LjubišaPreletačevićBeli, as well as in adopting highly restrictive interpretations of legislation in cases of complaints against polling boards and the electoral administration in general. Only one of the about 200 complaints lodged was actually upheld, and it resulted in repeated pollingat four stations in the municipality of Stari Grad.

More than 59,000 people served as core and non-core members of polling boards; the usual issues with these bodies were again encountered in this election:(1) the number of polling board members present at each polling station hinders efficiency and performance, causes confusion and delays in the opening of polling stations, and may even lead to verbal abuse and arguments between members; (2) the arrangement is financially unworkable; and (3)polling board members are poorly (if at all) acquainted with electoral procedures due to the absence of any systematic or standardised training.

4 The campaign

The official campaign began on the day the election was called and lasted for the next 45 days, ending with the start of the pre-election blackout ('silence') period48 hours ahead of polling day. Nevertheless, campaigning actually lasted longer, and was pursued primarily online and through social media.

The Serbian Progressive Party (*Srpska naprednastranka*, SNS) dominated the campaign, both in the field and in the media. Although formally playing a minor role, the party's leader and Serbian President Aleksandar Vučić was the central figure of the campaign: he lent his name to the party's list and served as the focus for all of its various interests. The SNS was also the most represented party in outdoor (OOH) advertising, television, and the press. Only the list headed by Dragan Đilas had the resources for a campaign that even remotely followedmodern political campaigning trends.

Tellingly, the remaining lists generally proved unable to mount a serious electoral challenge, especially in terms of advertising. This led to a marked lack of pluralism across all forms of paid political communication.

Equality was additionally compromised by a lack of distinction between the official activities of office-holders at the national or city level and their political campaigning; this was particularly evident in the media. Not every appearance constituted abuse of public office, but media outlets usually behaved uncritically, significantly reducing scope for providing voters with impartial information.



The campaign environment was fraught with tension: the governing party and the opposition were strongly polarised one against the other, and the dominant narrative was one of conflict, with the participants couching their ideas in terms such as 'battle', 'fight', and 'liberation'. Several mostly minor incidents were recorded during the campaign, with a number of small-scale and isolated cases of violence, mostly during campaigning in highly frequented areas.

4 The media

The campaign was pursued on two levels: the first was highlighted to a greater extent in political advertising and involved local issues and policies, whilst the second was more apparent in the widermedia context, focusing on broader political agendas and articulated through the government/opposition dichotomy. Commendably, most lists decided to offer fairly well developed local policies that differed greatly in content; six of the eight largest lists did so by means of concrete manifestos/platforms (the sole exceptions here were the Serbian Radical Party, or SRS, and the SPS).

On the eve of polling day, CeSID interviewed four major opposition lists (the coalitioncentred on the Democratic Party, or DS; Dragan Đilas; Dostajebilo/Dveri; and Ne davimo Beograd), whose **key complaint about the electoral process, apart from the alleged abuse of public resources, was the significant disproportion in media coverage.** They saw the fact that the media were closed against them asthe greatest obstacle to motivating voters. Three of the four interviewees said they had trouble gaining access to mainstream media, with two of the four also claiming to have also had problems with organising public events.

As in the 2016 and 2017 election, the broadcasting regulator REM did not collect statistics about the presence of election candidates in political advertising and news. The REM neither enacted any specific decision to monitor the Belgrade election nor issued any detailed guidelinesthat monitoring could be performed against.

The REM followed an introductory announcement with an additional five media releases aimed at the general public (and one unscheduled meeting of its Council that discussed a broader agenda). Four of these press statementswere issued officially by the organisation; the fifth was released on the REM letterhead but signed by Council member OliveraZekić, who claimed to be making a 'personal judgment'. This last release caused the greatest controversy: in the midst of the pre-election media blackout, Ms Zekićbroke with the regulator's convention to sharply criticise the public broadcaster RTS for allegedly 'turning the volume down' on an SNS official during a televised debate.

The REM also banned the television advertisement *Gradonačelnik* ('The Mayor'), produced by the SNS, whilst allowing two adverts, *Dilas jedan i jedan* ('Dilas one and



one') and *Strah*('Fear'), both produced by the group centred on Dragan Đilas. In general, during the campaign the REM failed to display a proactive and robust approach in denouncing inappropriate behaviour by media outlets, anddid not regularly and promptly report all irregularities.

Unlike in the presidential election, the media made an effort to organise a number of televised debates, which the audience could watch on RTS (two programmes were available, *Upitnik* and *Reč na reč*), Prva, N1, and the *Vice* web site.

In contrast to the Law on the Election of Members of Parliament, which allows the creation of a supervisory committee to oversee the election-related activities of political parties, candidates, and the media and call out any irregularities, the Local Election Law provides for no such option.

Lampaign finance

Election campaign finance is regulated by the Political Finance Law (enacted in 2011 and amended three years later in 2014). A total of RSD 37,430,444 (approximately EUR 317,173) was allocated in the Belgrade budget to finance this year's election campaign.

According to data from the Statistical Office of the Republic of Serbia, as cited by the Anti-Corruption Agency in its introductory statement, the average monthly salary in Serbia amounted to RSD 47,893 in 2017, meaning that the maximum permissibledonation by a private individual was RSD 957,860, rising to RSD 9,578,600 for legal entities. Financial information will be made public only after all election-related activities have been completed, as the Anti-Corruption Agency publishes no interim reports.

The Anti-Corruption Agency again accredited a team of scrutineers whose findings will be compared with data officially notified by the candidates. The Agency did not say how many observers it fielded.

There is room to improve regulation, especially in terms of financial reporting and the time limits for filing these reports, as well as the deadlines for the Anti-Corruption Agency to publish its own assessment of compliance.

Polling day

CeSID monitored events on polling day through a network of **300 experienced** and trained election monitors accredited by the CEC and posted at 300 polling stations that constituted a stratified representative sample constructed to meet all statistical requirements for parallel vote tabulation (PVT). Ever since the 2012 election, CeSID has promoted transparency in reporting results as they come in and as the sample model is populated with data. The public were able to watch live as



our monitors reported election results from polling stations where ballot papers were counted first and where official Polling Board Minutes were posted. CeSID's monitors reported the first results as early as 8.30 pm on polling night, and until 10 pm the public could watch the results change depending on the speed with which our sample quota was filled. At 10.10 pm, CeSID held a press conference where we presented preliminary turnout and result predictions. The CEC came out with the official results and distribution of seats on 5 March; for the lists that crossed the threshold required to enter the local legislature, CeSID's sample-based forecast differed from the final outcomeby at most 0.3 percent, with the average margin of error amounting to 0.18 percent.

The polling boards received all voting materials on polling day. At 6 percent of all polling stations the boards did not receive sufficient numbers of ballot papers, and their members notified the CEC of this. There were numerous delays in opening the polling stations (one in ten polling stations covered by our sample did not open promptly at 7 am, with delays amounting to 15 minutes on average).

The **most frequent problems** recorded at polling stations were those that polling boards generally encounter, with the key issue being**inconsistent use of UV-sensitive spray to mark voters as having voted,and of UV lamps to screen incoming voters.** At eight polling stations covered by CeSID's monitors voters did not have the spray applied to their fingers after being handed their ballot papers, whilst voters at five stations were not required to produce identification documents for inspection.

Polling boards at one in five polling stations (19 percent of the total) had trouble maintaining order. Issues here mainly involved reminding voters that they were not allowed to use communications devices (mobile phones) or take photographs at the polling station.

On average, each polling board had 11 voters who applied to vote away from the polling station, ten of which were able to actually cast their ballots. Only four polling stations covered by the sample did not close at 8 pm. Voting was extended by a matter of minutes only, and all voters present at the time were allowed to vote. Polling stations were closed without major issues, but in 6 percent of all cases the polling boards faced difficulties in counting the ballots. At 7 percent of all polling stations the Polling Board Minutes were not signed by all members of the local polling board.

The monitors identified many of the usual <u>irregularities</u> that are often viewed as less significant, but, if electoral rules were interpreted and applied strictly, these too ought to be seen as serious and efforts should be made to eliminate them. Such



infractions included allowing voters to cast their ballots without ascertaining their identity (by inspecting their identity papers and verifying personal identification numbers); not using UV-sensitive spray or lamp; and allowing useof mobile telephonesand photographing of ballot papers. In addition, at a number of polling stations the placement of privacy screenscast doubt on whether privacy was actually ensured, as the rooms housing the polling stations were marginally acceptable due to their small size.

CeSID's monitors at a number of polling stations reported that changes were made to electoral rolls after polling had already been underway. This should be treated as a serious incident, but, after the same issue had beennoticed at multiple polling stations, it transpired that the changes had duly been made in advance but were not reflected in the extracts from the central electoral roll used at the polling stations in question. CeSID's observers also witnessed much more serious infringements, such as allowing a voter to vote without being registered in the polling station's electoral roll, as well as the keeping of parallel registers containing personal information of 'safe vote' voters. At one polling station one personillegally cast votes for family members, which was recorded as an infringement in the Polling Board Minutes. At another location monitored by CeSID a number of voters were allowed to vote away from the polling station without the polling boardusing UV-sensitive spray and lamp. All irregularities recorded by CeSID's monitors were duly entered into the Polling Board Minutes.

WHAT CAN WE CHANGE?

