

**THE LAW
ON NATIONAL COUNCILS OF NATIONAL MINORITIES**

I. GENERAL PROVISIONS

Article 1

This law governs the competences of the national minority councils (hereinafter referred to as the national councils) with regard to culture, education, information, official use of language and script, electoral procedures for the national councils and their funding, as well as other issues concerning the national councils.

Article 2

In order to accomplish their rights to self-government in culture, education, information and official use of language and script, the members of national minorities in the Republic of Serbia may set up their national councils.

A national minority shall be represented by its national council in the field of education, culture, information in the language of a national minority as well as in the official use of language and script, and shall participate in the decision making process or decide on the issues related to these fields and establish institutions, business companies and other organisations in the fields mentioned.

Article 3

The ministry in charge of human and minority rights (hereinafter referred to as the Ministry) shall keep the Register of National Councils.

The registration shall be done through a registry application to be submitted by the head of the national council within 30 days of the council's constitution day.

By registering itself with the register, a national council shall acquire the status of legal entity.

Article 4

The registration shall be completed within 30 days upon the receipt of the valid application.

Name and surname, personal identification number and residence of the president of a national council, date of adoption of the statute, namely date of amendments and supplements to the statute, as well as number and the date of decision on registration in the Register shall be entered into the Register.

Information in the Register shall be public.

The Ministry shall further prescribe the content and manner of keeping the Register.

Article 5

A national council may acquire and sell movable and immovable property, and according to the decision of the competent body it may also be a beneficiary of any public property according to the law.

Article 6

A national council shall have a statute.

The following issues shall be governed by the statute:

- 1) Activities of the national council;

- 2) Number of members of the national council in accordance with the law;
- 3) Location of the national council;
- 4) Name, symbol and seal of the national council;
- 5) Number and electoral procedure for electing members of the national council bodies;
- 6) Other bodies of the national council, number and election procedure for their members;
- 7) Recognitions and ways of awarding them, and
- 8) Other issues of importance for the activities of the national council.

A national council shall be obliged to inform the Ministry and forward to it any amendments and supplements to the statute within 30 days from the date of the adoption the amendments and supplements to the statute as well as the minutes of the session at which these were adopted.

II. ISSUES REGARDING THE STATUS OF NATIONAL COUNCILS

1. Bodies of National Councils

Article 7

A national council shall have a president, executive body, committees for education, culture, information and official use of language and script.

The consultative bodies and other national council bodies may be defined by the statute.

The president of the national council shall represent and act on behalf of the national council.

The president of the national council shall be elected from among its members.

The activities of national councils shall be open to public.

Article 8

A national council shall adopt final decisions if more than a half of the national council members attend the session.

The statute of the national council shall be adopted if voted for by more than a half of the total number of the national council members.

The president of the national council and the head of the national council's executive body shall be elected if they get more than a half of the total votes of all the national council members.

A national council shall adopt other decisions based on the simple majority of the members present unless a qualified majority is prescribed by the statute.

2. Number of Members of the National Council

Article 9

The national council shall consist of at least 15 members but not of more than 35 members.

In case of a national minority having less than 10,000 members according to the latest census or if this number is not explicitly specified, the national council shall have 15 members.

In case of a national minority having more than 10,000 members but less than 20,000 members according to the latest census, the national council shall have 19 members.

In case of a national minority having between 20,000 and 50,000 members according to the latest census, the national council shall have 23 members.

In case of a national minority having between 50,000 and 100,000 members according to the latest census, the national council shall have 29 members.

In case of a national minority having more than 100,000 members according to the latest census, the national council shall have 35 members.

The mandate of the members of the national council shall last for four years.

The mandate of the national council's first session shall start on the date of registration in the Register of National Councils.

III. COMPETENCES OF THE NATIONAL COUNCIL

1. General Competences

Article 10

In compliance with law and its statute, and through its bodies, a national council shall independently:

- 1) Adopt and amend the statute of the national council;
- 2) Adopt the financial plan, the financial statement and the annual financial statement;
- 3) Manage its property;
- 4) Decide about the name, symbols and seal of the national council;
- 5) Establish proposals of national symbols, emblems and holidays of national minorities;
- 6) Establish institutions, associations, funds and business organisations in the field of culture, education, information and official use of language and script as well as in other areas of importance for the preservation of a national minority's identity;
- 7) Propose a representative of the national minority at the council for inter-ethnic relations with the unit of local self-government;
- 8) Determine and award recognitions;

- 9) Initiate the adoption of and monitor the implementation of law and other regulations in the field of culture, education, information and official use of language and script;
- 10) Participate in the preparation of regulations and submit motions for amendments and supplements to regulations prescribing the national minority rights guaranteed by the Constitution in the field of culture, education, information and official use of language and script;
- 11) Submit motions for the adoption of special regulations and provisional measures in the domains in which the right to self-government is accomplished in order to achieve full equality between the members of the national minority and the citizens belonging to the majority population;
- 12) Initiate the proceedings before the Constitutional Court, the Protector of Citizens, the Provincial Ombudsman and the local ombudsmen and other competent bodies, if it shall assess that there has been a violation of the rights and freedoms of the members of national minorities guaranteed by the Constitution and law;
- 13) Initiate the proceedings referred to in item 12) of this Article on behalf of the members of national minorities on the grounds of a previously granted written power-of-attorney;
- 14) Take positions, make initiatives and undertake measures in respect of all the issues directly related to the status, identity and rights of a national minority;
- 15) Decide on other issues entrusted to it pursuant to the law, by the documents of the autonomous province or by the unit of local self-government.

2. Competences in the Field of Education

Right to Establishment

Article 11

A national council may, in accordance with the law, establish educational institutions, pupils' and students' institutions and exercise the rights and obligations of the founder.

The institutions referred to in paragraph 1 of this Article shall be established by the national council itself or in co-operation with the Republic, the autonomous province, the local self-government unit or other legal entity in accordance with the law.

The Republic, the autonomous province and the local self-government unit, acting as the founders of the institutions referred to in paragraph 1 of this Article, may delegate their rights to establishment to a national council, either entirely or partially.

Participation in the Institutional Management

Article 12

At pre-school educational institutions and primary and secondary educational institutions, which are founded by the Republic, the autonomous province or the local self-government unit wherein the educational activities are also performed in the language of a nationality minority, or wherein the speech, language or culture of a national minority are studied as a special school subject, a national council shall:

1) Give opinion on the proposed candidates for the membership in the management board, i.e. the school board and give the opinion on the representatives of the local self-government unit;

2) Propose the members of the management board, i.e. the school board and the representatives of the local self-government unit at the institutions where in the majority of classes teaching is performed in a national minority language and which had been defined as the institutions of particular importance for a national minority;

3) Give opinion on the candidate running for the manager of the institution referred to in paragraph 1, item 1 of this Article;

4) Give opinion on the procedure for dismissing the manager and the members of the management board at the institutions referred to in paragraph 1, item 1 and 2 of this Article;

5) Grant a previous approval for the appointment of the manager of the institutions referred to in paragraph 1 item 2) of this Article.

At the pupils' and students' institutions founded by the Republic, the autonomous province or the local self-government unit, a national council shall:

1) Propose a member – a representative of the founder and give opinion on other candidates running for the management board of the pupils' institutions, which are located in the territory of the local self-government unit wherein the language of a national minority is in the official use. If more than one national minority language is in the official use in the local self-government unit, the national councils concerned shall propose a joint candidate for the membership in the management board;

2) Give an opinion on the candidates running for the management boards at the students' institutions, which are located in the territory of the local self-government unit wherein the language of a national minority is in the official use;

3) Give an opinion on the electoral procedure for the manager of pupils' and students' institutions, which are located in the territory of the local self-government unit wherein the language of a national minority is in the official use;

4) Give an opinion on the procedure for dismissing the manager and the members of the management board referred to in paragraph 2, items 1-3 of this Article.

The national council of a national minority, whose language is not officially used in any of the local self-government units, enjoys the rights referred to in paragraph 2, items 1-4 of this Article in the local self-government unit where its members account for 1% of the total population according to the latest census.

At university educational institutions founded by the Republic, the autonomous province or the local self-government unit, a national council shall give opinion on the proposed candidates running for the members of the management bodies of the university educational institution, where teaching is performed in the language of a national minority, either entirely or partially.

Teaching Syllabi

Article 13

A national council shall:

- 1) Propose to the National Education Council general platforms of pre-school syllabi, primary and secondary school syllabi as well as basic programmes of instructions, which cover the contents expressing specific features of a national minority, especially in history, music and art;
- 2) Propose to the National Education Council primary and secondary school syllabi for the language of a national minority, i.e. for the dialect of a national minority with elements of the national culture;
- 3) Give an opinion to the National Education Council with regard to syllabi for Serbian as the second language;
- 4) Recommend to the minister in charge of educational affairs the measures and educational programme for pupils' institutions, which refer to the affirmation of inter-ethnic tolerance and multiculturalism;
- 5) Comment on the school syllabi of the institutions, which had been defined to be of particular importance for a national minority.

