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AN UNPRECEDENTED ELECTION

Assessment of the electoral process in Serbia since 4 March 2020

Election Dialogue: improving electoral conditions for a more robust electoral process in Serbia



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The first 12 days of the campaign: signature collection and scant electioneering amidst the looming pandemic

Environment

The underlying emotional narrative, lack of communication between key political stakeholders, a lengthy series of demonstrations (held under the motto *One of Five Million* until the eponymous organisation left the protest movement), unhappiness with the state of the country's democracy and electoral conditions, and in particular dissatisfaction with Parliament due to repeated breaches of parliamentary rules and laws, led a large section of the opposition to first walk out of Parliament and then to call for a boycott of the election. **This long-standing political strategy of refusing to attend Parliament gradually worked its way into other areas of politics as well: opposition parties countered the calling of the election by formally launching a boycott campaign with the adoption of the *Declaration to Boycott the General Election on 1 February 2020*.** Yet the seeming unity of the opposition parties and movements had begun to unravel by degrees even before the election was called. In late January, the One of Five Million association, which had spearheaded the demonstrations, announced they would contest the election as others had 'betrayed the idea of the boycott'. The opposition bloc was also divided around taking part in local elections, with Saša Paunović, Nebojša Zelenović, and Milan Stamatović, the mayors of Paraćin, Šabac, and Čajetina, respectively, resolved to contest local elections in their communities in the teeth of disapproval from much of the opposition.

On 9 February, the Parliament adopted amendments to the Law on the Election of Members of Parliament and the Local Elections Law, some of which ran counter to recommendations made by both CeSID and the broader community of experts. The changes mean that this election will now take place in radically altered circumstances: (1) the election threshold has been reduced from 5 to 3 percent; (2) the timeframe for local elections has been altered; (3) rules for national minority parties have been changed, as have arrangements for distributing parliamentary seats to minority party lists; and (4) quotas for women on electoral lists have been changed to ensure that at least two of every five candidates are women. In addition, the Parliament had previously also amended the Law on the Anti-Corruption Agency, the Political Finance Law, and the Public Enterprises Law to provide more clarity on potential abuses of public office for election campaigning, again failing to adopt most civil society recommendations. Finally, this is the first election that will be monitored by an Election Oversight Committee since the institution was first introduced in 2000. The Committee's members were appointed on 23 December 2019, but no information about this body's activities has been available since.

Actors

Until the electoral process was suspended outright, **the electoral campaign had lasted for 12 days, during which time 9 electoral lists were formally promulgated.** Of these nine, two were deemed to be national minority parties or coalitions. The 12 days saw the collection of a total of **136,986** legally valid signatures of Serbian nationals in support of **2,018** candidates for Members of Parliament (MPs), of which one-third (**45,320**) were collected by one electoral list, Aleksandar Vučić – Za našu decu ('For Our Children'). The first six groups submitted lists with 250 candidates each, United Democratic Serbia (UDS) nominated 238, Zavetnici 194, and the Akademik Muamer Zukorlić list nominated 86 prospective



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MPs. **All political groups whose lists were officially promulgated complied with the new quotas for female representation**, with each list containing at least two-fifths of women: the Zavetnici and Akademik Muamer Zukorlić lists have **40 percent** of women, UDS and Movement for the Restoration of the Kingdom of Serbia (POKS) **41 percent**, Serbian Progressive Party (SNS), Socijalist Party of Serbia – United Serbia (SPS-JS), and Alliance of Vojvodina Hungarians (SVM) **43 percent** each, Serbian Radical Party (SRS) **44 percent**, whilst the share of women is the greatest, at **49 percent**, on the Aleksandar Šapić list. The average MP candidate is **45 years old**, with the oldest aged 91 (on the SPS-JS electoral list) and the youngest 19 (UDS). More than 300 candidates (**307**) are under 30 years of age, and this group accounts for some 15 percent of all prospective MPs. The Zavetnici list has the greatest proportion of under-30s, 46 of the 194, or 23.7 percent, followed by the Aleksandar Šapić list, with 54 of the 250, or 21.6 percent. The SPS-JS list has the fewest candidates under 30, at 9.6 percent, followed by SRS, at 11.2 percent. **All groups contesting the election have suspended electoral activities and public gatherings due to the Covid-19 outbreak.**