Short-term recommendations

- o Develop and implement a plan to continuously and comprehensively educate both core and non-core members of polling boards.
- Strictly apply statutory penalties for polling board members whose actions or inaction jeopardise the electoral process.
- Improve regulations governing financial reporting and associated time limits, as well as deadlines for the publication of the Anti-Corruption Agency's report.
- Ensure that the REM monitors the media systemically and without being specifically prompted to do soand impose timely sanctions.
- o Consider improving the REM's2015 Election Campaign Rules for the Media.
- o Make scanned copies of minutes from all polling stations publicly available.
- o Consider adding a tear-away coupon to each ballot paper that the polling board would retain after the ballot has been cast.

Medium-term recommendations

o Reform the electoral administration to allow the central electoral body to become a standing professional authority, with a permanent education



- programme, and able to propose motions in the electoral process and exercise its powers *sua sponte*.
- o Open the preliminary electoral roll to public scrutiny.
- o Enact legislation to reduce scope for abuse of public funds and public office.

Long-term recommendations

- o Conduct comprehensive electoral reform to entail wide-ranging modifications not only of the electoral administration and its powers, but also changes to the electoral system, parties' and voter registers, the role of the media in the electoral process, and political and campaign finance.
- o Improve reliability of the electoral roll by undertaking awareness-raising campaigns to ensure members of the public are more responsible in notifying changes to their addresses or last names.
- o Improve the currently unsatisfactory communication between government authorities by linking their records(police; civil registers of births, marriages, and deaths; healthcare institutions; border authorities) to create one common database.
- o Improve performance of services tasked with maintaining electoral rolls. The electoral roll database is well-structured, but the data it contains could pose problems. This issue is a reflection of the poor performance of public administration as a whole.
- o Supplement traditional voting by allowing online voting in a controlled environment (at the polling station).

Notes

The Centre for Free Elections and Democracy (CeSID) observed operations of the City Electoral Commission (CEC) and activity at 300 polling stations on polling day. The sample was constructed to allow use of parallel vote tabulation (PVT) methodology. This allowed CeSID not only to monitor developments on polling day, but also to follow and compare election results projected using its representative sample with official results released by the electoral administration. As there was no statistically significant difference between these two sets of results, it can be concluded that no irregularities or abuse occurred in the counting of votes by the electoral administration.

A team of experts at CeSID's headquarters in Belgrade was tasked with tracking the other aspects of the election process. CeSID was not able to undertake either media monitoring to international standards, or campaign finance monitoring; therefore, in this regard we will outline a limited set of conclusions we were able to draw from desk-based research and interviews with the relevant stakeholders and decision-makers.



3. Political context

On 15 January, the Speaker of the Serbian Parliament, Maja Gojković, called a regularly scheduled election for the legislature of the City of Belgrade; the election was held on 4 March.

A total of 45 dayswere allowed for campaigning, excluding the pre-election blackout period: this continued a trend of short election campaigns that barely exceeded the statutory minimum time.

The election followed the same set of conditions as the previous three polls (since 2008): it employed a proportional electoral system with one single constituency and a 5 percent threshold; votes were cast for electoral lists and seats were distributed amongst the winners using the D'Hondt formula. Local elections had previously used both a two-round system (in 1992 and 1996) and a relative majority arrangement (in 2000). A proportional system was first introduced after the fall of Milošević, initially with a three-percent threshold under the Hare-Niemeyer formula and a directly elected mayor (2004).

The previous election, held in 2014, was contested by 23 lists, of which four(SNS, DS, SPS, and the Democratic Party of Serbia, or DSS) crossed the five-percent threshold. The SNS won 351,183 votes (43.62 percent) or 63 seats; the DS won 126,429 votes (15.7 percent) or 22 seats, the SPS received 92,539 votes (11.49 percent), translating to 16 seats, andthe DSS gained 51,435 votes (6.39 percent), winning9 seats. The Progressive Party formed the city government with its minority partners, the SPS and a group of local councillors who split from the DSS. Siniša Mali became Mayor. A total of 805,046 voters turned out, accounting for 50.66 percent of the registered total.

The 2018 local election was called in accordance with a regular schedule and after several months of speculation about whether a snap general election would be held on the same day. At the eleventh hour, the governing coalition yielded to pressure from the Serbian public, likely coupled with foreign persuasion, and abandoned plans for an early general election (which would have been the third snap poll in the span of just four years).

There were marked differences between the mood in government and that in opposition ahead of the local election. The SNS was enjoying the momentum generated by the decisive victory of Aleksandar Vučić in the first round of the presidential election held on 2 April 2012, when Vučić alone had won 403,019 votes, or slightly more than 44 percent, with a high turnout in Belgrade (of more than 900,000). As the summer began, the opposition alsohad some reason to be



confident, since its presidential contender Saša Janković had received 220,585 votes, 24.10 of the total, in Belgrade, and this was felt to be a robust foundation for future efforts. However, as Janković broke with the DS, he lost his initial impetus, encountered problems with forming his own political party, and more or less disqualified himself as a serious candidate, so handing the reins of the opposition movement to one-time Mayor of Belgrade Dragan Đilas.

Vučić's strategy was to muddy the field by contesting the election independently of the SPS and putting forwardpublic figures as the focal points of the campaign, to which the opposition endeavoured to respond by fielding a number of sizeable political blocs: the largest was concentrated around Dragan Đilas, a second one centred on the DS, and the third was a coalition between Dostajebilo (DJB) and Dveri. A number of other major actors also entered the fray: Aleksandar Šapić, head of the most populous Belgrade municipality of New Belgrade was the first to launch his independent campaign; the Serbian Radical Party (SRS) also contested the poll alone, as did a group of hitherto unknown faces from the Ne davimo Beograd Initiative.

The CEC promulgated as many as 24 electoral lists by the expiry of the nomination period; only one was rejected. Of these, no fewer than eight (highly questionably) claimed ethnic minority status. Many of the other lists had no ambition whatsoever of becoming seriously engaged in politics.

The start of the campaign was marked by the murder of Oliver Ivanović in Kosovska Mitrovica, whilst its conclusion was punctuated by a number of important meetings by key public officials: Aleksandar Vučić met Kolinda Grabar Kitarović and Angela Merkel, whilst Ivica Dačić hosted a state visit to Serbia by Sergei Lavrov.

Early opinion polling ahead of the election revealed that the opposition strategy had limited chances to succeed and that the SNS enjoyed a substantial advantage and was likely to see further growth, whilst the opposition was fragmented into four parties that seemed to always be hovering around the five percent threshold. When coupled with the SNS's vast capacity for campaigningand the major imbalance in media coverage, the final outcome of the election comes as no surprise.

The results were apparent as early as 10 pm on Sunday, polling day; the official figures released by the CEC show that turnout was 51.09 percent, or 814,477 registered voters, some 10,000 more than in 2014, but significantly fewer than in the 2016 general election (839,768) or the 2017 presidential election (901,739).

Four lists crossed the threshold: SNS (44.99 percent, winning 64 seats), the Dilascoalition (18.93 percent, or 26 seats), AleksandarŠapić (9.01 percent, or 12



seats), and SPS/JS (6.13 percent, translating to eight seats). As many as 14 lists received less than 1 percent of the vote each.

4. Legal framework

Elections for the local legislature of Belgrade are subject to a large number of regulations, most importantly the 2011 Local Elections Law. Issues not specifically addressed by this piece of legislation are governed, as appropriate, by the 2011 Law on the Election of Members of Parliament. There is a whole slew of laws that regulate other key issues as well, including the Single Electoral Roll Law (2011) and its associated Instructions for Applying the Single Electoral Roll Law (2012), Political Parties Law (2015), Political Finance Law (2014), Criminal Code (2016), and so forth.

The media are also bound by a number of laws, primarily the BroadcastingLaw (2014), Law on Public Information and the Media (2014), Advertising Law (2016), and Law on Public Service Broadcasting (2014).

A new Public Order Law, enacted in January 2016, applies to public assemblies as part of election campaigning.

Secondary legislation, including rulings, decisions, and instructions issued by the CEC after an election has been called, also plays an important part in the electoral process.

Apart from changes to the 2014 Political Finance Law, thiselectionwas subject to the same legislative framework as the previous round of polling that took place in 2012. These regulations generally provide a robust foundation for democratic elections, but a number of recurring issues are yet to be adequately addressed (with international election monitors also calling attention to some of those). The problems include ineffective measures to prevent abuse of public resources in campaigning; an impermanent electoral administration dominated by party politics; and the role of the REM in enforcing media standards in a campaign.

5. Electoral administration

Provisions governing the electoral administration are a particularly complex area of Serbia's electoral laws. The lack of alignment between these rules and their dispersal amongstvery many pieces of legislation has been causing recurrent problems that ought to be dealt with systemically.

The Local Elections Law stipulates that elections are administered by the electoral commission of the local authority (here the CEC) and polling boards. Under the Law,



both the CEC and polling boards are independent and autonomous bodies that are accountable to their appointing authority and must follow laws and regulations adopted pursuant to laws. Therefore, any assessment of the electoral administration's performance must focus on two aspects: (1) **the CEC** and (2) **polling boards**, including their statutory powers (including as envisaged under instructions and regulations) and the problems they faced in their operation.

Before analysing the performance of these two types of bodies, let us cite some key facts about this particular election.