Textbooks and Teaching Aids

Article 14

If the educational activities are performed in the language of a national minority, the National Education Council shall propose to the minister in charge of educational affairs to approve the use of textbooks and teaching aids the contents of which express the specific features of a national minority, under the previous consent of its national council.

Acting upon the national council's proposal, the minister in charge of educational affairs shall give approval to use of national or imported textbooks in the language of a national minority in the educational activities.

Other Competences in the Field of Education

Article 15

In accordance with the law, a national council shall:

- 1) Propose at least one candidate for the joint electoral list of candidates for the election of the members of the National Education Council;
- 2) Give an opinion on the procedure for the adoption of an enactment governing the network of pre-school institutions and primary schools in the local self-government unit wherein the language of a national minority is used officially or wherein the educational activities are performed in the language of a national minority;
- 3) Determine educational institutions of particular importance for education of a national minority. If the total number of institutions exceeds four, not more than a fourth of the total number of institutions may be declared to be the institutions of particular importance, which perform educational activities in the language of a national minority. If the total number of such institutions is less than four, then one of the institutions performing educational activities in the language of national minority may be declared an institution of particular importance, namely if they are also performed in the language of a national minority. In case of a national minority in the language of which teaching is not performed, the regulations referred to in this item shall be accordingly applied to the

- institutions where the language or the speech with elements of the culture of national minority culture is taught;
- 4) Give an opinion to the minister in charge of educational affairs in the process of establishment of the network of secondary schools and pupils' and students' institutions;
 - 5) Give an opinion to the minister in charge of educational affairs in the process of giving consent to a school functioning outside the location of the school wherein teaching is performed in the language of a national minority;
 - 6) Recommend to the founder, the Republic, the autonomous province or the local self-government unit to have an independent separate school classroom wherein teaching shall be performed in the language of a national minority;
 - 7) Give an opinion in the procedure of establishment of the number of pupils to be enrolled in secondary schools, as well as in the procedure of giving approval in respect of the number of pupils who shall acquire vocational training, prequalification, further qualifications and specialization;
 - 8) Give an opinion to the minister in charge of educational affairs in the procedure of giving approval to open of a class having less than 15 students who shall study in the language of a national minority;
 - 9) Give an opinion to the pupils' and students' institutions in respect of their accommodation at those institutions;
 - 10) Give an opinion in the procedure of distribution of the budgetary funds of the Republic, the autonomous province and the local self-government unit, which are allocated the institutions and associations in the field of education through public tenders;
 - 11) Establish scholarships out of its own resources and prescribe in its documents the criteria and procedure related to their granting and implement the procedure of their granting;
 - 12) Nominate its representative at the National Education Council who shall participate in its operations with no decision making power, if teaching in the language of a national minority is performed within the educational system when the National Education Council considers the issues of importance for education of the national minority;
 - 13) Nominate its representative at the National Council of University Education who shall be an equal member of this Council if university teaching is performed in the language of a national minority, either entirely or partially;
 - 14) Perform other activities in this field envisaged by the law or other regulations.

3. Competences in the Field of Culture

Right to Establishment

Article 16

The national council may, in accordance with the law, establish cultural institutions for the purpose of preservation, improvement and development of cultural specific features and preservation of the identity of a national minority and exercise the rights and obligations of the founder.

The institutions referred to in paragraph 1 of this Article shall be established by the national council itself or in co-operation with the Republic, the autonomous province, the local self-government unit or other legal entity in accordance with the law.

The Republic, the autonomous province and the local self-government unit as the founders of the institutions referred to in paragraph 1 of this Article may delegate their right of establishment to a national council, either entirely or partially.

Participation in the Institutional Management

Article 17

At the cultural institutions founded by the Republic, the autonomous province or the local self-government unit, which had been declared by a national council to be of particular importance for the preservation of the identity of a national minority, a national council shall:

- 1) Appoint a member of the management board of the institution;
- 2) Give an opinion on the appointed members of the management board of the institution;
- 3) Give an opinion on the procedure for the election of the manager of the institution.

If several national council establish that an institution has particular importance in the field of culture in preservation, improvement and development of special features and national identity of a national minority, the national councils in question shall each appoint their member in the management board referred to in paragraph 1, item 1 of this Article.

Other Competencies in the Field of Culture

Article 18

A national council shall:

- 1) Determine the institutions and events in the field of culture having special importance in preservation, improvement and development of special features and national identity of a national minority;
- 2) Create a development strategy of a national minority;
- 3) Determine which movable and immovable cultural goods are of particular importance for a national minority;
- 4) Initiate a procedure before the competent body or institution to establish the status of movable and immovable cultural goods protected by the law and having particular importance for a national minority;
- 5) Suggest taking measures for the prevention, recovery and reconstruction of the cultural goods referred to in paragraph 1, item 4 of this Article;
- 6) Give an opinion and proposals in the procedure of preparation of spatial planning and urban development plans in the local self-government unit where cultural goods referred to in paragraph 1, item 3 of this Article are located;
- 7) Suggest that the implementation of spatial and urban development plans be suspended if these are considered detrimental to cultural goods referred to in paragraph 1, item 3 of this Article;

- 8) Give the previous opinion to the competent body in the process of licence issuance to dislocate the immovable cultural goods referred to in paragraph 1, item 3 of this Article to another site;
- 9) Give an opinion in the procedure of opening or closing libraries or their organisational units, keeping collections of books in the language of a national minority;
- 10) Give proposals how to distribute the resources allocated through public tenders from the budget of the Republic, the autonomous province or the local self-government units to the institutions, manifestations and associations of a national minority in the field of culture;
- 11) Propose at least one candidate for the joint list of candidates in the elections for the National Council of Culture;
- 12) Nominate its representative at the National Council of Culture, who shall participate in its activities without the power to make decisions when issues important for the culture of a national minority are discussed;
- 13) Adopt decisions on other issues entrusted to it by law, by the document of the autonomous province or the local self-government unit.

4. Competences in the Field of Media

Right to Establishment

Article 19

A national council may, as prescribed by the law, either independently or in co-operation with another legal entity, establish the institutions and business organisations to perform the activities of newspaper-publishing and radio-television broadcasting, printing and reproduction of the recorded media and exercise the rights and obligations of the founder.

The Republic, the autonomous province or the local self-government unit as the founders of public companies and institutions in the field of public information, which entirely or predominantly communicate information in the language of a national minority may, as to be agreed with the national council, delegate their rights to establishment to a national council, either entirely or partially.

Participation in the Institutional Management

Article 20

A national council shall:

- 1) Give an opinion on the nomination procedure for the members of the management board, the programme board and the managing director of the Radio Television of Serbia, if this institution broadcasts programme in the language of a national minority;
- 2) Give an opinion on the nomination procedure for the members of the management board, the programme board and the managing director of the Radio Television of Vojvodina, if this institution broadcasts programme in the language of a national minority;
- 3) Set criteria for the election of editor-in-chief of the programme broadcasted in the language of a national minority at the public service institution;

- 4) Propose that the management board of the Broadcasting Agency appoints the editor-in-chief of the programme broadcasted in the language of a national minority from among the candidates who had applied and fulfilled the competition criteria;
- 5) Give an opinion on candidates for the editor-in-chief of the programmes broadcasted in the language of national minority at the Broadcasting Agency where the editor-in-chief is appointed for more than one programme broadcasted in the language of a national minority.

Other Competences in the Field of Media

Article 21

A national council shall:

- 1) Adopt a strategy for the improvement of information broadcasted in the language of a national minority in accordance with the strategy of the Republic of Serbia;
- 2) Give suggestions to the Republic Broadcasting Agency in designing the Broadcasting Development Strategy;
- 3) Give suggestions regarding the distribution of resources allocated through public tenders from the budget of the Republic, the autonomous province or the local self-government unit to legal entities and natural person performing broadcasting activities in the language of a national minority;
- 4) Consider reports of the management and the programme boards of Serbia's and Vojvodina's Broadcasting Agencies and give suggestions and recommendations regarding the programmes broadcasted in the language of a national minority;
- 5) Give an opinion and recommendations to the Council of the Republic Broadcasting Agency regarding the communication of information in the language of a national minority;
- 6) Appoint a representative at the Council of the Republic Broadcasting Agency to participate in its activities without the right to make decisions concerning the issues of information in the language of a national minority;
- 7) Perform other activities in this field as defined by the law and other regulations.

