



23 June 2020

# Centre for Free Elections and Democracy (CeSID) Election Monitoring Mission Preliminary Report

*General election, 21 June 2020*

The 21 June general election complied with basic human rights standards, but political competition was limited as some opposition parties boycotted the poll and lines between election campaigning and official government duties were blurred. The electoral administration organised the election efficiently and in accordance with the applicable legislation. Even though inter-party dialogue produced the Parliamentary Election Oversight Committee, this body did almost no work and did not meet the expectations of the political stakeholders. Election day generally passed off peacefully, although some irregularities were noted, including a number of serious incidents (such as parallel record-keeping, undue pressure on voters at all levels to turn out, presence of unauthorised persons at polling stations, disturbances inside and outside polling places, etc.).

The election took place in **extraordinary circumstances**, shaped as it was by the Covid-19 pandemic, suspension of the electoral process due to the state of emergency, a polarised political environment, altered priorities and problems faced by the general public, and partial boycott of the poll by a number of opposition groups. The election was called on 4 March 2020, but the process was suspended by the National Electoral Commission (NEC) on 16 March 2020 after Serbia declared a state of emergency and resumed only on 11 May 2020. Just as the campaign was due to recommence, Freedom House published a report in which it referred to Serbia as a 'hybrid regime' for the first time since 2003, instead of a democracy or semi-consolidated democracy, as had previously been the case.

Until the nominations window expired on 5 June 2020, the NEC officially promulgated **21 electoral lists, of which five were put forward by national minority parties or coalitions** (one Albanian, one Hungarian, one Bosniak, one a Bosniak-Macedonian coalition, and one Russian). All electoral lists contesting the election complied with the new statutory requirement for women to account for at least 40 percent of candidates. There is still no obligation for this gender quota to be retained once an electoral list gains seats in parliament, nor for an outgoing MP to be replaced by one of the same gender.

Legislation governing electoral procedures was amended thrice in the course of the election year, which is both **concerning and contrary to conclusions of the Venice Commission as outlined in its Code of Good Practice in Electoral Matters**. The rules were changed in January (to address abuse of public office for campaigning purposes and provide a clearer definition of what constitutes election campaigning – but this round of amendments can be considered justified as the changes were agreed by all political parties), February (minimum threshold, rules on participation by minority parties and distribution of seats to minority lists, and gender quotas), and, finally, in May 2020, once the election process was already in motion (certification of voter signatures in support of electoral lists by local authorities). Apart from the changes being made either immediately before the election or during the actual course of the campaign, another cause for concern is the lack of broader public consultation or social consensus around the February amendments. A key upshot of these revisions is the **erosion of legal security as to how**



**a party or coalition can be recognised as a national minority group.** Under the current legal framework, electoral bodies have wide discretion when deciding to award this status, which runs counter to a position adopted in 2016 by the Administrative Court. Two electoral lists (*Ruska stranka*, or ‘Russian Party’, and *Koalicija za mir*, ‘Coalition for Peace’) were denied minority status by the NEC, only for the Administrative Court to overturn this decision and recognise *Ruska stranka* as a national minority party with just one day to go before the poll.

The **NEC** operated transparently and efficiently and with strict adherence to timelines set out in secondary legislation. The Commission improved its technical arrangements and, for the first time, streamed its meetings live on its web site. In a particularly welcome development, the NEC enhanced its educational component in line with recommendations made by previous Office for Democratic Institutions and Human Rights (ODIHR) missions: the Commission produced as many as 12 sets of manuals and brochures for polling boards, working parties, election monitors, and voters, with key publications translated into Serbia’s 11 official minority languages. The NEC also prepared, organised, and delivered a series of polling board train-the-trainer events attended by 539 people; 161 local authorities subsequently relied on these instructors to train some 50,000 core polling board members. The Commission made all decisions by consensus and broadly adhered to legislation, but two key issues highlight the need for **continuing insistence on enhancing the professionalism of the electoral administration**: the NEC’s decision to deny *Ruska stranka* the status of a national minority party, and its refusal to promulgate the *Levijatan* (‘Leviathan’) electoral list even though it met all the statutory requirements. The findings of CeSID’s assessment of this electoral cycle have reinforced our view that greater professionalism of the NEC must be accompanied by similar reforms to **polling boards**, the lowest tiers of the electoral administration, as events of election day again brought to the fore the shortcomings in the boards’ sophistication and ability to organise the poll that largely contributed to the issues reported.

Even though the Ministry of Public Administration and Local Government did attempt to stave off problems with the electoral register, during the campaign, and especially on election day, CeSID observed many situations where members of the public expressed **doubts as to the accuracy and up-to-dateness of this register**. The CeSID team recorded statements of a large number of voters who claimed to have been prevented from voting due to not being registered, even though they had previously confirmed their voter registration status on the Ministry’s web site.