- ✓ A total of 1,606,931 voters **could vote** in the Belgrade election;¹
- ✓ There werea total of1,185²**polling** stations, of which some 2 percent were located on private property;
- ✓ The Ministry of Justice decided not to allow voting to take place in **correctional facilities** in Belgrade;
- ✓ At the conclusion of the electoral process, the consolidated electoral list was comprised of 24 individual electoral lists:3 (1) 'Aleksandar Vučić – Zato što volimo Beograd'; (2) 'Dr Vojislav Šešelj – SRS'; (3) 'Ivica Dačić – SPS, Dragan Marković (JS)'; (4) 'Da oslobodimo Beograd -DS, SDS, NOVA i ZEP'; (5) 'Aleksandar Šapić – gradonačelnik'; (6) 'Štaraditebre – Marko Bastać'; (7) 'Dosta je bilo i Dveri – Da ovi odu, a da se oni ne vrate'; (8) 'Dr Miloš Jovanović – DSS'; (9) 'Zelena stranka Srbije'; (10) 'Beograd ima snage – Zavetnici'; (11) 'Dragan Đilas – Beograd odlučuje, ljudi pobeđuju!'; (12) 'Inicijativa Ne davimo Beograd – Žuta patka – Čiji grad, naš grad – Ksenija Radovanović'; (13) 'Ruska stranka – Mile Milošević'; (14) 'Predrag Marković - Pokret obnove KraljevineSrbije'; (15) 'Dr Muamer Zukorlić – Stranka pravde i pomirenja'; (16) 'Zelena stranka – Kakav Beograd želiš? Misli'; (17) 'Republikanska stranka – Nikola Sandulović'; (18) 'Jedinstvena stranka pravde'; (19) 'Za Beograd – Beogondola – Saobraćaj, urbanizam, turizam – Nova rešenja, konkretni projekti – Jovan Ranđelović'; (20) 'Nijedan od ponuđenih odgovora'; (21) 'Građanska stranka GrkaSrbije – Vasilios Provelaggios'; (22) 'Dosta je bilo pljačke, korupcije i lopovluka – Radulović Milorad'; (23) 'LDP - Čedomir Jovanović'; and (24) 'Ljubiša Preletačević Beli – Zato što volimo Belovgrad'.

¹ Decision on the Establishment and Publication of the Final Number of Voters in the City of Belgrade, enacted on 2 March 2018, available online at

beograd.rs/images/data/51bd61e3bec6999b734a281e7fdb59cf 7983281935.pdf [in Serbian].

² Ruling on the Designation of Polling Stations in the Territory of the City of Belgrade for the Election for Members of the City of Belgrade Legislature, enacted on 31 January 2018, available online at beograd.rs/images/data/861d6445dedcb9d987275dda3c82410d 8346654394.pdf [in Serbian].



- ✓ **Only one list was rejected:** this was 'Komunistiza Beograd Aleksandar Denić (NKPJ-SKOJ)'.Since the proposal contained administrative and technical deficiencies that could not realistically be remedied before the statutory period was set to expire, the CEC resolved to deny recognition rather than require the proponent to correct the shortcomings.
- ✓ Of the 24 lists promulgated, **eight were proposed by national minority parties:** (9) 'Zelena stranka Srbije' (Slovak); (13) 'Ruska stranka Mile Milošević' (Russian); (15) 'Dr Muamer Zukorlić Stranka pravde i pomirenja' (Bosniak); (16) 'Zelena stranka Kakav Beograd želiš? Misli'(Slovak); (17) 'Republikanska stranka Nikola Sandulović'(Hungarian); (18) 'Jedinstvena stranka pravde' (Roma); (20) 'Nijedan od ponuđenih odgovora' (Vlach),and (21) 'Građanska stranka Grka Srbije Vasilios Provelaggios' (Greek);
- ✓ **The 110 seats in the legislature** were contested by 36 political parties, movements, and civic groups, who fielded a total of 1,554 candidates (or 14 to each seat);
- ✓ 20 electoral lists were able to appoint representatives as non-core members of polling boards;
- ✓ After all electoral lists were promulgated, the CEC numbered **36** members (including deputies);
- ✓ A total of 11,850 people (5,925 on behalf of the SNS and PUPS, and 5,925 on behalf of DS, SPS-JS, SDSS, and ZNG)were appointed ascore membersofpolling boards (1,185), for a total of ten people per polling station (chairperson and four members, plus their deputies);
- ✓ **Non-core membership of polling boards** numbered47,400, or 40 for each polling station (20 representatives of lists entitled to nominate non-coremembers, plus their deputies);
- ✓ A total of 59,250 people served on polling boards;
- ✓ **Remuneration for service on polling boards**(for all individuals appointed as both core and non-core members) totalledRSD 119,685,000;⁴
- ✓ Voting was repeated at four polling stations in the municipality of Stari Grad on 18 March2018.

⁴ Pursuant to the Decision on Remuneration and Other Expenses in Connection with the Election for Members of the City of Belgrade Legislature (available online atbeograd.rs/images/data/e183e714333d846ocf831dd444c388d5_4724965361.pdf [in Serbian]), chairpersons and deputy chairpersons of polling boards were entitled to remuneration amounting to RSD 2,500 each, whilst both core and non-core members and their deputies are entitled to RSD 2,000 each.



In general, there wereseveralcontroversial issues with regard to the electoral authorities:

- 1) Transparency and openness of the CEC to public scrutiny;
- 2) Promulgation of a number of electoral lists, particularly 'Ljubiša Preletačević Beli zato što volimo Belovgrad';
- 3) Problems with the operation of polling boards; and
- 4) Treatment of complaints by the CEC and proclamation of final results.

1. Transparency and openness of the CEC to public scrutiny

In accordance with the Rules of Procedure of the CEC, enacted on 14 January 2018 at the CEC's first meeting, 5 actions of the Commission areopen to public scrutiny, which the CEC's Chairperson or Deputy Chairperson are required to ensureby posting information on the official web site of the City of Belgrade, releasing news bulletins through the Secretariat for Information of the Belgrade City Administration, allowing accredited media representatives to attend the CEC's meetings, andissuing press releases and holding press conferences (Article 18 of the Rules of Procedure). Moreover, the Election Instructions stipulate that the CEC's deliberations are open to public scrutiny as envisaged under the Rules of Procedure and affirms the right of both Serbian and foreign scrutineers to observe the operation of electoral authorities and, as such, attend meetings of the CEC and individual polling boards (Articles 62 to 65 of the Instructions).

Nevertheless, **it took nearly three weeks to issue accreditations**tostaff of the Centre for Free Elections (and those of other organisations and media outlets), meaning that, during this period, the CEC met and made decisions without allowing public access. To put this into perspective, in all recent elections it never took more than 48 hours to issue observer accreditations. As many as 18 meetings were held during this three-week period,and 17 electoral lists were submitted. The observers were unable to inspect the documentation submitted to the CEC by any of these 17 lists.

Concerns about the openness and transparency of the CEC in this election are also highlighted by the following facts. Of a total of 40 meetings held as of the time of writing, 19 were closed to observers. The CEC also continued its habit of providing materials only at the beginning of each session, which at times

⁵Rules of Procedure of the CEC, available online

atbeograd.rs/images/data/7b044ca78dfa8bfb0d6e170778a62b72_6209132787.pdf [in Serbian].
⁶Instructions for the Election of Members of the City of Belgrade Legislature Called for 4 March 2018, available online atbeograd.rs/images/data/6d4ab616193db62b52ebc045ce60c22d_5839190467.pdf [in Serbian].



resulted in the meetings being pushed back because the CEC's members were not given sufficient time to study the documents. Materials were not provided at all for two sessions, and no session was broadcast live. Only official announcements, but not session transcripts, were posted under the 'Local Election' heading on the City Administration web site. The web site was also used to publish most rulings issued by the CEC, but decisions dismissing or upholding objections or conclusions ordering election participants to remedy deficiencies were not posted, although these would have permitted a more thorough assessment of the CEC's performance.

Yet **the CEC was indisputably efficient.** Meetings that involved decision-making by majority vote resulted in the adoption of numerous enactments, including regulations, instructions, decisions, orders, and rules. The election schedule was adopted early on and was followed at all times. The Commission's meetings were again marked by frequent arguments and conflicts between representatives of the governing parties and the opposition, with some participants leaving the meetings in protest on a number of occasions.

2. <u>Promulgation of a number of electoral lists, particularly 'Ljubiša</u> Preletačević Beli – zato što volimo Belovgrad'

One of the issues debated at the 21st meeting of the CEC (17 February 2018) was the promulgation of electoral list 22,8 'Ljubiša Preletačević BELI – Zato što volimo BELOVGRAD'. A citizens' group, 'LjubišaPreletačević BELI – Zato što volimo BELOVGRAD', had submitted the 38-candidate electoral list of the same name for the Belgrade election. The list was accompanied by the Citizens' Group Agreement entered into on 22 January 2018 and all other substantiating documentation as mandated by law. The CEC reviewed the supplied information about voters who endorsed the list, found all formal requirements had been met, and proposed that the list be promulgated.

Whilst debating the proposed decision to promulgate the list, some CEC members indicated a number of issues with the substantiating documents: firstly, the Citizens' Group Agreement neither contained the name of the proposed list nor indicated which election the list was being submitted for (the preamble to the Agreement referenced the Law on the Election of the President of the Republic instead of the Local Elections Law). The name of the listposed a wholly different problem: the Administrative Court had ruled that an individual whose name is used for an electoral list had to consent to such use, which was not possible in this case as 'LjubišaPreletačevićBeli'was an invented character. Due to these deficiencies, and

⁷2018 Local Election: <u>beograd.rs/lat/gradska-izborna-komisija/1744410-lokalni-izbori-2018</u>[in Serbian].