5. Competences in the Field of the Official Use of Language and Script

Article 22

A national council shall:

- 1) Determine the traditional names of local self-government units, settlements and other geographical terms in the language of a national minority if this language is in the official use in the territory of the local self-government unit or settlement. The names determined by the national council shall become officially used terms together with the Serbian names and shall be published in the Official Gazette of the Republic of Serbia or in the Official Gazette of the AP Vojvodina for the national councils located in the AP Vojvodina;
- 2) Propose to the competent body to display the names of local self-government units, settlements and other geographical terms in the language of a national minority;

- 3) Propose the establishment of the language and script of a national minority as an official language and script in a local self-government unit;
- 4) Propose the alteration of the names of streets, squares, city blocks, hamlets, other parts of settlements and institutions declared to be of particular importance for a national minority;
- 5) Give an opinion on the procedure for establishment of the names of streets, squares, city blocks, hamlets and other parts of settlements if the language of a national minority is officially used in the territory of a local self-government unit or a settlement;
- 6) Propose that the competent body to supervise the official use of the language of a national minority;
- 7) Recommend to the competent body the measures and activities to improve the translations of regulations into the languages of national minorities in the official use;
- 8) Take measures and activities to improve the official use of the language and script of a national minority;
- 9) Decide on other related issues in this field entrusted to it by the law, by the document of the autonomous province or the local self-government unit.

6. Invalidity of Enactments

Article 23

Individual legal documents referred to in Articles 12 to 15, 17, 18 and 20 to 22 of this law, which had been adopted without the appropriate proposals or opinions of a national council, shall be considered unlawful, i.e. null and void.

If, despite a duly submitted request of the competent body, a national council fails to provide a proposal or an opinion within 30 days, the legal document referred to in paragraph 1 of this Article shall be adopted without the submitted proposal, namely the opinion.

7. Assignment of the Right to Establishment

Article 24

Under the initiative of a national council, the Government of the Republic of Serbia, the Assembly of the Autonomous Province or the local self-government units shall assign, either entirely or partially, the rights to establishment over:

- 1) Educational institutions where classes are held exclusively in the language of a national minority;
- 2) Cultural institutions whose main activity is to preserve and develop the culture of a national minority;
- 3) Institutions broadcasting public information exclusively in the language of a national minority.

Under the initiative of a national council, the Government of the Republic of Serbia, the Assembly of the Autonomous Province or the local self-government units shall assign, either

entirely or partially, the rights to establishment over the institutions not covered by items 1 to 3, paragraph 1 of this Article, if they are of particular importance for a national minority.

The bodies referred to in paragraphs 1 and 2 of this Article shall conclude an Agreement on the Assignment of the Right to Establishment with a national council, either entirely or partially (hereinafter referred to as the Agreement).

The Agreement shall contain mutual rights and obligations of the bodies referred to in paragraphs 1 and 2 of this Article and of a national council.

The Agreement shall set forth the management rights to be assigned and the annual amount of resources to be allocated from the budget of the Republic, the autonomous province or the local self-government unit for the purpose of funding the activities of the institution.

In terms of budgetary funds, the financial standing of the institutions whose rights to establishment are either entirely or partially assigned cannot be less favourable than the standing of the institution whose rights to establishment are not assigned to a national council.

IV. RELATIONS WITH THE STATE BODIES AND THE BODIES OF THE AUTONOMOUS PROVINCE AND THE LOCAL SELF-GOVERNMENT UNITS

Relation with the State Bodies

Article 25

A national council may submit its proposals, initiatives and opinions regarding the issues under its jurisdiction to the National Assembly, the Government and other state bodies and special organisations.

An opinion shall be requested from a national council by the bodies referred to in paragraph 1 of this Article before consideration and adoption of decisions on the issues in the fields referred to in Article 2 of this law.

The procedure for the provision of this opinion shall be prescribed by the rules referred to in paragraph 1 of this Article.

A national council may submit an initiative to the Government to repeal, i.e. to quash the regulations of the state bodies and special organisations, which are not in compliance with the provisions of this law and other laws and regulations related to national minorities.

Relation with the Bodies of the Autonomous Province and the Local Self-Government Units

Article 26

A national council shall submit suggestions, initiatives and opinions to the bodies of the autonomous province and the local self-government units on the issues related to the status of national minorities and preservation of the specific features of national minorities.

The bodies of the autonomous province, namely the bodies of the local self-government units shall be obliged to consider the suggestions, initiatives and opinions of a national council and undertake adequate measures.

In the process of adoption of general documents in the fields referred to in Article 2 of this law, the bodies of the autonomous province, namely the bodies of the local self-government units shall ask for an opinion of national councils.

The procedure for the provision of an opinion shall be prescribed by the rules of procedure of the bodies referred to in paragraph 1 of this Article.

V. INTERNATIONAL AND REGIONAL CO-OPERATION

Article 27

A national council shall, in accordance with the law, co-operate with international and regional organisations, state bodies, organisations and institutions in the native countries as well as with national councils or similar bodies of national minorities in other countries.

The representative of a national council shall participate in negotiations or be consulted in respect of negotiations on the conclusion of bilateral agreements with native countries in the part directly related to the rights of national minorities.

The representatives of a national council shall participate in the activities of mixed inter-governmental bodies the aim of which is to supervise the implementation of bilateral inter-governmental agreements on the protection of rights of a national minority concerned.

Article 28

The representatives of national minorities, through the Council of National Minorities of the Republic of Serbia, shall take part in the conclusion of international agreements, i.e. in the process of accession to international or regional agreements related to the status of national minorities and protection of their rights.

VI. ELECTION OF NATIONAL COUNCILS

1. Common Provisions

Article 29

The elections of national councils may be direct elections or elections through the electoral assembly.

The national minorities shall independently choose one of these two methods.

Direct elections of national councils shall be held if more than 50% of the total number of the members of a national minority according to the latest census is entered in the special electoral list of a national minority before the date of election schedule, reduced by 20%.

Principles of Election of National Councils

Article 30

The elections of national councils shall be based on the principles of freedom of choice, equality of voting rights, periodical elections and secret ballot.

The elections shall be especially based on voluntariness, proportionality and democracy.

Right to Vote

Article 31

The voting right of the members of national minorities to elect national councils implies the right of a member of a national minority to elect the members of a national council, to be elected as a member of a national council, to propose candidates for the membership in a national council, to be informed about the elections of national councils, the candidates for the membership and their programmes, to be registered in the special electoral list of a national minority, to vote for the election of a national council and have the right to protection of voting rights regarding the election of a national council.

Active Right to Vote

Article 32

A national minority member shall acquire the right to elect the members of a national council once he/she had fulfilled the general conditions related to the acquisition of active right to vote as prescribed by the Constitution and the law.

The registration in the special electoral list of a national minority shall be a special condition to acquire the active right to vote in direct elections for the members of a national council, in accordance with the provisions of this law.

The status of the elector shall be a special condition to acquire the active right to vote in elections for a national minority council through the electoral assembly, in accordance with the provisions of this law.

Passive Right to Vote

Article 33

Any member of a national minority may be elected a member of the national council who meets the requirements referred to in Article 32 of this law and does not hold the position of a judge, prosecutor or a judge of the Constitutional Court.

Special Voting Provisions

Article 34

Voting for the election of members of a national council shall only be organised in the territory of the Republic of Serbia.

Election Schedule

Article 35

The decision on election schedule related to national council shall be adopted by the minister in charge of human and minority rights (hereinafter referred to as the Minister).

The decision on the election of a national council shall be adopted not earlier than 120 days and not later than 90 days prior to the expiry of the term of office of a national council.

The decision on election schedule shall contain the method of elections, the number of members of a national council being elected, the provisions on the commencement of time limits for electoral activities and the election date.

The decision on election schedule shall be published in the Official Gazette of the Republic of Serbia.

Time of Elections

Article 36

The elections for the members of all national councils shall be held simultaneously.

The elections must be finished 15 days before the expiry of the term of office of the elected members of the current national council at the latest.

Expenses and Fees

Article 37

The submissions regarding the elections of a national council as well as their court certification of signatures shall not be subject to payment of fees.

The financial resources for the implementation of elections of a national council shall be provided from the budget of the Republic of Serbia.

Organisation of Elections

Article 38

All activities regarding the organisation and implementation of elections of the national councils shall be carried out by the Ministry and the bodies in charge of implementation of elections in accordance with this law.

Obligations of Public Information Services Regarding the Elections of National Councils

Article 39

The public information services shall be obliged to monitor the electoral activities and report on the elections of national councils.

The laws governing public information on the electoral procedure shall be also applied to public information regarding the elections of national councils.

Dissolution of a National Council and Provisional Management Body

Article 40

The Ministry shall dissolve a national council if:

- 1) A national council had not been convened for more than six months;
- 2) The president of a national council is not elected within 60 days from the date of the council's constitution or the end of the president's term of office;
- 3) It fails to adopt the statute within the time limit prescribed by this law.

The decision of the Ministry on the dissolution of a national council is final and administrative proceedings may be initiated against it.