The media

From 4 to 15 March, the REM performed two assessments of radio and television airtime devoted to election programming. None of the promulgated lists broadcast any election advertising during this time. **The TV station NI accounted for 42.01 percent of total election programming**, followed by Nova S at 13.24 percent, Happy TV at 8.43 percent, TV B92 at 6.63 percent, and RTV Pink with 6.34 percent. The Vojvodina and national public broadcasters came sixth and seventh, with 6.21 and 5.43 percent, respectively, of all election-related airtime. The REM also published statistics on the presence of political groups on RTS 1, RTS 2, RTV 1, RTV 2, Radio Belgrade, Radio Novi Sad, NI, Nova S, Prva TV, TV B92, Happy TV, and RTV Pink. **All broadcasters with national coverage devoted the most airtime to governing parties** (the SVM – István Pásztor list received the most airtime on RTV 2, with the Aleksandar Vučić – Za našu decu list dominating all other national TV stations). No paid election advertisements were broadcast during this time. The findings indicate there is an **imbalance between groups contesting the election as revealed through media bias towards the ruling party**. The results would have been skewed even more in favour of the governing coalition had the monitoring taken into account the appearances of politicians as public officeholders.

The Regulatory Authority of Electronic Media (REM), the body tasked with regulating election broadcasting, was understaffed from 20 January to 14 February 2020, when the parliamentary Committee on Information and Culture announced nominations for members of the REM's Council. The candidates were Biljana Ratković-Njegovan (nominated by the Vojvodina Journalists' Society, or DNV), Višnja Arandelović (Serbian Journalists' Association, UNS), Slobodan Cvejić, and Slaviša Grujić (line committee of the Vojvodina Parliament). **On 14 February the Serbian Parliament formally appointed Slobodan Cvejić and Višnja Arandelović to fill the two vacancies.** These appointments caused some dissatisfaction amongst media professionals, who saw them as nothing more than a box-ticking exercise to fulfil the requirements of the final round of electoral dialogue between government and opposition, and that the new members would change nothing in how REM worked. By contrast, CeSID felt that the new members deserved support, at least initially, in view of their professional backgrounds. **The REM also adopted a tentative Election Campaign Media Monitoring Plan for the national, provincial, and local elections that calls for 24/7 monitoring of both public broadcasters (RTS1, RTS2, RTV1, RTV2, Radio Belgrade 1, and Radio Novi Sad) and commercial television stations with national coverage,**



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and also permits periodic oversight of other television channels. The REM's Council first used these powers at its 214th meeting to place TV stations NI and Nova S under supervision for the duration of the election campaign. The REM also issued a recommendation to commercial media outlets calling on them not to discriminate between registered political parties, coalitions, and candidates during the election campaign. **The regulator's decision to adopt a 'recommendation' instead of a formal directive came under criticism from many stakeholders, who felt that the REM had missed an opportunity to impose stricter, binding election campaign rules on private broadcasters.** This view was shared by CeSID, which believed it would have been beneficial to allow the REM to oversee private media outlets, especially television stations, given their substantial influence on the voting public.

Electoral administration

The National Electoral Commission (NEC) was well prepared for the poll, having adopted a series of important decisions and rulings before the election had been called. The NEC had also published forms for the participating groups, and, on the day the election was called, released a calendar of electoral actions and a set of procedural instructions for the election. As envisaged in its decision to suspend electoral actions, when it meets for the first time after the state of emergency is lifted, the NEC will adopt a new electoral calendar. The NEC has also offered a series of train-the-trainer sessions for core and extended members of polling boards, the first time that such training has been delivered. **According to the NEC, as of 4 March more than 500 core member trainers had been trained, who then went on to train over 50,000 core members in 161 local authorities; another 235 people received extended polling board member training.** The NEC also announced it would livestream all its meetings online, a pledge that it upheld. Finally, the NEC adopted a set of recommendations made by CeSID and civil society organisations that have made it easier for election monitors to get accredited, also making these accreditations valid for an entire municipality or city instead of for just one polling station as previously.