⁸As the list was promulgated later, after the deficiencies identified had been remedied, it was included in the Consolidated Electoral List under number 24 instead of 22.



primarily because the Citizens' Group Agreement had not explicitly stated the name of the list, it was proposed to adopt a conclusion ordering the shortcomings to be remedied within the statutory compliance period. Nevertheless, the list was promulgated as number 22 with 18 votes in favour, 7 against, and 3 abstentions.

A member of the public then filed a complaint contesting the promulgation of the list, which was in due course denied. The final decision was made by the **Administrative Court**, whose ruling 1 Už 22/18 9 upheld the complaint and overturned the CEC's decision to promulgate the 'LjubišaPreletačević BELI – Zatoštovolimo BELOVGRAD' electoral list. The statement of reasons for the ruling stated the appeal wasmerited and that conditions to promulgate the list had not been met, as the Citizens' Group Agreement did not contain the name of the list, which constitutes a mandatory requirement. The ruling wenton to say that the CEC was obliged to instruct the proponent of the electoral list to draw up an addendum to the Citizens' Group Agreement so as to state the name of the electoral list and, preferably, the individual to head the list, and have the addendum notarised. To Pursuant to this ruling, at its 23rd meeting (11.30 am, 21 February 2018) the CEC instructed Luka Maksimović to **remedy the deficiencies within 48 hours by:**

- ✓ Drawing up an addendum to the Citizens' Group Agreement to indicate the name of the electoral list; if the addendum indicated an individual to head the list, it would have to state their first and last name and be accompanied by their written consent to head the list provided on the appropriate form;
- ✓ Specifying in the preamble of the addendum to the Agreement that the citizens' group was being created to propose an electoral list for the election of members of the City of Belgrade Legislature called for 4 March 2018; and
- ✓ Notarising the addendum to the Citizens' Group Agreement.

Since 'Ljubiša Preletačević Beli' could not consent to the use of his name, the list would have had to be renamed, which would, in turn, render invalid any voter signatures collected in support of the list, because they would have been given in endorsement of a list bearing a different name. Therefore, remedying the deficiencies as ordered in the CEC's conclusion would have entailed **collecting voter signatures** for a second time.

⁹The ruling is available online at<u>up.sud.rs/pages/view_cases_search/cirilica</u> [in Serbian].

¹⁰Extract from ruling 1 Už 22/18 of the Administrative Court: 'In the event that an addendum to the Agreement designates an individual to head the electoral list, their first and last name must be indicated and the addendum must be accompanied by their written consent to head the list. As ruled by the Administrative Court in a plenary session on 25 March 2016, the name of an electoral list may not include any part of the name of any individual excepting the first and last name of the individual designated as the head of the electoral list by the citizens' group in its Agreement.'



The list was nevertheless promulgated on the same day, at the CEC's 24th session (11 pm, 21 February 2018), after Luka Maksimović complied with the CEC's conclusion. Supplementary documents had been submitted to the CEC at 10 pm, including a notarised addendum to the Citizens' Group Agreement, notarised statement of consent of the individual selected to head the list, and the electoral list itself. Three serious issues marred the official acknowledgment of this list.

Firstly, the consent of the person heading the list was signed by an actual Ljubiša Preletačević Beli. Hitherto a fictitious character, on that very day Mr Preletačević Beli was issued a new personal identification card under that name. The notarial deed, signed and certified by a notary public, stated that the identity of Ljubiša (father's name Milivoje) Preletačević Beli was established via his personal identity card issued by the Belgrade Police Department on 21 February 2018. Although the CEC's requirement was formally met,this begs the question of how someone was able to change their name in such a short time of less than one day. To put this in context, applying to change one's name in a civil registerrequires numerous substantiating documents, including some that the registry cannot obtain via official channels, including proof of taxes paid issued by local or central tax authorities, and so forth.

Secondly, some members of the CEC took the view that the list **ought not to be promulgated** in the altered circumstances, as the Citizens' Group Agreement became legally binding only when its addendum was signed, and that virtually all voter endorsements were collected pursuant to an invalid document.

Finally, the electoral list submitted as part of the supplementary document lacked one name found on the original list (in all likelihood the person who changed their name to Ljubiša Preletačević Beli). Since this meant the list had been altered, the rules mandated collecting voter signatures again for this new amended list.

Regardless of these complaints, the list was promulgated, which resulted in two members of the CEC leaving the meeting in protest.

Apart from the controversial promulgation of this list, at least two more electoral lists were acknowledged against the opposition of a number of CEC members. The first was list 20, 'Nijedan od ponuđenih odgovora', whose proponents did submit a complete set of documents in compliance with the law and the CEC's instructions, but listed candidates' occupations (a requirement under the rules) as 'exorcist', 'beggar', 'little flower', 'sorceress', 'bourgeois woman', 'clubber', and so on. Although some CEC members suggested ordering the proponent to amend the list, feelingit was inappropriate as the purported occupations were not listed in official classifications, that they demonstrated contempt for the electoral process, or that they were obviously intended as provocation, the electoral list was nevertheless promulgated

¹¹Only lists whose promulgation was observed by CeSID's scrutineers are included here.



with a total of ten votes against. In addition, the list bearing number 22, 'Dosta je bilo pljačke, lopovluka i korupcije – Radulović Milorad', was opposed primarily by representatives of the Dosta je bilo and Dveri coalition, who claimed that both the list and the person heading itappropriated well-known names with the intention of misleading voters. Nevertheless, the list was promulgated with a total of five votes against and one abstention, whilst the Dosta je bilo representative was ejected from the meeting.

3. Problems with the operation of polling boards

According to the Local Elections Law, the coreof a polling board is composed of the chairperson and four members, whilst the 'extended' board also comprises, as non-core members, one duly authorised representative of each proponent of an electoral list that has put forwardcandidates for at least two-thirds of the seats up for election. Since this body is crucially important for managing the polling station, including ensuring the secrecy and regularity of the voting and tallying the votes, members of polling boards are chosen for their affiliation to the parties they represent. They are subject to the Polling Board Rules enacted by the CEC after an election is called.

Generally speaking, polling boards face three key issues that commonly recur in each election.

The first is the number of polling board members present at each polling station, which often causes confusion, complicates responsibilities, and creates bottlenecks. This problem is particularly apparent in elections such as this, where 24 electoral lists were promulgated and 22 of them were able to nominate representatives as non-core polling board members. As has already been mentioned, in this case the arrangement resulted in the appointment of 47,400 non-core and 11,850 core members, for a total of 59,250 people. This means that as many as 25 people were present at all times at each of the 1,185 polling stations, excluding scrutineers (17 monitoring missions were accredited, 6 Serbian and international/foreign ones). The sheer numbers often result in mistakesbeing made and impair performance. Moreover, some polling stations were only marginally suitable for this purpose (primarily due to their limited size), which added to the confusion and increased the likelihood of omissions. Therefore, numerous problems were observed with polling boards on polling day: these included verbal abuse and arguments between members, inappropriate use of UV-sensitive spray and/or UV light, use of mobile telephones and cameras, delays in opening polling stations, overcrowding at polling stations due to poor organisation, and so on.

A second issue, closely related to the first problem outlined above, concerns the **financial impracticability of polling boards.** Exercising its statutory powers,



for every election the CEC enacts a decision on remuneration and other election-related expenses. In this election (pursuant to the Decision on Remuneration and Other Expenses in Connection with the Election for Members of the City of Belgrade Legislature), chairpersons and deputy chairpersons of polling boards were entitled to remuneration amounting to RSD 2,500 each, whilst both core and non-core members and their deputies are entitled to RSD 2,000 each. These sums are paid into the members' bank accounts based on a timesheet. The large number of polling board members (especially as the remuneration is also available to non-core members, who represent each list/candidate, and their deputies), drives up this cost to a level where it accounts for a significant share of the overall expenses of the election. Funds are also secured from the appropriate budgets to lease privately-owned premises used as polling stations (RSD 5,000 for each polling station), office supplies (RSD 5,000 for each polling station), and the like.

The third and doubtlessly most important issue facing polling boards is the **lack of appropriate**, **or**, **indeed**, **any training amongst its members:** the members are poorly acquainted with electoral procedures and rules, leading to arbitrary interpretations, mistakes, conflicts, reporting of irregularities even where none exist or failure to report legitimate issues, etc. Neither the Election Instructions nor other regulations or laws envisage continuous, professional, and standardised training for polling board members. Similarcriticism of polling boards was also voiced by the Organisation for Security and Co-operation in Europe (OSCE) Office for Democratic Institutions and Human Rights (ODIHR) after the snap general election of 2016, but no steps have since been taken to address this problem. A particular issue is the failure by polling board members to sign the Polling Board Minutes, a document that records not just the voting results and other statistics, but also the comments and observations made by both core and non-core members and their deputies.