Until the constitution of a new membership of the national council, all current and urgent matters within the competence of the national council and the scope of its activities shall be executed by the provisional body of the national council, which consists of the president and four members.

The provisional body shall be established by the decision of the Ministry and shall consist of the members of the national council, taking into account the representation of electoral lists from which the members of the national council had been elected.

Term of Office of the Members of a National Council and Expiry of the Membership in a National Council

Article 41

The members of a national council shall be elected for the period of four years and may be re-elected to the same position.

The membership of a member of a national council shall cease before the expiry of the period he/she had been elected:

- 1) By resignation;
- 2) By starting a job or assuming a position incompatible with the membership in a national council;
- 3) By losing one of the general conditions for the acquisition of the active right to vote;
- 4) If he/she shall not take part in the activities of a national council for more than a year;
- 5) In case of death;
- 6) If his/her residence in the territory of the Republic of Serbia expires;
- 7) If he/she had been excluded from the special electoral list of the members of a national minority by the final decision of the competent body, in case a national council had been elected directly;
- 8) If a person had been sentenced to prison for more than six months by a final judgement.

At its first session following the receipt of the notification on the reason for the expiry of the membership in a national council, a national council shall establish the date on which the membership in a national council shall cease.

Once the term of office of a member of the national council had expired, his/her seat in the national council shall be taken by the candidate in the electoral list held by the member whose term of office had expired who shall be appointed by the electoral list nominator.

Convention of the First Session of a National Council

Article 42

The Minister shall convene a constitutive session of national councils within 30 upon the announcement of the final results of elections.

Application of Other Laws

Article 43

The provisions of the Law on the Election of the Members of the Parliament, the Law on General Administrative Procedure and the Law on Administrative Procedure shall be applied to the elections of national councils and issues not covered by this law.

2. Direct Elections of Members of National Councils

Registers of Voters

Article 44

The Ministry shall prepare a special register of voters of national minorities, which had established their national councils before this law entering into force.

If a national minority had not established its national council before this law entering into force, the procedure referred to in paragraph 1 of this Article may be initiated if within 30 days from this law entering into force the Ministry receives a request from the members of a national minority or its organisation under the condition that the request had been accompanied by the court certified signatures of at least 5% of the total number of the members of a national minority according to the latest census. The Ministry shall adopt the decision on the fulfilment of conditions stated in the request.

If a national minority decides to set up the national council after the expiration of the time limit referred to in paragraph 2 of this Article, in order to initiate the procedure of establishment of a separate register of voters, it is necessary that the Ministry receives a request from the members or the organization of the national minority concerned before the next elections are announced, under the condition that such a request is supported by certified signatures of at least 5% of the members of the national minority concerned according to the latest census. The Ministry shall issue the decision on the fulfilment of the conditions contained in the request.

The decision of the Ministry referred to in paragraph 2 and 3 of this Article shall be final and administrative proceedings may be initiated against it.

Article 45

The Ministry shall inform all the citizens having voting rights, the members of national minorities referred to in Article 44 paragraphs 1 and 2 of this law through the public media about the commencement of establishment of a separate register of voters of national minorities.

Any citizen having a voting right, a member of the national minority referred to in Article 44 paragraphs 1, 2 and 3 of this law, may request in writing in a special form to be entered into a separate register of voters of a national minority concerned within 15 days from the date of the submission of the request.

Article 46

The Ministry shall temporarily conclude the first special register of voters list within 120 days after the date of the public announcement of the commencement of establishment of a special register of voters and define the total number of voters in the special register of voters of the national minority concerned.

If the Ministry decides, based on the established number of voters in the special electoral list of a national minority that the conditions set forth in Article 29 of this law regarding direct

elections for a national council are met, the Ministry shall, within 15 days upon the expiration of the time limit set in paragraph 1 of this Article, schedule the elections in accordance with Article 35 of this law.

General Rules Related to the Special Register of Voters of National Minorities

Article 47

A special register of voters is a public document in which records of the members of national minorities having the right to vote are kept.

The members of national minorities shall be entered in the special register of voters on a voluntary basis.

A separate register of voters shall be kept for each national minority.

A member of a national minority may be entered into only one special register of voters.

Article 48

A special register of voters shall be kept *ex officio*.

A special electoral register shall be uniform, fixed and regularly updated and be specially updated within 15 days upon the adoption of the decision on election schedule.

Article 49

The information contained in a special register of voters shall have special protection.

Any use of information, except for the purpose of elections of national councils and for the purposes of exercise of other minority rights shall be prohibited and punished if prescribed by law or regulation of the Autonomous Province.

Article 50

A special register of voters shall contain serial number, personal name, personal identification number, sex, national affiliation, year of birth, place of residence (street and house number, village, hamlet, settlements) and space for notes.

Article 51

The Ministry shall keep a special register of voters in electronic form.

Special registers of voters at the local self-government units shall be kept in electronic form by the municipal or town authorities, which shall be entrusted with this job.

A special register of voters shall be concluded by the decision of the Ministry not later than 15 days prior to elections.

Article 52

The members of a national minority shall be entered in a special register of voters upon the fulfilment of the general conditions prescribed by the law.

Every citizen, member of a national minority who has the right to vote, may submit a written request in a special form to be entered in a special register of voters.

A voter shall submit a request to be entered in a special register of voters to the local self-government unit according to his/her place of residence. The request shall be hand-written and signed in a special form to be issued by the Ministry.

The persons deprived of legal capacity by a final decision cannot be entered in a special register of voters. If such persons had been entered in a register of voters, they shall be deleted and re-entered in the register of voters once they regain their legal capacity by a final decision.

Any correction or amendment in a special register of voters may only be made at the voter's personal request.

Article 53

A voter shall submit a request to be deleted from a special register of voters to the local self-government unit in the place of his/her residence. The request shall be written by hand and signed in a special form issued by the Ministry.

A voter may be deleted from a special register of voters in case he/she had lost the right to vote due to a failure to fulfil one of the general conditions set forth by the law for the acquisition of the right to vote, at the request of the body authorised to keep a special register of voters and with evidence provided from the official registries.

The bodies keeping public records on citizens are obliged to provide the bodies authorised to keep registers of voters with the information that may affect the accuracy and updating of the registers of voters.

Article 54

A special register of voters and information to be entered in it shall be kept in both Serbian language and the language and script of a national minority the register of voters is kept for.

Article 55

The Ministry shall define the method of keeping the registers of voters and other issues necessary for a complete, accurate and up-to-date keeping of registers of voters.

Article 56

If the administrative body of a local self-government unit, which is in charge of keeping a register of voters, shall refuse to enter a voter into a special register of voters or delete his/her name from it, the voter has the right to file a complaint with the Ministry. The decision of the Ministry is final and administrative proceedings may be initiated against it.

The Ministry shall decide on the complaint within 15 days.

Article 57

Upon the completion of a special register of voters, any entries, deletions, changes, amendments and corrections may only be made based on the court decision, in the administrative proceedings, 10 days before the scheduled election date at the latest.

Article 58

Special registers of voters shall be regularly updated during the terms of office of all elected national councils, regardless of the type of elections. The members of national minorities

who had elected their national councils may request the competent body to enter or delete their names from special registers of voters.

Before the schedule of next elections, the Ministry is obliged to establish the national minorities that had met the condition to hold direct elections.

Article 59

The Ministry shall carry out the supervision of the application of regulations related to keeping special registers of voters.

Should the Ministry establish that a special register of voters is not kept according to the law and the regulations adopted according to the law, it shall order the competent body to eliminate any observed irregularities.

Bodies in Charge of Conduct of Elections

Article 60

The Central Electoral Commission (hereinafter referred to as the CEC), the Regional Electoral Commission (hereinafter referred to as the ECC) and polling boards are the bodies to conduct elections of national councils.

The Ministry shall provide the conditions to conduct elections.

Composition of the Central Electoral Commission

Article 61

The CEC shall have a permanent and an expanded composition.

The permanent composition of the CEC shall consist of three members appointed by the Ministry. The persons holding a degree in law may only be the members of the permanent composition.

The expanded composition of the CEC shall consist of the representatives of the nominators of registers of voters. Two or more nominators of registers of voters may agree to have a joint representative in the expanded composition of the CEC.

The members of the CEC expanded composition shall lawfully participate in the activities and the decision making process.

The members of the CEC permanent composition shall have deputies to be elected as set forth in paragraph 2 of this Article.

The representative of the Republic Statistical Institute shall participate in the activities of the CEC but with no right to make decisions.

The members of the CEC permanent composition shall elect their president and secretary from among themselves.