Funding

The Anti-Corruption Agency has announced it would be monitoring the election by collecting data in the field about the activities of political groups, including audio and video recordings, digital photographs, and samples of election leaflets. The Agency is yet to publish a formal decision or ruling pertaining to the election campaign or any breaches of regulations, remaining as weak and passive as in previous elections. **In the course of the dialogue on electoral conditions, civil society had persistently advocated changes to how key oversight institutions operated.**

Suspension

The decision to declare a state of emergency was made by the President of Serbia, the Prime Minister, and the Speaker of the Serbian Parliament, since, according to the (disputed) official interpretation of the Government Order on measures during the state of emergency, the Parliament was unable to sit and vote on the state of emergency in accordance with its constitutional prerogative. The accompanying orders and other statutory instruments imposed measures limiting constitutionally guaranteed human and minority rights (formally in accordance with the legal framework), including a gradual tightening of restrictions on movement, business, and public gatherings. Given these circumstances, **the election, called on 4**



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March and scheduled to take place on 26 April 2020, was postponed by a decision of the NEC dated 16 March 2020. This document would remain in effect until the state of emergency was lifted, and the new time limits for electoral actions would be set in a separate enactment of the NEC with reference to the date on which the state of emergency was rescinded. In practice, this meant that the electoral process would continue from the point at which it was suspended once the NEC adopted a decision to that effect (immediately after the state of emergency was lifted), and the election would be held 41 days later, in compliance with the statutory duration of the election campaign.

After a meeting between the heads of state and government and representatives of political groups taking part in the election, on 4 May, it was resolved that the election would take place on 21 June. The state of emergency was lifted on 6 May, and the NEC undertook to resume electoral actions on 11 May, as agreed between the authorities and political groups.

Campaigning without a campaign

Stakeholders and the thematic framework during the state of emergency

Covid-19 remained the central issue for the first 12 days of the election campaign, although coronavirus did not start spreading locally for some time after the first 'imported' case was identified. This was only to be expected, as 48 people were confirmed infected as of the day the state of emergency was introduced. Public discourse completely shifted from the election to issues of public safety and healthcare. The state of emergency can be divided into two distinct stages: the first was characterised by a wave of concern that nearly swept aside all party politics and political criticism for the first several weeks, whilst the second appeared as soon as the situation first seemed to come under control. In this second period it became exceptionally difficult to distinguish between party political and governmental activities of both the SNS and Mr Vučić, whilst the opposition focused on criticism of public health interventions (especially those targeting the over-65s) and relief measures for businesses and households. That being said, the opposition found itself in a precarious position, losing what little visibility it may have had as the public shifted its attention to the virus outbreak and the government's activities, appearances by key officials became more frequent, and opposition factions remained unable to draw attention to their manifestos and future plans. Adapting to the circumstances, opposition groups (both those planning to contest the election and those calling for a boycott) resorted to criticism of the authorities, especially for the way in which the state of emergency was imposed, continued erosion of Parliamentary powers, concentration of decision-making in the hands of individuals, and restrictions on movement and public gatherings. Even though the election campaign was in limbo, the government and opposition continued to spar with one another during the state of emergency. Finally, the strict lockdowns prevented much in the way of street action and direct contact between candidates and voters.

Even though it had announced a number of large-scale gatherings and rallies as part of its election campaign, the spread of Covid-19 led the SNS to cancel all its open-air and indoor events until the end of April, and the SPS followed suit. All events remained off the schedule into early May. The remaining groups, which submitted their electoral lists in the closing days of the official campaign, had little or no time or opportunity to organise any events, and later embraced the view that electioneering should remain suspended until the pandemic had been brought under control. The



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planned boycott campaign was also put on indefinite hold. **An informal campaign began even though no public events or rallies were being held, regardless of the conclusions of pre-election dialogue that called for public officials to refrain from using their office for electioneering.** This meant that party political slogans and messages were deployed at events that had nothing to do with the election, with the SNS and its manifesto receiving indirect promotion.¹ The ruling party and its officials (especially the President of Serbia Aleksandar Vučić) came under sustained criticism for their abuse of public office for campaigning after electoral actions were suspended during the state of emergency. Even though emergency legislation formally placed electoral actions in abeyance, it seems that lines remained blurred between official and electoral appearances by candidates and political leaders.