Therefore, to improve polling board performance, it is highly **advisable** to offer regular and standardised training in monitoring and scrutinising the electoral process for core and non-core members. Such training ought to be offered continuously at regular intervals so as to cover any amendments to electoral law. In addition, at least two more measures would go far towards improving the robustness of polling boards: (1) statutory penalties should bestrictly, systematically, and consistently imposed on members whose actions (or inaction) jeopardise the electoral process; and (2) scanned copies of minutes from all polling stations ought to be available to the public at large.



4. <u>Treatment of complaints by the CEC and proclamation of final</u> results

Some 200 complaints alleging irregularities at polling stations were lodged with the CEC by the expiry of the statutory deadline. Most of these (62) were filed by the coalition centred on the Democratic Party.

Only one complaint was upheld: it concerned irregularities at polling stations 2, 21, 37, and 40 in the municipality of Stari Grad. Here, the number of ballots found in ballot boxes had exceeded turnout, which was established by inspecting the relevant minutes and materials. The CEC duly ordered a repeat poll at these stations on 18 March 2018.

The remaining complaints were either denied or rejected as unfounded or made by persons withoutstanding: one was rejected at the 29th meeting of the CEC, 77 at its 30th meeting, and 82 at the 31st meeting. ¹²By way of a reminder, the Local Elections Law (Chapter 6, 'Safeguarding the Exercise of Suffrage', Articles 51 to 56) stipulates that any registered voter, candidate for the local legislature, and proponent of a candidate is entitled to 'safeguard the exercise of suffrage' by lodging a complaint with the electoral commission of the local authority (here the CEC) in the event of any irregularity in the nomination of a candidate, voting operations, or establishment and publication of the results of an election. A complaint may be lodged within 24 hours of the adoption of a contested decision or of the time that a contested action or omission was performed.

The CEC here **adopted a highly restrictive interpretation of the law**, as it deniedcomplaints lodged by *complainantswho referred to themselves as 'members of the public'*, rather than as 'voters'. Although the CEC is empowered and able to ascertain whether a complainant is a voter registered in Belgrade (by checking their personal identification number), in at least 15 cases the complaints were rejected outright and the CEC neither verifiedany complainant's status or considered the merits of any complaint.

Establishment of results

The CEC's 29th meeting, held on 5 March 2018, discussed the Minutes on Actions Taken by the CEC to Establish the Results of the Election for Members of the City of Belgrade Legislature. The purpose of this chapter is not to analyse the results, but

¹² CeSID's scrutineers were only allowed to see materials from the 29th meeting of the CEC. At the 30th meeting, the observers were not given the materials for deliberation of the 77 complaints. Finally, CeSID was neither notified of nor invited to the 31st meeting, which was explained as an unintentional oversight on the part of the CEC's administrative staff.



rather to assess the performance of the electoral administration. As such, we will only note that two core members of the CEC voted against the Minutes, the representatives of Ne davimo Beograd and the Dragan Dilas coalition. As reasons for their opposition they cited the entire context of the election (abuses of public office for party political purposes; unequal treatment of electoral lists in the media; unfair conditions; manipulation of the electoral roll; and so on), also focusing on a number of actions by the CEC (promulgation of the Belilist and the controversy with personal identification documents; delays in accrediting observers; arbitrary interpretation of rules to ensure as many lists as possible were able to contest the election, and so on).

6. Campaign

The official campaign began on the day the election was called and lasted for the next 45 days, ending with the start of the pre-election blackout ('silence') period 48 hours ahead of polling day. Nonetheless, campaigning actually lasted longer, and was pursued primarily online and through social media, withsome candidates (such as Aleksandar Šapić) launching their campaign as early as nine months before the election. Voters were able to choose between 24 political options, one more than in 2014, as electoral lists proliferated due partly to the fact that some political organisations abused the lax statutory rules for national minority parties: eight of these contested the election, including two Russianlists and Vlach and Slovak one. The poll was also notable for the significant presence of so-called 'soft' organisations, such as citizens' groups, initiatives, and movements.

Whether the large number of electoral lists reflected political pluralismis questionable, as most of the organisations were either political outsiders or actors with no serious political ambitions.

The SNS dominated the campaign, both in the field and in the media. Although formally playing a minor role, Aleksandar Vučić was the central figure of the campaign: he lent his name to the party's list, served as the focus for all of its various interests, and secured thesupport of prominent individuals; as President, he endeavoured to carefully orchestrate his official engagements to fit into the campaign. The SNS was also the most represented party in outdoor (OOH) advertising, television, and the press. Only the list headed by Dragan Đilas had te resources for a campaign that even remotely followed modern political campaigning trends. Only the list headed by Dragan Đilas had the resources for a campaign that even remotely followed modern political campaigning trends. Tellingly, the remaining lists generally proved unable to mount a serious electoral challenge, especially in terms of advertising. This led to a marked lack of pluralism across all



forms of paid political communication. Opposition lists shared the same issues as the political parties in the 2016 general election or the 2017 presidential election: (1) they had inheritedserious organisational and financial problems; (2) funds allocated from the budget were not nearly sufficient for serious campaigning; and (3) they allcontested the election individually, splitting their already limited capacity into multiple separate efforts.

Most candidates therefore campaigned on the internet, in social media, and via online advertising; they also held rallies and distributed promotional materials in public. The first part of the campaign more or less exclusively consisted of events, visits to local farmers' markets, and dissemination of propaganda.

Equality was additionally compromised by a lack of distinction between the official activities of office-holders at the national or city level and their political campaigning; this was particularly evident in the media. Not every appearance constituted abuse of public office, but media outlets usually behaved uncritically, significantly reducing scope for providing voters with impartial information. A report by Transparency Serbia (TS) states that the 'office-holders covered by the report engaged in a total of 339 activities, of which 193 were promotional: this was 60 percent more than the total (213), and 72 percent more than the number of promotional activities (112) in the non-campaign reporting period of 2017 (August-September)'. ¹³

Although article 29 of the Law on the Anti-Corruption Agency gives this body some power to address such abuse(it bars an office-holder from 'using public resources or meetings and events they attend in an official capacity for the promotion of a political party or political entity'), this rule cannot solve the glaring issuesevident from this campaign, and there are no other options to prevent the abuse of public office for party political purposes. Scope for action is limited beyond this law, as collecting the appropriate evidence is a challenge. Tangible progress with this aspect of the campaign will be difficult to achieve without amending legislation and introducing additional limits for office-holders.

The list centred on the SNS also benefited from extensive state visits made by Aleksandar Vučić, in particular his meetings with Kolinda Grabar Kitarović and Angela Merkel. On the eve of the election Belgrade was also visited by Sergei Lavrov, which boosted the standing of the SNS's minority coalition partners, the Socialist Party.

¹³ Transparency Serbia, Monitoring lokalnihizbora u Beogradu 2018 – finansiranje, postupanjedržavnih organa, funkcionerskakampanjainjenomedijskopraćenje [Monitoring Report, 2018 Belgrade Local Election: Finance, actions by government bodies, use of public office in campaigning, and media coverage], Belgrade, March 2018, available online at transparentnost.org.rs/images/dokumenti uz vesti/Izvestaj-o-izbornoj-kampanji-2018-Beograd.pdf [in Serbian].



In contrast to the Law on the Election of Members of Parliament, which allows the creation of a supervisory committee to oversee the election-related activities of political parties, candidates, and the media and call out any irregularities, the Local Election Law provides for no such option.

The media

The media are regulated by a number of laws, primarily the Broadcasting Law (2014), Law on Public Information and the Media (2014), Advertising Law (2016), and Law on Public Service Broadcasting (2014). The principal electoral laws are the Local Elections Law and the Law on the Election of Members of Parliament (2000), as some of its provisions apply to the local level as appropriate. The Election Campaign Rules for the Media, enacted in 2015 by the REM, are the key byelaw in this regard.

The campaign environment was fraught with tension: the governing party and the opposition were strongly polarised one against the other, and the dominant narrative was one of conflict, with the participants couching their ideas in terms such as 'battle', 'fight', and 'liberation'. Several mostly minor incidents were recorded during the campaign, with a number of small-scale and isolated cases of violence, mostly during campaigning in highly frequented areas.

The campaign was pursued on two levels: the first was highlighted to a greater extent in political advertising and involved local issues and policies, whilst the second was more apparent in the wider media context, focusing on broader political agendas and articulated through the government/opposition dichotomy. Commendably, most lists decided to offer fairly well developed local policies that differed greatly in terms of their content; six of the eight largest lists did so by means of concrete manifestos/platforms (the sole exceptions here were the SRS and the SPS). ¹⁴Political leaders or candidates publicly conveyed many more ideas thanwere officially presented in election manifestos.

Local policies mostly focused on the following groups of issues: (1) infrastructure and transportation; (2) social policy; (3) living standards; and (4) reform of local administration and/or de-centralisation. Unlike the 2014 election, corruption was not a major issue: the governing parties hardly referred to it, and it was also largely relegated to the background by most other lists save for DJB/Dveri.

¹⁴ More information about election manifestos is available online at <u>cesid.rs/istrazivanja/izborne-ponude-izbornih-ucesnika-sta-su-nam-obecavali</u> [in Serbian].



To learn more about the role of the media, on the eve of polling day CeSID interviewed four major opposition lists (the coalition centred on the Democratic Party or DS, Dragan Đilas, DJB/Dveri, and Ne davimo Beograd), whose key complaint about the electoral process, apart from the alleged abuse of public resources, was the significant disproportion in media coverage. They saw the fact that the media were closed against them as their greatest obstacle to motivating voters. Three of the four interviewees said they had trouble gaining access to mainstream media, with two of the four also claiming to have also had problems with organising public events.