Competences of the Central Electoral Commission

Article 62

The competences of the CEC shall be:

- 1) To ensure that the elections are conducted according to the law;
- 2) To arrange technical preparations for the elections;
- 3) To monitor the application of this law and provide explanations regarding its application related to direct election of the members of national councils;
- 4) To establish uniform standards regarding electoral documentation;
- 5) To prescribe the forms and rules for conduct of electoral activities set forth by this law;
- 6) To establish electoral regions consisting of the territories of one or more neighbouring local self-government units and publish them in the Official Gazette of the Republic of Serbia;
- 7) To establish the number and address of polling stations and publish them in the Official Gazette of the Republic of Serbia not later than 20 days prior to the day scheduled for the elections;
- 8) To appoint the president, members and deputy members of the permanent composition of the ECC and polling boards;
- 9) To establish the number of ballot papers at polling stations, have them certified together with the certified excerpt from register of voters and submit them to the regional electoral commissions on the grounds of the relevant minutes;
- 10) To establish whether the electoral list had been prepared and submitted in accordance with this law and announce the electoral list;
- 11) To adopt the decision on the announcement of a general electoral list;
- 12) To prescribe the method how to keep and handle electoral documentation;
- 13) To establish and announce the election results;
- 14) To determine the number of terms of office belonging to each electoral list;
- 15) To submit a report to the Ministry and inform the National Assembly on the conducted elections;
- 16) To forward information to the bodies in charge of collection and processing of statistical data;
- 17) To performs other jobs envisaged by this law.

The CEC shall adopt its rules of procedure and the rules of procedure of ECC and polling boards.

The CEC shall be obliged to put the forms referred to in item 5 of this Article at the disposal of the participants in the elections within five days from the scheduled date of elections.

Composition of Electoral Constituency Commission

Article 63

The RIC shall consist of a president and two members appointed by the CEC at the proposal of electoral list nominators.

The president and the members of the ECC shall have deputies appointed in the same manner as the members.

Competences of the Electoral Constituency Commission

Article 64

The ECC shall receive electoral documentation from the CEC and deliver it to polling boards.

The ECC shall receive electoral documentation from polling boards at polling stations and deliver it to the CEC.

The minutes shall be made on the receipt and delivery of electoral documentation.

The ECC shall perform other duties prescribed by the documents of the CEC.

Composition of Polling Boards

Article 65

A polling board shall consist of a president and the members of permanent and expanded compositions.

The permanent composition of a polling board shall consist of a president and not less than two members.

The expanded composition of a polling board shall consist of one representative of each electoral list nominator. Two or more electoral list nominators may appoint a joint representative.

The president and the members of the permanent composition of a polling board shall have their deputies.

The CEC shall form a polling board and appoint the president, the permanent members and their deputies among the persons registered in a special register of voters.

Competences of Polling Boards

Article 66

A polling board shall directly conduct voting at a polling station, ensure the regularity and secret ballot, establish voting results at a polling station and perform other activities stipulated by this law.

A polling board shall ensure order at a polling station during voting.

The CEC shall prescribe detailed rules on the activities of a polling board.

Polling Stations

Special Polling Stations

Article 67

Voting for national councils shall take place at polling stations to be established by the CEC.

Establishment of Polling Stations

Article 68

The CEC shall establish polling stations for the elections of national councils taking into account the number of members of national minorities who reside in the territory of a polling station to be established and who had been entered in the register of voters.

A polling station for the election for the members of national councils shall be established in the region where there are not less than 100 and not more than 2,500 voters who are registered in a special register of voters.

List of Polling Stations

Article 69

A list of polling stations where the elections of national councils take place shall be published in the Official Gazette of the Republic of Serbia.

Arrangement of Polling Stations

Article 70

The rules related to the arrangement of polling stations shall be prescribed by the CEC.

Nomination – Electoral Lists

Right to Nomination

Article 71

Under the conditions prescribed by this law, electoral lists may be proposed by a group of voters entered into the special register of voters of a national minority concerned, namely by organizations, associations of citizens, as well as by political organization of a national minority concerned (hereinafter referred to as the nominator).

The electoral list must be supported by the signatures of at least 1% of voters and not less than 50 voters entered into the special register of voters of a national minority concerned.

An organisation, association or political association of a national minority shall be considered as such if it has a prefix of a national minority concerned in its name or if it had been established as an organization, association or political association gathering or acting in the interest of persons belonging to a national minority concerned by its statute.

The supporting signatures shall have to be certified in accordance with this law.

The nomination referred to in paragraph 1 of this Article may only be submitted by a person having been authorized to do so by an electoral list nominator.

Electoral List – Structure

Article 72

The maximum number of candidates in an electoral list shall correspond to the number of members of a national council that are being elected and this number shall not be less than 5.

The nominator shall appoint the holder of an electoral list and the order of candidates.

An electoral list shall have at least 30% of seats reserved for less represented gender, provided that each third seat in an electoral list shall be reserved for less represented gender.

If an electoral list shall not meet the conditions referred to in paragraphs 1 and 3 of this Article, it shall be deemed to have deficiencies to be announced as an electoral list and the electoral list nominator shall be invited to eliminate deficiencies in accordance with this law.

If the nominator of an electoral list shall not eliminate the deficiencies referred to in paragraph 4 of this Article, the CEC shall dismiss to announce such an electoral list in accordance with this law.

Withdrawal of Electoral List

Article 73

The nominator of an electoral list may withdraw the list until the date of establishment of the general electoral list at the latest.

Once an electoral list had been withdrawn, the representative of the electoral list nominator shall cease to be a member of all electoral bodies and all the rights stemming from such a membership shall cease to be valid in accordance with the provisions of this law.

Title, Establishment and Announcement of Electoral List

Article 74

An electoral list shall bear the title to be determined by the electoral list nominator.

The title of an electoral list may include the name and surname of a person, association or organization of a national minority referred to in Article 71 to be determined by the nominator as well as the name of the electoral list holder.

Form in Support of Electoral Lists

Article 75

The CEC shall prescribe the format and content of the form for the collection of voters' signatures and make such a form available to the participants of elections within five days from the schedule of elections.

A voter may support with his/her signature the electoral list of only one nominator. Each signature referred to in paragraph 1 of this Article must be certified by the municipal court, municipal administration or local community administration.

Handling of Electoral Lists

Article 76

An electoral list shall be delivered to the CEC 15 days prior to the election date at the latest.

An electoral list shall be delivered to the CEC together with the following documents:

- 1) Certificate of the registration in a special electoral register of voters of a national minority concerned for each candidate in the electoral list stating his/her name and surname, date of birth, occupation and personal identification number;
- 2) Written statement of a candidate expressing his/her acceptance of candidacy;
- 3) Evidence of residence for each candidate;
- 4) Written agreement of the list holder;
- 5) Authorization to collect signatures, which is granted by the Ministry to a person nominating an electoral list;
- 6) Certified signatures of voters supporting the electoral list in a special form.

Announcement of Electoral List

Article 77

The CEC shall announce an electoral list of the nominator immediately upon the receipt of the electoral list and the related documents and not later than 24 hours from the receipt of the electoral list.

The CEC shall without delay deliver to the nominator the decision on the announcement of an electoral list referred to in paragraph 1 of this Article.

Deficiencies of Electoral List

Article 78

If it is established that an electoral list had not been submitted in time, the CEC shall adopt the decision rejecting such an electoral list.

If it is established that an electoral list contains deficiencies hindering the announcement of such an electoral list, the CEC shall, within 24 hours upon the receipt of the electoral list, adopt the conclusion instructing the nominator of the electoral list to eliminate the deficiencies within 48 hours following the delivery of the conclusion. The conclusion delivered to the electoral list nominator shall prescribe the manner of elimination of such deficiencies.

If it is established that an electoral list contains deficiencies, namely if it is established that the deficiencies had not been eliminated or that they had not been eliminated within the specified time limit, the CEC shall adopt the decision to dismiss the announcement of such an electoral list within the next 48 hours.

General Electoral List

Article 79

The CEC shall separately establish the general electoral list for each national minority.

The general electoral list shall include all electoral lists for each national minority as well as the personal names of all candidates, years of birth, occupation and residence.

The order of electoral lists in the general electoral list shall be established in accordance with the order of announcement of electoral lists.

The CEC shall publish the general electoral list for each national minority in the Official Gazette of the Republic of Serbia 10 days before the election date at the latest. The day when the general electoral list is published in the Official Gazette of the Republic of Serbia shall be deemed the day of its announcement.

The nominator of an electoral list shall be entitled to review, within 48 hours from publication of the general electoral list, the related documentation submitted with the announced electoral lists through a person to be nominated to do so.

Article 80

Upon the conclusion of a special register of voters, the CEC shall announce the total number of voters at the local self-government units and polling stations within 48 hours.

The CEC shall prepare a certified excerpt from the special register of voters for each polling station.

Besides the data referred to in Article 50 of this law, an excerpt from the special register of voters shall also contain the name of the body that had prepared it, date of its preparation and the label of the polling station for which the excerpt had been made.

Article 81

The authorities of the Republic, the bodies of the autonomous province and the local self-government units, public institutions and other bodies shall be obliged to issue, at the voter's request, identification papers for the exercise of the right to vote without delay and not later than a day after the submission of the request.