Political life during the state of emergency

In the early days, the dominant mood was one of **concern** (according to CeSID's research, nearly one in three respondents felt this emotion), but this initial period was soon followed by one where the public discussed the impact of Covid-19 on issues other than health, especially politics and the economy. A **business survey** conducted by CeSID in early April found that firms were on the whole satisfied with the government's proposed measures but were sceptical as to their feasibility, but, that being said, here we will focus on the political aspects of the situation. Even though the Serbian Constitution permits the executive to impose a state of emergency (as it did here), the fact that the Parliament did not do so caused much resentment amongst constitutional experts, especially those opposed to the government. The government's justification – that Parliament was unable to sit – may have made some sense at the time the state of emergency was introduced, but it is nonetheless pertinent to ask why Parliament did not find a way to meet afterwards, unlike many European legislatures. This state of affairs had three major adverse effects: (1) the executive operated unchecked by Parliament; (2) the decisions made and measures imposed lacked the full legitimacy of Parliamentary approval; and (3) the opposition were denied the sole remaining institutional avenue for voicing their political views. In parallel to, or obscured by, this shift of power from the legislative to the executive, freedom of the press – a key pillar of democracy – was jeopardised with the arrest of Ana Lalić, reporter for Nova.rs, over a critical piece about a major healthcare facility. The first stage of Serbia's efforts to control Covid-19 was also marked by the ruling parties' frequent offhand references to the changing international paradigm and the strengthening of political and economic ties between Serbia and China.

The media

CeSID reviewed broadcast and online media content from 1 January to 24 April 2020. Outlets with national coverage were included, with the assessment extending to a total of 600 features, pieces, and articles on topics connected with the election, the campaign, participants, and institutions such as the NEC, REM, Ministry of Public Administration and Local Government, Serbian Parliament, Anti-Corruption Agency, and Election Oversight Committee. This media monitoring found that the participants in the election were the most frequent topic (with a total of 284 pieces), followed by the election campaign itself (137). The most election-related features were published in the *Danas* daily (109), with *Večernje Novosti* coming in second

¹ For instance, on 5 March, at the ground-breaking ceremony for the Barry Callebaut factory, the Mayor of Novi Sad Miloš Vučević said: 'It is investments such as these that make it possible to have free nursery schools, textbooks, and new buses, and this is a victory for the future of our children' (see bit.ly/357oOx8).



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(75) and *Blic* third (63). **Electoral conditions were the key issue in February due to the public debate about amendments to the Law on the Election of Members of Parliament and the Local Elections Law.** During the campaign, the NEC was the subject of 14 pieces, mainly worded neutrally. Discussion of electoral conditions was reignited with the imposition of the state of emergency, so most pieces published in the latter half of March and April dealt with the impact of the Covid-19 outbreak on the elections and speculated on the likely new election date. **Officials of ruling parties were mentioned in 64 percent of all features dealing with participants in the election,** and most of these pieces were either neutral in tone or favourable to the government. More than half of all articles that viewed the opposition in a positive light (either over-representing or openly favouring opposition groups) were published in *Danas*. Conversely, *Dnevnik* and *Informer* published most features that over-represented or favoured the government. The state of emergency suspended all electoral activities, so the media focused on covering the pandemic. Without question, **in the latter half of March and April, most outlets reserved their column inches and airtime for government officials, especially their frequent appearances in scheduled and unscheduled broadcasts related to the ongoing crisis, as well as in press conferences.** It ought to be noted that media outlets remained polarised into two camps at these press briefings as well.