The median average score awarded to the media in an opinion poll organised by CeSID ten days before polling day was 2.3, lower than the CEC, REM, and electoral lists; as few as 10 percent of respondents in Belgrade felt media outlets' performance was 'very good' or 'outstanding'. Most respondents also felt the campaign did not provide a level playing field: 29 percent of those polled saw the governing party as dominant, and another 23 percent believed the incumbent administration had enjoyed an initial advantage.¹⁵

This was the first election for the Belgrade legislature following the enactment in 2014 of a set of media laws. The broadcasting watchdogREM was established under the Broadcasting Law as an independent, autonomous regulatory bodythat exercises public authority to effectively implement media policies and improve quality and diversity of services provided by broadcast media;safeguard, protect, and promote freedom of speech and expression to protect both public interest in broadcast media and the users of services provided by media outlets, pursuant to the Broadcasting Law and in a manner appropriate to a democratic society.

As in the 2016 and 2017 election, the REM did not collect statistics about the presence of election candidates in political advertising and news.

The REM neither enacted any specific decision to monitor the Belgrade election or issued any detailed guidelines that monitoring could be performed against (such as the General Binding Instructions, first released in 2003). Rather, REM performed oversight only by following up on individual complaints.

In its initial announcement, made on 31 January, the REM stated that 'members of the public had the right to equal, timely, truthful, impartial, and comprehensive information about election campaigns pursued by proponents of electoral lists and candidates put forward on those lists, as well as about any other events of importance for the election', whilst providers of media services were required to 'ensure quality,

¹⁵ For more information, see CeSID, Izbornakampanja 2018 [2018 Election Campaign], February 2018, <u>cesid.rs/wp-content/uploads/2018/02/Gradski-izbori_Beograd_2018.pdf</u> [in Serbian].



timeliness, truthfulness, impartiality, and comprehensiveness in their coverage of all proponents of electoral lists and candidates put forward on those lists, as well as about any other events of importance for the election'. Apart from citing the relevant statutory provisions, the remainder of the announcement dealt with the rights of various organisations to cover the election and how they may do so.

The REM came out with an additional five media releases aimed at the general public (and one unscheduled meeting of its Council that discussed a broader agenda). Four of these press statements were issued officially by the organisation; the fifth was released on the REM letterhead but signed by Council member Olivera Zekić, who claimed to be making a 'personal judgment'.

The REM also reacted to an application by the public broadcaster RTS, which sought advice about three potentially controversial television advertisements. The REM banned the advertGradonačelnik('The Mayor'), produced by the SNS, whilst allowing two advertisements, *Dilasjedanijedan*('Dilas one and one') and *Strah*('Fear'), both produced by the group centred on Dragan Dilas.

In the end, the most heated discussionwas caused by a media release made by MsZekić, who broke with the regulator's convention to sharply criticise the public broadcaster RTS for allegedly 'turning the volume down' on an SNS official during a televised debate. She claimed the watchdog was reacting to complaints made by viewers, whilst the RTS made efforts to find out whether any omission had actually taken place.

In general, during the campaign the REM failed to display a proactive and robust approach in denouncing inappropriate behaviour by media outlets, and did not regularly and promptly report all irregularities. Regardless of the unclear statutory provisions on media monitoring, the REM would have to play a role in ensuring robust media monitoring and reporting on its findings, as this is the only way in which the public can clearly and comprehensively assess the quality of media coverage of elections. Systemic monitoring of both the media and electoral activities of all stakeholders is clearly lacking; only reacting to viewers' complaints obviously limits scope for action.

The campaign online and in the social media was very lively, butweighed down by negative campaigning and without visible progress in, for instance, using new and innovative communications channels to reach voters. Unlike in the presidential election, the media made an effort to organise a number of televised debates, which the audience could watch on RTS (two programmes were available, *Upitnik*and *Rečnareč*, for which the public broadcaster collaborated with CeSID), Prva, N1, and the *Vice* web site.



Campaign finance

Election campaign finance is regulated by the Political Finance Law (2011), which was amended three years later in 2014 to reduce public funding for both regular political activities and election campaigning, as well as to allow political entities to transfer funds earmarked for their day-to-day operations into their campaign accounts.

A total of RSD 37,430,444 (approximately EUR 317,173) was allocated in the Belgrade budget to finance this year's election campaign. The maximum permissible campaign donation by a private individual was RSD 957,860, rising to ten times that amount for businesses. According to Transparency Serbia, based on the number of seats won, the SNS stands to receive another EUR 147,000 to cover its campaign expenses, the Đilas list can expect another EUR 60,000, the Šapić list is to receive EUR 25,000, and the SPS/JS list EUR 20,000.

Transparency Serbia also estimated that SNS accounted for some 70 percent of all costs of television advertising and 77 percent of print advertising; the Dilas list came second in terms of airtime cost (with 14.7 percent), whilst SPS/JS was in second place for print advertising (10.2 percent).

Financial information will be made public only after all election-related activities have been completed, as the Anti-Corruption Agency publishes no interim reports.

The Political Finance Law does not require electoral lists to use public funds, but if they decide to do so they must post a deposit which they forfeit if they fail to win at least one percent of the vote.

The same piece of legislation also caps maximum donations in an election year: this limit is 20 average monthly salaries for private individuals, and 200 average monthly salaries for legal entities.

According to data from the Statistical Office of the Republic of Serbia, as cited by the Anti-Corruption Agency, the average monthly salary in Serbia amounted to RSD 47,893 in 2017, meaning that the maximum permissible donation by a private individual was RSD 957,860, rising to RSD 9,578,600 for legal entities.

'Donation' means the total value of all cash and non-cash donations.

A private individual may donate the equivalent of a maximum of 20 average monthly salaries, whilst a legal entity may donate at most ten times as much, with the cap



doubling in an election year. There is no spending limit; all incoming and outgoing payments must be made through a dedicated bank account.

The Anti-Corruption Agency is tasked with overseeing political activities and election campaigns. The State Audit Institution (SAI) audits the use of public funds by political parties.

Each participant in an election is required to file anannual financial statement with the Anti-Corruption Agency, as well as a special financial statement the latest 30 days following the publication of the final results of an election.

The Anti-Corruption Agency again accredited a team of scrutineers whose findings will be compared with data officially notified by the candidates. The Agency did not say how many observers it fielded.

The statutory and institutional frameworks are satisfactory, as they incorporate best practices and are patterned after similar arrangements across the globe. The frequent criticisms levelled against the distribution of funds are not caused by a poorly-designed system: the differences are, rather, due to election results and the number of seats won. The Anti-Corruption Agency is an independent watchdog that has proven to be a robust controller of political activities, and this issue is one of the best-regulated features of the electoral process. Additional positive effects could be achieved if other institutions, first and foremost the judiciary, became more actively involved and appropriately reacted to the Anti-Corruption Agency's findings and assessments.

There is room to improve regulation, especially in terms of financial reporting and the time limits for filing these reports, as well as the deadlines for the Anti-Corruption Agency to publish its own assessment of compliance. The Agency would also benefit from additional strengthening, which should in particular be provided to its department that scrutinises political activities.



7. Polling day

This chapter describes (1) the sampling methodology and process used by CeSID to monitor the election for the City of Belgrade legislature; (2) events on polling day; and (3) irregularities observed at polling stations where CeSID's election monitors were stationed.

The sample

Sampling, or the selection of a representative part of a population, is an essential part of research methodology. Each sample is comprised of a set of statistical units, and, in an election, these units are polling stations. Voting in the election for the Belgrade legislature took place at 1,185 polling stations, so the entire sample universe consisted of these 1,185 locations. CeSID's representative sample was made up of 300 polling stations across Belgrade.

CeSID monitored events on polling day through a network of **300 experienced and trained election monitors** accredited by the CEC and posted to 300 polling stations that constituted a stratified representative sample constructed to meet all statistical requirements for parallel vote tabulation (PVT). ¹⁶The PVT method is an election monitoring technique that CeSID has been using for nearly two decades, and involves tallying votes in parallel with polling boards so as to prevent any irregularities or abuse in the official count by the electoral administration. If figures obtained using PVT do not differ from the official results by more than the margin of error for each individual participant in an election, the official tally by the electoral administration can be concluded to have been fair, and the result can be considered an accurate reflection of the will of the people as expressed through voting.

Apart from adjusting the sample to the needs of PVT, care was also taken to ensure it was also geographically representative so as to allow us to use relatively few polling stations to draw a conclusion that would hold for all of Belgrade.

The sample was **transparent** (such that its results could be generalised to the entire universe of 1,185 polling stations) and **stratified** (composed of multiple strata, or clusters, which were based on voting preferences of the electorate as expressed in previous surveys). A prediction of the final results required the quota for each stratum to be filled to a particular degree. In other words, the strata were, in a sense, miniature sub-samples; for us to be able to generalise the results to the entire sample

¹⁶CeSID's turnout and result predictions can be found at<u>cesid.rs/u-fokusu/rezultati-izbora</u> [in Serbian].



frame, each of the strata first had to have its quota filled sufficiently to allow such generalisations.