Article 82

The Ministry and the bodies of local self-government units shall be obliged to enable the authorized representatives of the applicants of the approved electoral lists to review the special register of voters as well as to review the official documentation based on which the body in charge of keeping the special register of voters makes entries, deletions, changes, amendments or corrections in the register of voters.

The review of documents shall be done at the premises of the bodies where the official documentation is stored.

Article 83

Acting upon the petition made by the applicants of the approved electoral list, the Ministry shall be obliged to carry out an inspection within 24 hours upon the receipt of the petition.

The Ministry shall be obliged to send to the applicant a copy of the inspection minutes and a copy of the legal document ordering the competent body to undertake certain measures and actions within 48 hours from the inspection day.

Conduct of Elections

Voting

Article 84

A voter shall vote at the polling station where he/she had been registered in an excerpt of the special register of voters.

Under exceptional circumstances, a voter may vote outside the polling station referred to in paragraph 1 of this Article in the manner provided by the Law on Election of Deputies.

The method of voting outside a polling station as well as the number of voters to vote this way shall be recorded in the minutes of activities of a polling board.

Information to Citizens on Voting

Article 85

Not later than five days before the election date, each voter shall receive a notification indicating the date and time of elections, the number and the address of a polling station and the number of an excerpt from the special register of voters he/she had been registered in.

The body in charge of keeping the register of voters shall deliver the notification referred to in paragraph 1 of this Article to the voters.

Method of Voting

Article 86

A voter shall cast his/her ballot personally.

A voter shall vote only once during the elections.

Voting is secret.

Voting is done on certified ballot papers.

The display of any election campaign documentation shall be prohibited at a polling station and 50 metres from a polling station.

If in the course of voting the rules referred to in paragraphs 1 to 4 from this Article are violated, a polling board shall be dismissed and voting at such a polling station shall be repeated.

The use of mobile phones and other communication devices shall be prohibited at a polling station.

The CEC shall prescribe detailed instructions on the measures ensuring the secrecy of ballot.

Time of Voting at Polling Stations

Article 87

Polling stations shall be opened at 7:00 a.m. and closed at 8:00 p.m. A polling station must be constantly opened during this period.

The voters present at a polling station at the moment of closing shall be allowed to vote.

The members of a polling board or their deputies must be present at a polling station in the course of voting.

Keeping Order at Polling Stations

Article 88

If order is violated at a polling station, a polling board may interrupt voting until the order is restored. The reasons for and duration of the interruption shall be entered into the minutes of activities of polling board.

If voting shall is interrupted for more than one hour, it shall be prolonged for as much time as the interruption lasted.

The number of voters present in a room where the elections take place shall correspond to the number of voting booths ensuring the secrecy of ballot.

The persons having no rights or obligations related to the conduct of elections stipulated by this law shall not be allowed to stay at the polling station.

The members of the police forces on duty may only enter a polling station at the request of the polling board president if the order and peace had been violated at a polling station.

If the provisions referred to in paragraphs 1 to 5 of this Article are violated, an objection may be filed with the CEC, which shall determine whether voting at such a poling station should be repeated.

Electoral Documentation

Language and Script of Electoral Documentation

Article 89

The entire electoral documentation and all documents shall be printed in two languages – in the Serbian language and the Cyrillic script and in the language and script of a national minority whose national council is being elected.

Ballot Paper

Article 90

A ballot paper shall contain:

- 1) Serial number placed in front of the title of an electoral list;
- 2) Titles of electoral lists according to the order determined in the general electoral list including the personal name of an electoral list holder;
- 3) Note that only one electoral list is voted for by encircling the serial number in front of the title of an electoral list.

The CEC shall prepare and certify ballot papers.

The CEC shall determine the number of ballot papers, which must be equal to the number of voters registered in a special register of voters.

The ballot papers shall be printed at one location on papers protected with water seals.

An electoral list nominator shall provide the CEC with the name of the person authorized to attend printing, counting and packing of ballot papers and their delivery to the bodies in charge of conduct of elections.

The CEC shall specify the form and appearance of ballot papers, the manner and control of their printing as well as the delivery and handling of ballot papers.

The CEC shall specify the form and dimensions of a ballot box. Ballot boxes must be made of transparent matter.

The CEC shall be obliged to prepare voting documentation in due time for each polling board, especially the required number of ballot papers, the general electoral list, an excerpt from a special register of voters and the form of minutes on the activities of polling boards.

The acceptance of electoral documentation shall be done by the ECC within 48 hours before the election date at the latest.

In co-operation with the authorities of the local self-government unit, the ECC shall organize polling stations and prepare the required number of ballot boxes for each polling board including the accessories for their sealing and stationery.

On the election day, before the commencement of voting, a polling board shall establish whether the electoral documentation prepared for the polling station concerned is complete and correct, whether the polling station is arranged so as to ensure secrecy of ballot and whether voting may commence. The mentioned data shall be specified in the minutes of activities.

The general electoral list of each national minority of which a national council is elected at a polling station, together with titles of electoral lists and names of candidates, must be visibly displayed at a polling station in the course of voting.

The CEC shall specify the content and form of the general electoral list as well as the manner of displaying it.

The representatives of the nominators of electoral lists shall have the right to review electoral documentation. The review shall be performed at the premises of the CEC. The review of electoral documentation may be performed within five days from the election date.

Keeping Electoral Documentation

Article 91

Electoral documentation shall be kept for at least four years.

The CEC shall prescribe the method of keeping electoral documentation.

Voting

Article 92

A polling board shall check a ballot box in the presence of a voter who first comes to the polling station. It shall be checked whether the ballot box is proper, empty and adequate to ensure the safety and secrecy of the content of a ballot paper. The result of the control shall be entered into a control ballot paper, which is to be signed by the members of a polling board and a voter who had first come to the polling station.

A control ballot paper shall be inserted into a ballot box, which is then sealed in the presence of the first voter and this shall also be entered into the minutes of activities of a polling board.

After the opening of a ballot box, it shall be first checked whether a control ballot paper is inside. If there is no control ballot paper in the ballot box, the polling board shall be dismissed and a new one appointed and the voting shall be repeated at such a polling station.

The CEC shall prescribe the form of a control ballot paper and the manner of a ballot box sealing.

Voting

Article 93

A voter shall say to the polling board his/her personal name and hand in the notification on voting and prove his/her identity with an identity card or some other document.

A voter may not vote without having submitted evidence on his/her identity. Having determined the identity of the voter, the president of the polling board or the member shall encircle the serial number under which the voter had been registered in an excerpt from the special register of voters and explain to him/her the manner of voting.

A voter shall sign the electoral register of voters and take a ballot paper.

Each voter who had voted and received electoral documentation shall have his/her right hand index finger sprayed with a special liquid, as an indication that he/she had already voted. The liquid sprayed on the index finger shall last for 24 hours at minimum.

The members of a polling board may not influence the decision of any voter in any way.

The members of a polling board are required to explain the manner of voting to a voter if he/she so demands.

The members of the polling board are required to take care that no one disturbs a voter while he/she fills in a ballot paper and that the secrecy of ballot is ensured.

On the election date no modifications may be performed in an excerpt from the special register of voters.

If, in the course of voting, the provisions referred to in paragraph 5 to 8 of this Article are violated, the CEC shall dismiss the polling board, appoint a new one and arrange repeated elections at the polling station concerned.

Method of Voting

Article 94

A voter may vote for one electoral list only. Voting is done by encircling a serial number in front of the title of the electoral list.

A voter shall personally fold his/her ballot paper so that it shall not be visible who he/she has voted for and put it into a ballot box and leave the polling station.

The rules on the election of deputies shall be applied to voting outside a polling station.

Establishment of Election Results

Establishment of Election Results at Polling Stations

Article 95

Upon conclusion of voting, a polling board shall commence the establishment of election results at a polling station.

A polling board shall determine the number of unused ballot papers and put them in a separate envelope, which is then sealed and the number is entered into the minutes.

On the basis of an excerpt from the special register of voters, a polling board shall establish the total number of voters who had voted.

Once a ballot box is opened and the control ballot paper is checked, the valid ballot papers shall be separated from the invalid ones and the number of invalid ballot papers is entered into the minutes.

An invalid ballot paper is an empty ballot paper, a ballot paper filled in such way that it cannot be established which electoral list received the vote and a ballot paper on which more than one electoral list had been encircled.

If the full name of the first candidate in an electoral list is encircled or the title of the electoral list or a part of the title is encircled, or if both the serial number and the electoral list title and the full name of the first candidate are encircled, such a ballot paper shall be deemed valid.

If it is determined that the number of ballot papers in a ballot box exceeds the number of voters who have voted, the polling board shall be dismissed and a new one appointed and voting at such polling station shall be repeated.