A hybrid campaign

The new environment

Serbiens look set to go to the polls in the upcoming parliamentary, provincial, and local elections in highly unusual circumstances **caused on the one hand by the Covid-19 pandemic, and on the other by the polarised political environment and highly emotional narrative.** The electoral process, already weighed down by the boycott announced by some opposition groups, lack of communication between key political actors, and deep divisions in society, was cut short by the imposition of the state of emergency on 15 March 2020, 12 days after the election had been called. This was the first time since multi-party democracy was reinstated in Serbia 30 years ago that an election process was suspended. The poll, now scheduled for 21 June, will be the first general election since 1990 to take place in the summer; this will also be only the second time since the presidential election of 2004 that Serbians will have voted in June. Just as the campaign was due to resume, **Freedom House published a report in which it called Serbia a 'hybrid regime' for the first time since 2003,** instead of a democracy or semi-consolidated democracy, as had previously been the case. According to the definition used, the country does have political competition and a minimum of requirements for elections, but these conditions are not fair and institutions are abused.

The campaign is set to restart in a setting fraught with much tension, in some respects even greater than at the start of the year, with both political groups and the general public split into opposing camps. Dissatisfaction with government measures and the authorities in general first found expression in protests in which members of the public made noise by banging on pots and pans on their balconies (following calls made by a



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number of political organisations and individuals), to which the other side responded disproportionately² by organising counter-demonstrations on rooftops accompanied by flares, football supporter paraphernalia, and anti-social behaviour. It was never satisfactorily explained whether members of these groups were in fact allowed to be out during lockdown. The situation deteriorated when individuals organised a counter-protest close to the home of the family of opposition leader Dragan Đilas, exposing his family members to upsetting and alarming messages. The following evening saw a gathering of opposition politicians and members of the public in the same location in support of Mr Đilas: even though the meeting passed off peacefully, the participants violated police curfew. Minor disturbances also occurred when opposition leaders protested outside the parliament building on the day the institution was set to reconvene. The incidents carried over into the parliamentary chamber, as opposition politician Boško Obradović was ejected from the plenary hall on 7 May for violating the rules of procedure after blowing a whistle and approaching the Speaker's chair. Tensions continued from 8 to 10 May: Mr Obradović first physically assaulted fellow MPs and SNS officials outside the parliament building; he and Miladin Ševarlić, another opposition MP, then went on hunger strike in the same location over the following weekend. Finally, two ruling party MPs (Aleksandar Martinović and Sandra Božić) began their own hunger strike in response.

On 5 May the Serbian Government approved amendments to the Law on the Election of Members of Parliament and the Local Elections Law. **According to these amendments, signatures collected in support of electoral lists for general and local elections will be considered valid if certified by either notaries public or city and municipal administrations, in a bid to reduce the risk of Covid-19 transmission.** Amendments are also expected to other regulations, primarily the NEC's rules, as the authorities seek to make the elections safe.

Parliament first sat during the state of emergency on 28 April, with opposition MPs who had previously boycotted sessions again staying away, even though it was evident that the decision to do so had neither been made lightly nor was to everyone's liking.

Expectations

The resumed campaign will differ from that seen in the first 12 days in three key respects. The thematic framework will have changed, as the Covid-19 pandemic has altered public priorities, concerns, and issues. The second change is related to security arrangements, since the campaign is still taking place in time of an epidemic, and this will certainly have a bearing on the final assessment of the election since the media and institutions will be crucial to the quality of the electoral process. Last but not least, the participants will differ: the Free Citizens' Movement (PSG) resolved to contest the election on 8 May, even though it had previously been in the boycott camp. It would not come as a surprise to see other political groups change their minds as well.

² We use the term 'other side' as the SNS has publicly denied these counter-protests were linked to the party. Nevertheless, there are many reasons to doubt the truth of this assertion, not least as Vladimir Đukanović, MP and SNS official, joined one of the groups that set off flares on rooftops.



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In conclusion, CeSID calls on all participants in the election to act responsibly, defuse tensions, and strictly follow public health recommendations. Our organisation appeals to the authorities to be proactive in this campaign and prevent any violations of laws, and to the media to make room for a variety of differing opinions, especially as participants will now not be able to communicate with voters directly.

The positions presented in this report are not necessarily those of the Open Society Foundation.