Ever since the 2012 election, CeSID has promoted **transparency in reporting results** as they come in and as the sample model is populated with data. This meant that the public could watch the sample quota filled in real time. CeSID's representatives kept insisting that the data displayed on screen were not the final prediction, but rather the situation at any given time that changed minute by minute. The public were able to watch live as our monitors reported election results from polling stations where ballot papers were counted first and where official Polling Board Minutes were posted. Practice has shown that polling stations with the fewest registered voters were the fastest to report results.

CeSID's sample comprised 300 polling stations, of which 84 had fewer than 1,000 registered voters each, whilst 38 polling stations had more than 2,000 registered voters each. The smallest polling station had 291, and the largest 2,515 voters.

CeSID's monitors reported the first results as early as 8.30 pm on polling night, and until 10 pm the public could watch the results change depending on the speed with which our sample quota was filled. At 10.10 pm, CeSID held a press conference where we presented preliminary turnout and result predictions; just before midnight, CeSID postedits finalturnout and result predictions on its website (after 98 percent of the sample had been processed).

The CEC came out with the official results and distribution of seats on 5 March; for the lists that crossed the threshold required to enter the local legislature, CeSID's sample-based forecast differed from the final outcome by at most o.3 percent, with the average margin of error amounting to 0.18 percent.

The findings presented below are based on the observations of CeSID's monitors, who followed the work of polling boards and made notes in a questionnairespecially developed for this purpose.

Polling day

Reflecting the structure of the questionnaire, the report presented here is divided into four units: a) Reception of voting materials; b) Opening of polling stations; c) Voting and operation of polling boards; c) Closing of polling stations and completion of Polling Board Minutes.

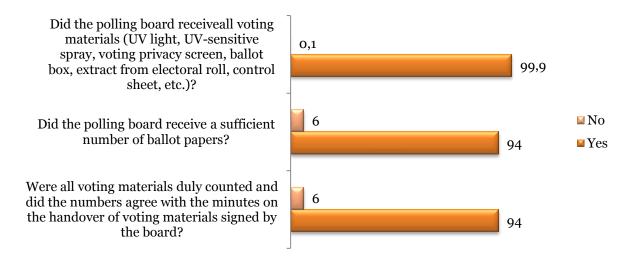
a) Reception of voting materials by polling boards

The reception of voting materials was tracked through three aspects: (1)



- Were all voting materials duly counted and did the numbers agree with the minutes on the handover of voting materials signed by the board?
- Did the polling board receive a sufficient number of ballot papers?
- Did the polling board receive all voting materials?

Figure 1. Reception of voting materials



The polling boards received all voting materials on polling day. A CeSID observer at only one polling station noted that not all materials were received (one UV light was out of order).

At 94 percent of the polling stations making up CeSID's sample the polling boards duly counted the voting materials and confirmed the numbers matched those listed in the minutes on the handover of voting materials signed by each board. At the remaining 6 percent of polling stations the polling boards did not receive sufficient numbers of ballot papers, and their members notified the CEC of this.

b) Opening of polling stations

CeSID's monitors did not onlyobserve the preparations for the opening of polling stations but also paid particular attention to the actual opening procedure.

There were numerous delays in opening the polling stations. One in ten polling stations covered by our sample did not open promptly at 7 am. Delays amounted to 15 minutes on average, with the last polling station opening only at 7.40 am. Moreover, election propaganda was found within the 50-metre exclusion zone at one in 20 polling stations from the CeSID sample (5 percent). In most cases the



offending items were removed by the polling board; where they were unable to do so, city utilities intervened after being notified.

A total of 98 percent of all polling boards met at 6 am, and 99 percent verified the integrity of the ballot box in the presence of the first voter to cast their ballot.

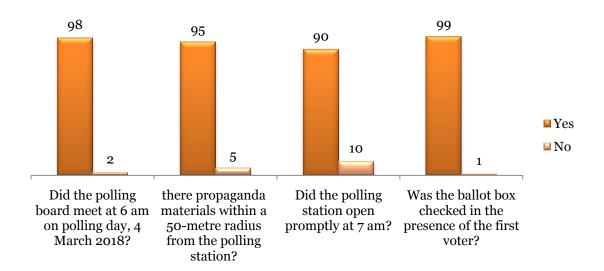


Figure 2. Opening of polling stations

c) Voting and operations of polling boards

According to reports received from election monitors, the voting mainly passed without major issues or irregularities.

The most frequent problems recorded at polling stations were those that polling boards generally encounter, with the key issue being inconsistent use of UV-sensitive spray to mark voters as having voted, and of UV lamps to check incoming voters.

At eight polling stations covered by CeSID's monitors voters did not have the spray applied to their fingers after being handed their ballot papers, whilst voters at five stations were not required to produce identification documents for inspection.

A somewhat more frequent occurrence reported by CeSID's monitors was non-compliance with the mandatory use of UV lightto check whether a person had already voted. This was the case at 6 percent of the polling stations covered by the sample.



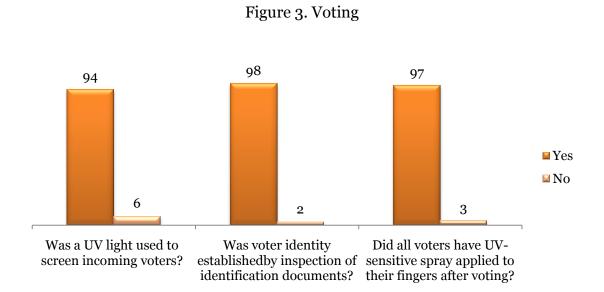
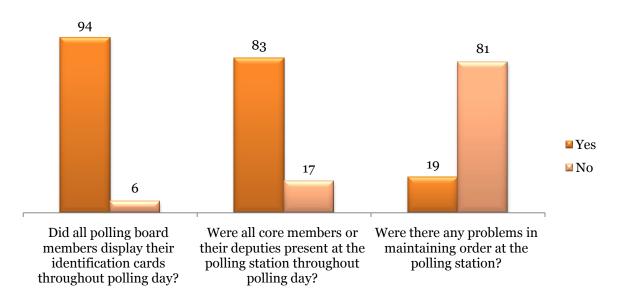


Figure 5. Operation of polling boards



The findings show that **polling boards in rural areas were more likely to omit inspection of identification documents**, mainly due to the small size of these communities and the fact that voters and polling board members are usually familiar with one another.

CeSID's monitors gauged the operation of polling boards by tracking a number of indicators: member visibility (whether they displayed their identification cards); presence at the polling station; and ability to maintain order at the public station.



At 6 percent of the polling stations that made up the sample, voters were not able to clearly recognise members of polling boards as these did not display their identification cards throughout the day. Moreover, all polling board members and their deputies remained at the polling station throughout the day at 83 percent of the sample sites.

Polling boards at one in five polling stations (19 percent of the total) had trouble maintaining order. These issues mainly involved reminding voters that they were not allowed to use communications devices (mobile phones) or take photographs at the polling station. Other irregularities recorded by CeSID's monitors are shown below under a separate heading. No polling station, however, saw voting interrupted for more than one hour: interruptions were reported at seven locations with an average duration of 13.5 minutes; the shortest haltslasted five minutes each, and the longest suspension of voting took place in Obrenovac and lasted 40 minutes (this situation is described in greater detail in the 'Irregularities' section below).

Apart from controlling the voting process at the polling station itself, polling boards were also required to make field visits to allow members of the public to exercise their right to vote away from a polling station. On average, each polling board had 11 voters who applied to vote away from the polling station, ten of which were able to actually cast their ballots.

d) Closing of polling stations and completion of Polling Board Minutes

Only four polling stations covered by the sample did not close at 8 pm. Since there were no interruptions lasting more than one hour, and as there was no need to extend voting, it comes as no surprise to see that only four polling stationsstayed open past 8 pmto allow voters on site to cast their ballots. In these cases, voting was extended by a matter of minutes only, and all members of the public present at the time were allowed to vote.

Polling stations were closed without major issues, but in 6 percent of all cases the polling boards faced difficulties in counting the ballots. At these locations there were obvious issues with logical and mathematical verification of the votes counted, which resulted in a repeated tally of the votes.

As we have outlined in previous election monitoring reports, counting issues occur most often at polling stations were one or multiple voters were able to remove ballot papers from the premises, as well in situations where the polling board failed to mark all voters who cast their ballots in the electoral roll. In addition, counting errors are more likely to occur at polling stations where the quantity of materials received (primarily ballot papers) did not match numbers indicated in the handover minutes.



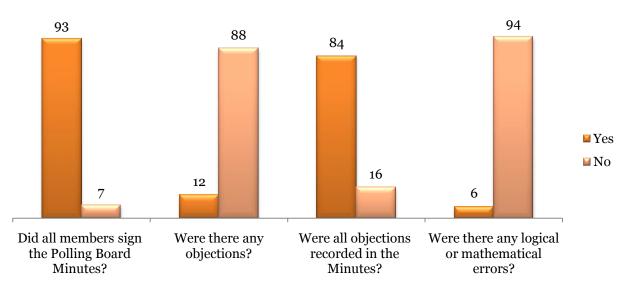


Figure 6. Polling Board Minutes

At polling stations, voting operations on polling day ended with the signing of the Polling Board Minutes. At 7 percent of all polling stations the Polling Board Minutes were not signed by all members of the local polling board. The principal reason for this was the absence of some members at the time the Minutes were signed. In significantly fewer cases (at only two sites) members of the polling board refused to sign the Minutes.