Upon having established the election results, a polling board shall enter the following data into the minutes of its activities: the number of received ballot papers, the number of unused ballot papers, the number of invalid ballot papers, the number of valid ballot papers, the number of votes won by each of the electoral lists, the number of voters according to the excerpt from the special register of voters and the number of voters who had voted.

The minutes of activities of a polling board shall also contain remarks and opinions of the members of a polling board, of the nominators of electoral list, as well as all other facts relevant for voting.

The minutes of activities of polling board shall be signed by all the members of a polling board.

Minutes of Activities of Polling Boards

Article 96

The minutes of activities of a polling board shall be made in the prescribed form and printed in six copies.

The first copy of the minutes and the electoral documentation shall be delivered to the CEC.

The second copy of the minutes shall be displayed at a polling station for public review.

The four remaining copies of the minutes shall be immediately delivered to the representatives of nominators of electoral lists, which had won the largest number of votes at such a polling station if the nominator of an electoral list has a representative in the polling board, and if there is no representative, the representative of the nominator of an electoral list may take over a copy of the minutes from the CEC within 12 hours upon conclusion of voting.

The remaining nominators shall be entitled, within 12 hours of delivery of the documentation from the polling station to the CEC to obtain a certified photocopy of the minutes from a polling station from the CEC.

Delivery of Results from Polling Stations

Article 97

Once the voting results had been established, a polling board shall, without any delay and within 12 hours after the closing of polling stations at the latest, provide the ECC with the minutes of activities, an excerpt from the register of voters, unused ballot papers and used ballot papers, separately invalid ballot papers and valid ballot papers as well as all remaining electoral documentation.

The ECC shall provide the CEC with the electoral documentation from polling stations in its region within 24 hours from closing of polling stations at the latest.

Within 72 hours from closing of polling stations, the CEC shall enter into the minutes the total number of voters registered in a special register of voters of each national minority, the number of voters who had voted at polling stations, the total number of ballot papers received at polling stations, the total number of unused ballot papers, the total number of invalid ballot papers, the total number of valid ballot papers, the total number of votes won by each of the electoral lists.

The CEC shall establish the election results and make a special minutes thereof.

The CEC shall prescribe the content and form of the minutes of its activities.

Distribution of Terms of Office to Electoral Lists and National Minorities

Article 98

Each electoral list shall receive the number of terms of office proportionally to the total number of votes won.

The CEC shall distribute terms of office according to D'Hondt formula.

The terms of office shall be distributed by dividing separately the total number of votes obtained by each electoral list for each national council by numbers from 1 to the number corresponding to the total number of members of a national council established in Article 9 of this law.

The quotients obtained in such a way shall be sorted out by size, taking into account the number of the largest quotients that corresponds to the number of the members of a national council who are being elected.

If two or more electoral lists obtain the same quotients on the basis of which one term of office is to be assigned and there are no more unassigned terms of office, the term of office shall be assigned to the list that had won a larger total number of votes.

The term of office belonging to a particular electoral list shall be assigned to the candidates from that list according to the order of their names in the list.

If an electoral list shall receive more terms of office than the number of nominated candidates for the members of a national council, the term of office shall be assigned to the electoral list having the next largest quotient.

Announcement of Election Results

Article 99

The CEC shall publish in the Official Gazette of the Republic of Serbia the following data on overall election results for a national council of each national minority concerned:

- 1) The number of voters registered in a special register of voters;
- 2) Total number of voters who had voted;
- 3) Number of received ballot papers;
- 4) Number of unused ballot papers;
- 5) Number of used ballot papers;
- 6) Number of invalid ballot papers;
- 7) Number of valid ballot papers;
- 8) Number of votes won by each of the electoral lists;
- 9) Number of seats in the national council won by each of the electoral lists.

The CEC shall publish the election results within 96 hours after the completion of voting.

During the period between the completion of voting and the announcement of election results, the CEC shall announce temporary data on election results in the media.

The election results shall be published in the Official Gazette of the Republic of Serbia.

The CEC shall issue a certificate of election to a member of the national council.

3. Election of Members of National Councils through Electoral Assembly

Common Provisions

Article 100

If some national minority shall not fulfil the conditions concerning direct elections, as prescribed by this law, a national council shall be elected by the assembly of electors of the national minority concerned.

The procedure for election of a national council shall be initiated by the Ministry on the grounds of the decision to hold an electoral assembly. The decision shall be adopted within 15 days from the establishment of the fact that the members of a national minority concerned had not fulfilled conditions for direct election.

The date and place of electoral assembly shall be specified in the decision. The decision on schedule of elections shall be published in the Official Gazette of the Republic of Serbia.

The date and place of the electoral assembly shall be published in the media including a public invitation to all electors to submit in due time their complete written applications for participation in the electoral assembly.

Article 101

Any person belonging to a national minority who is nominated by organizations or associations of the respective national minority shall also have the right to be an elector.

Any organization, association or political organization that incorporates in its name a designation of one national minority, or whose statute designates it as an organization or an association or a political organization that gathers or acts in the interests of persons belonging to a national minority, shall be considered an organization, association or political organization of a national minority.

The signatures in support of electors should be certified in accordance with this law.

The nomination referred to in paragraph 1 of this Article may only be submitted by a person authorized by the electoral list nominator.

Article 102

The person who has the right to be an elector shall submit:

- 1) Electoral application containing a statement that he/she wishes to apply for the electoral assembly of a national minority and his/her personal data;
- 2) Certificate of suffrage;
- 3) Written statement on his/her national affiliation;
- 4) Evidence of residence;
- 5) Forms filled and signed by 100 persons belonging to a national minority,

A person who has the right to be an elector on behalf of an organization or an association of a national minority shall submit, in addition to the conditions referred to in paragraph 1 of this Article, the certificate of registration of the organization or association concerned and the document on the decision of the assembly of the organization or association of a national minority appointing him/her to be an elector of the national minority concerned.

One person belonging to a national minority may, by way of filling and signing the form, support only one elector.

The structure and the content of the form for collection of the voters' signatures in support of electors shall be prescribed by the Ministry.

The candidates for electors who are granted the authorization by the Ministry to collect voters' signatures may only do so.

Article 103

The written applications for participation in the electoral assembly shall be submitted to the Ministry not later than 30 days before the electoral assembly is held. The Ministry shall forward written invitations to the electoral assembly to all electors who had submitted complete applications.

The provisions of this law governing the procedures for the electoral lists for the direct election of the members of a national council shall be applied accordingly to the procedures for electoral applications.

Article 104

The electoral assembly shall elect the members of a national council proportionally to the size of the national minority in accordance with Article 9 of this law.

Term of office of a national council convocation shall start with the date of its registration into the National Councils Register.

Article 105

An electoral assembly may be held if more than one-half of the number of electors whose electoral applications have been confirmed is present.

By way of exception under paragraph 1 of this Article, the electoral assembly shall be held unless it is attended by:

- 1) At least 20 electors in case of national minorities whose size is below 10,000 according to the latest census or not specified;
- 2) At least 30 electors in case of national minorities exceeding 10,000 members but having less than 20,000 members according to the latest census;
- 3) At least 45 Electors in case of national minorities whose size is over 20,000 but below 50,000 according to the latest census;
- 4) At least 60 Electors in case of national minorities whose size is over 50,000 but below 100,000 according to the latest census;
- 5) At least 100 Electors in case of national minorities whose size is over 100,000 according to the latest census.

Article 106

Until the chairman of the electoral assembly is elected, the activities of an electoral assembly shall be chaired by the oldest elector present.

Article 107

An electoral assembly shall begin its activities by establishing the list of attendance through the list of electors provided by the Ministry.

Upon determining the number of attending electors, the electoral assembly shall continue its activities by electing the chairman, the vice chairman, the recording secretary and the members of the electoral commission.

Article 108

An electoral assembly shall adopt its decisions by public majority vote of the present electors.

An electoral assembly shall elect the members of a national council by secret vote.

The electoral assembly may adopt other decisions also by secret vote if it so decides.

Conduct of Elections

Article 109

An electoral assembly shall elect a national council by applying the proportional system.

A list of candidates (hereinafter referred to as the list) for the members of a national council may be proposed by one quarter of the number of present electors.

The electoral list shall contain at least 30% seats reserved for the less represented sex whereas every third seat in the electoral list is reserved for the less represented gender.

An elector can support only one list.

The list shall include not less than five candidates and not more than the aggregate number of members of a national council. The sequence of candidates shall be determined by the person submitting the list.

The lists shall be pronounced by the chairman of the electoral assembly establishing their serial numbers and the list holder.

The electors shall vote secretly on ballot papers prepared in advance on which they shall write the name of the list holder and the number of the list.

The terms of office shall be distributed according to the D'Hondt rule.

The terms of office shall be distributed by dividing separately the total number of votes obtained by each electoral list for each national council by numbers from 1 to the number corresponding to the total number of members of a national council established in Article 9 of this law.