The **campaign setting** evolved as election day drew closer: in the first stage, the environment was polarised and highly emotionally charged, with participants employing vehement rhetoric and incidents occurring frequently, whilst the second stage (the final four weeks of the campaign) passed off more peacefully and no disturbances or instances of political violence were recorded. Although the Covid-19 pandemic made it impossible to hold large-scale rallies, in both stages of the campaign the media were dominated by the Serbian President Aleksandar Vučić and, to a lesser extent, other Serbian Progressive Party (SNS) figures, who continued **blurring the line between party political activities and duties of public office**. The governing party and its officers attracted particularly strong criticism during the state of emergency (even though electioneering was formally in abeyance) as it was completely impossible to tell which capacity public officials were appearing in when addressing the public and delivering information about the government’s pandemic prevention and protection measures, leading observers to dub this period the **‘non-campaign campaign’**. This strategy reached culmination when 1.7 million old age pensioners received letters in which the ruling party claimed credit for measures organised and carried out by the government. Office-holders became increasingly involved as the campaign progressed, whilst, by contrast, the media began to broaden their coverage of opposition activities, with reporting turning more balanced than at the very start of the campaign when the SNS dominated the media outright (in



particular in the first half of March). Nevertheless, the outlets covering the opposition were largely limited in their audience share and reach, which restricted political debate and made it difficult for the public to learn about the full range of policies on offer. In addition, the second stage of the campaign was marred by public mistrust of the ways in which some electoral lists secured the voter backing necessary to field candidates. Changes to rules on how voter support statements were certified, and the general opacity of the whole process, meant the legitimacy of some lists was challenged.

The **Anti-Corruption Agency (ACA)** remained passive in the early stages of the campaign and only changed gear as the poll came closer: from 20 May to 22 June, for instance, it looked at 23 instances of possible violations of Article 23 of the Political Finance Law, which regulates the maximum amount of private donations a party can accept. In 18 of these situations the ACA ruled the law had not been breached, and in the remaining five cases it issued reprimands. The ACA also hired 120 election observers to collect data for comparison with costs claimed in parties' official campaign finance reports. The **REM**, the broadcast media regulator, noticeably engaged in greater debate than in earlier years, but was still unassertive in reacting to a number of issues with the campaign. The REM banned two political adverts, one released by the SNS (due to prohibited use of children in advertising) and one by an unknown entity that called for a boycott of the election. In compliance with its statutory requirements, the media regulator published seven reports detailing its oversight of media service providers, the last appearing on 18 June, but the public was deeply critical of how the body collected and analysed this information. The **Parliamentary Election Oversight Committee** was almost completely dormant and did next to nothing to contribute to election oversight or add value to the electoral process. Limited budgets made it difficult for **opposition parties' campaigns** to compete with that run by the governing SNS, especially with regard to paid content, which undermined pluralism.

CeSID observed election day at a representative sample of 500 polling stations (excluding Kosovo and Metohija, prisons, and abroad), and found a number of irregularities, mostly technical in nature. Firstly, no fewer than 12 percent of all polling stations *in our sample* were opened late, mainly because of **poor management by polling boards**. Crowds were seen forming outside polling stations, but this could be interpreted as voters observing social distancing rules due to Covid-19. The NEC and the Government's Crisis Response Committee recommended that polling boards insist on the wearing of face masks and gloves and regularly disinfect polling stations, but at 6 percent of the polling places in our sample the board members themselves went without masks, at 29 percent no gloves were worn, and disinfection was omitted at 42 percent. **The most frequent issue on election day involved inserting ballot papers into the wrong boxes:** as many as 28 percent of all polling stations in our sample encountered this problem. Other than these, also common were **procedural errors**, such as polling boards not verifying voters' identity documents, failing to apply UV-sensitive spray, and not checking whether voters had already been sprayed. There were sporadic reports of **ballot secrecy violations** (mostly due to voters taking photographs of their ballot papers) and 'family voting'. **Major irregularities** included parallel record-keeping, undue pressure on voters at all levels to turn out, disturbances in or outside polling stations requiring police intervention, and obstruction of polling boards by individuals who were neither board members nor accredited election monitors. In one case reported in the Belgrade neighbourhood of Voždovac, cars belonging to polling board members and election monitors were damaged outside a polling station.

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*The CeSID Election Monitoring Mission will produce a detailed and comprehensive assessment of the electoral process once all election-related procedures have been completed and after any appeals have been duly reviewed and analysed.*