Members of polling boards had objections to the Minutes at 12 percent of the sample polling stations, and at 16 percent of these the objections were not recorded in the Minutes. The most common reasons for this were that objections were raised only after the Minutes had been signed, and that members with objections later agreed to leave them out.

As in previous elections, CeSID's monitors were generally able to work well with polling boards. The monitors were allowed to observe voting operations without major difficulties and received all the support they needed from the local polling boards when collecting information about turnout and results, as well as when recording irregularities or issues faced by polling boards throughout polling day. The average score awarded by our monitors to the organisation and division of responsibilities of the polling boards was 4.49 (on a scale from 1 to 5, with 1 being worst and 5 being best), whilst the average score for overall polling board performance was slightly lower, at 4.41.

Finally, CeSID's monitors were the sole scrutineers at one-third of all polling stations covered by the sample (or 34 percent). Officers of other organisations accredited as independent election monitors by the CEC were also present at the remaining 66 percent of polling stations.



Irregularities

Minor or major irregularities at polling stationshave accompanied all elections monitored by CeSID.

These commoninfractions have included failing to ensure secrecy or properly identify voters. Although they are often viewed as less significant, if electoral rules were interpreted and applied strictly, these too ought to be seen as serious and efforts should be made to eliminate them.

The most frequent such irregularities have included allowing voters to cast their ballots without ascertaining their identity (by inspecting their identity papers and verifying personal identification numbers); not using UV-sensitive spray or lamp; and allowing use of mobile telephonesand photographing of ballot papers. In addition, at a number of polling stations the placement of privacy screens cast doubt on whether privacy was actually ensured, as the rooms housing the polling stations were marginally acceptable due to their small size.

CeSID's monitors at a number of polling stations reported that **changes were** made to electoral rolls after polling had already been underway. This should be treated as a serious incident, but, after the same issue had been noticed at multiple polling stations, it transpired that the changes had duly been made in advance but were not reflected in the extracts from the central electoral roll used at the polling stations in question. The electoral roll was closed for amendmentson 1 March, but the changes were not physically madeor provided together with excerpts from the electoral roll delivered to the polling stations. In a sense, thesituation was irregular in that thistechnical task ought to have been completed between 1 and 4 March (the fact that it had not been done left even polling board members in a state of confusion). Nevertheless, this doesnot constitute an infringement as the amendments were not dated later than 1 March. Polling Board Minutes for polling stations where such changes were made on polling day reflected this fact.

As has already been noted above in chapters dealing with theelectoral administration and polling boards, CeSID underscores the need for better training of polling board members. At a number of sample polling stations, CeSID's monitors were either prevented from witnessing polling boards' preparations for opening the polling station or were only allowed to do so after explaining they were entitled access.

CeSID's observers also witnessed much more serious infringements, such as allowing a voter to vote without being registered in the polling station's electoral roll, as well as members of some political parties keeping **parallel registers**containing personal information of 'safe vote' voters outside polling stations. At one location, one person



illegally cast votes for family members; this was an infringement not only of ballot secrecy, but also of the requirement for each voter to cast their vote in person except where prevented from doing so by disability or illiteracy. The event was recorded as an infringement in the Polling Board Minutes.

At another polling station monitored by CeSID a number of voters were allowed to vote away from the station without the polling board using the UV-sensitive spray and lamp. All irregularities captured by CeSID's monitors were duly entered into the Polling Board Minutes.

One incident involved **allowing a person not registered in the electoral roll to vote**. This took place at a polling station in the town of Obrenovac and resulted in the suspension of voting for not more than one hour. Here the polling board left the polling station to allow a number of voters who had applied to vote away from the polling placeto cast their ballots, but had not firstchecked whether the persons in question were actually registered to vote. The people duly voted, but after the polling board returned to the polling station it found that two of the four individuals were not registered. After a brief discussion (during which voting was suspended), the polling board agreed to insert all ballot papers into the ballot box and to have the event recorded in the Polling Board Minutes.

Voting away from polling stations¹⁷resulted in a number of other irregularities. In one location, two voters applied to vote away from the polling place after the 11 am cut-off but the polling board accepted their applications. In addition, at another location monitored by CeSID a number of **voters were allowed to vote away from the polling station without the polling board using the UV-sensitive spray and lamp.**

Finally, in a number of cases **voters signed the electoral roll in wrong locations**, which prevented subsequent voters whose signature boxes were occupied from voting. At one polling station voters received 'suggestions' as who to vote for.

Nevertheless, it is important to underline that all irregularities reported by CeSID's monitors made it into Polling Board Minutes.

¹⁷According to the CEC, 11,527 voters cast their ballots away from polling stations, whilst 562 people were allowed to vote with the assistance of a helper.



8. Conclusions and recommendations

The local election was organised in accordance with legislative and institutional frameworks that generally provide a robust foundation for a democratic vote in compliance with international commitments and standards. Fundamental civic rights were respected, but not all participants in the election faced a level playing field, mainly as candidates of the governing coalition appeared both in official and party political contexts, which skewed media coverage in their favour. Numerous irregularities were observed on polling day, but CeSID's monitors were not able to identify any patterns. As such, these incidents cannot be said to have had an impact on the final outcome or legitimacy of the election.

Our experience with observing elections to date shows that institutions and participants in elections face numerous problems and challenges. Therefore, unless significant changes are made, such irregularities can be expected to recur.

The recommendations presented below are offered as suggestions for improving the electoral process in Serbia. They ought to be read in conjunction with both earlier recommendations made by CeSID and those put forward by OSCE/ODIHR.

The recommendations also constitute an invitation to a frank discussion about how Serbia's electoral processcan be enhanced. CeSID stands ready to participate in these changes in various ways and assist Serbian authorities in implementing them.

Short-term recommendations

- o Develop and implement a plan to continuously and comprehensively educate both core and non-core members of polling boards.
- Strictly apply statutory penalties for polling board members whose actions or inaction jeopardise the electoral process.
- o Improve regulations governing financial reporting and associated time limits, as well as deadlines for the publication of the Anti-Corruption Agency's report.
- o Ensure that the REM monitors the media systemically and without being specifically prompted to do so and impose timely sanctions.
- o Consider improving the REM's 2015 Election Campaign Rules for the Media.
- o Make scanned copies of minutes from all polling stations publicly available.
- o Consider adding a tear-away coupon to each ballot paper that the polling board would retain after the ballot has been cast.



Medium-term recommendations

- o Reform the electoral administration to allow the central electoral body to become a standing professional authority, with a permanent education programme, and able to propose motions in the electoral process and exercise its powers *sua sponte*.
- o Open the preliminary electoral roll to public scrutiny.
- o Enact legislation to reduce scope for abuse of public funds and public office.

Long-term recommendations

- o Conduct comprehensive electoral reform to entail wide-ranging modifications not only of the electoral administration and its powers, but also changes to the electoral system, parties' and voter registers, the role of the media in the electoral process, and political and campaign finance.
- o Improve reliability of the electoral roll by undertaking awareness-raising campaigns to ensure members of the public are more responsible in notifying changes to their addresses or last names.
- o Improve the currently unsatisfactory communication between government authorities by linking their records (police; civil registers of births, marriages, and deaths; healthcare institutions; border authorities) to create one common database.
- o Improve performance of services tasked with maintaining electoral rolls. The electoral roll database is well-structured, but the data it contains could pose problems. This issue is a reflection of the poor performance of public administration as a whole.
- Supplement traditional voting by allowing online voting in a controlled environment (at the polling station).

9. About CeSID

The Centre for Free Elections and Democracy (CeSID) is a non-governmental, non-partisan, and non-profit organisation. We bring people together to help establish and improve democratic values and institutions in Serbia. We promote these values through our education and research programmes, organised election monitoring, analyses of actions taken by stakeholders both before and during elections, facilitating development of local authorities, and highlighting undemocratic behaviour in our society and making suggestions for improvement. CeSID's objective is also to disseminate knowledge of democratic institutions, raise awareness about the value of free and fair elections, human rights, and democratisation whilst promoting and enhancing European values, norms, and standards.



The Centre's primary purpose was to ensure impartial observation of electionsin Serbia, including media monitoring, ballot scrutiny, parallel vote tabulation, and tracking campaign finance. Leading sociologists, political scientists, media experts, and statisticians have worked with CeSID, and its programmes have expanded to include a number other areas and comprehensive research to aid in improving democratic values and processes in society at large.

The Centre combines an extensive network made up of numerous monitors, 165 associates throughout Serbia, and 20 regional co-ordinators, with a team of experts, primarily election researchers, pollsters, political scientists, local authority development experts, and anti-corruption specialists.

The Centre has collaborated with more than 60 organisations in Serbia and is a member of the European Network of Elections Monitoring Organisations (ENEMO). We have worked with a number of international monitoring missions (in Bulgaria, Romania, Croatia, FYR Macedonia, Mexico, Albania, Ukraine, Belarus, Armenia, Georgia, Azerbaijan, Russia, Kyrgyzstan, Kazakhstan, Palestine, Israel, Libya, Syria, Germany, etc.). CeSID has also assisted with the creation of similar organisations in Russia, Ukraine, Georgia, Azerbaijan, and Montenegro, and has helped build their capacity.

The Centre was founded in 1997 and has since monitored all national-level elections (including elections for National Minority Councils and referendums) in the Republic of Serbia and (to 2006) Federal Republic of Yugoslavia and Serbia and Montenegro.