The quotients obtained in such a way shall be sorted out by size, taking into account the number of the largest quotients that corresponds to the number of the members of a national council who are being elected.

If two or more electoral lists obtain the same quotients on the basis of which one term of office is to be assigned and there are no more unassigned terms of office, the term of office shall be assigned to the list that had won a larger total number of votes.

The term of office belonging to a particular electoral list shall be assigned to the candidates from that list according to the order of their names in the list.

If an electoral list shall receive more terms of office than the number of nominated candidates for the members of a national council, the term of office shall be assigned to the electoral list having the next largest quotient.

4. Election of New Members of a National Council

Article 110

After the first election of a national council, in accordance with this law, the new elections of national councils shall be conducted directly or through the electoral assembly.

The initiative for the election of a new national council convocation shall be initiated by the president of a national council not sooner than six and not later than three months prior to completion of the national council's term of office.

If the president of a national council shall fail to initiate this three months prior to completion of the term of a national council at latest, the initiative for the election of a new national council convocation shall be initiated by the Ministry.

Article 111

Until the chairman of the electoral assembly is elected, the activities of the electoral assembly shall be chaired by the president of a national council.

If the president of a national council is prevented from serving this duty, the activities of the electoral assembly shall be chaired by the oldest elector.

VII FUNDING OF ACTIVITIES OF NATIONAL COUNCILS

Article 112

A national council shall adopt its annual financial plan, financial report and annual financial statement.

The annual financial plan of a national council shall specify all income and expenses of a national council for the calendar year.

The annual financial plan shall be adopted in accordance with the procedures and methods stipulated in the statute of a national council.

A national council shall be obliged to send to the Ministry a copy of the annual financial plan or a copy of the final financial statement within 15 days from the adoption of the annual financial plan or the final financial statement.

Utilization of Funds

Article 113

The funds acquired in accordance with this law may be used for funding the expenditures pertaining to:

- 1) Regular operations of a national council,
- 2) Operations of the institutions, foundations, business organizations and other organizations founded or co-founded by a national council, i.e. institutions, foundations, business companies and other organizations whose right to establishment had been assigned to a national council, either entirely or partially.

The regular operation expenditures include, in particular:

- 1) Financing or co-financing of programmes and projects in the field of education, culture, information and official use of the language and script of a national minority;
- 2) Costs associated with renting and occupation of premises by a national council;

- 3) Wages, taxes and social security contributions for the employees of a national council;
- 4) Fees and reimbursements for the activities performed on behalf of a national council;
- 5) Travelling costs and allowances for business trips;
- 6) Office equipment and stationery for the activities of a national council;

Types of Funds

Article 114

The financial resources for the activities of national councils are provided from the budget of the Republic of Serbia, the budget of the Autonomous Province of Vojvodina and the budget of local self-government units, donations and other sources.

Funds from Public Sources

Article 115

The amount of funds from the public sources to be allocated for funding the activities of national councils shall be specified for each year according to the Law on the Budget of the Republic of Serbia, the decision on the budget of the Autonomous Province of Vojvodina and the local self-government units.

The funds referred to in paragraph 1 of this Article to be provided from the budget of the Republic of Serbia are distributed in the following way: 30% of the funds shall be distributed among all registered national councils in the Republic of Serbia in equal shares and the residual value (70%) shall be distributed proportionally to the number of members of a national minority represented by a national council and according to the total number of institutions of a national minority concerned in the field of culture, education, information and official use of language and script within the scope of activities of such institutions.

The decision on the allocation of funds from the budget of the Republic of Serbia shall be made by the Ministry upon consideration of the proposals filed by the national councils.

The funds referred to in paragraph 1 of this Article to be provided from the budget of the autonomous province are distributed pursuant to the decision by the competent provincial body to national councils seated in the territory of the autonomous province.

The funds referred to in paragraph 1 of this Article to be provided from the budget of local self-government units are distributed pursuant to the decision by the competent body of local self-government unit to national councils representing national minorities whose members make up for at least 10% of the total population of the local self-government unit or whose language is officially used in the territory of the local self-government unit.

Funding of Activities of Institutions the Right to Establishment Is Assigned to National Councils

Article 116

The funding of the institutions or other organizations whose right to establishment is fully or partially assigned to national council shall be carried out from the same sources and on the basis of the same normative provisions the institutions and organizations had been funded from before the assignment of rights to national councils.

The financial liabilities of the previous founder towards the institutions or other organizations whose founder shall thereafter become the national council shall be specified in the agreement on assignment of the right of establishment.

A national council may also provide additional funds for the operation and activities of institutions or other organizations whose rights to establishment had been assigned to a national council.

Accounts of National Councils, Mandatory Accounting and Financial Control

Article 117

A national council shall have an account.

A national council shall keep accounting records of all income and expenses.

The accounting records shall be kept according to the origin, amount and structure of income and expenses in compliance with the accounting regulations.

The credit and debit book keeping records of a national council is subject to annual auditing in accordance with the accounting regulations and may be subject to control by the competent bodies.

A national council is required to keep special records of its property.

Responsible Officer

Article 118

The statute of a national council shall appoint an officer responsible for financial operations, reporting and book keeping of a national council.

Should a national council fail to specify a responsible officer in its statute, the president of a national council shall perform this function.

Budgetary Fund of National Minorities

Article 119

A national council shall participate in the process of distribution of funds from the budgetary fund of national minorities on the basis of public competitions for projects and programmes in the field of culture, education, information and official use of language and script of national minorities.

The Ministry shall manage the budgetary fund of national minorities.

VIII MONITORING

Article 120

The Ministry shall monitor the legality of activities and documents of national councils in accordance with the Constitution and law.

A national council is obliged to forward any requested information, files and documents to the Ministry that monitors the legality of activities and documents of national councils within eight days upon the Ministry's request.

The president of a national council shall be responsible for the delivery of requested information, files and documents.

Article 121

The competent ministry shall initiate the proceedings before the Constitutional Court for the assessment of legality and consistence with the Constitution of a national council's statute, regulations or any other general document, if it considers that a document is not in accordance with the Constitution, law or other republic regulation.

The competent body of the autonomous province shall initiate the procedure referred to in paragraph 1 of this Article if it considers that a document is not in accordance with the provincial regulation.

Article 122

The Ministry is obliged to terminate the implementation of any document of a national council, which is not considered to be in compliance with the Constitution, law or other regulation by the decision to be published in the Official Gazette of the Republic of Serbia. The Ministry shall initiate the proceedings for assessment of constitutionality and legality of the documents before the Constitutional Court within five days from the date of the decision publication.

The decision on termination of implementation shall expire if the Ministry fails to initiate the proceedings referred to in paragraph 1 of this Article.

IX PENAL PROVISIONS

Article 123

A person shall be fined from RSD 10,000 to 30,000 if he/she:

- 1) Fails to enter voters or enters voters or deletes them from the special register of voters contrary to the provisions of Article 47 of this law;
- 2) Makes use of the data entered into the special registers of voters belonging to national minorities for the purposes other than the purposes prescribed by this law contrary to Article 49 of this law.

Article 124

A person using a bleeper, mobile phone or other telecommunication devices at a polling station, which is contrary to Article 86 paragraph 7 of this law, shall be fined for this offence from RSD 10,000 to 30,000.

Article 125

A person violating order at a polling station and causing the voting to be terminated in accordance with Article 88 of this law shall be fined from RSD 10,000 to 30,000.

Article 126

A legal entity or a natural person violating or abusing the right to use national symbols shall be fined for this offence from RSD 10,000 to 30,000.

Article 127

A responsible officer of a national council shall be fined from RSD 500.00 to 50,000 for the following offences:

- 1) If he/she shall not act pursuant to Article 6 paragraph 3 of this law;
- 2) If he/she shall not submit, which is contrary to Article 120 paragraph 2 of this law, within 8 days after the receipt of the request, the required data, documents and statement to the ministry, which monitors legality of activities and documents;

Article 128

A national council shall be fined from RSD 50,000 to 200,000 if:

- 1) Within 30 days from the day of adoption of amendments and supplements to the statute, it fails to inform the Ministry on amendments and supplements to the statute and submit them together with the minutes from the session at which they had been adopted;
- 2) It fails to submit, which is contrary to Article 120 paragraph 2 of this law, within 8 days after the receipt of the request, the required data, documents and statement to the Ministry monitoring legality of activities and documents of national councils;

X TRANSITIONAL AND FINAL PROVISIONS

Article 129

The Minister shall adopt the decision on the schedule of elections of national councils within 6 months after this law enters into force.

From the day of issuance of the schedule of elections until the election date referred to in paragraph 1 of this Article, a period of time is required of not less than 60 days and not more than 90 days.

The electoral assembly shall be held within a period of time that cannot be shorter than 60 days or longer than 90 days counting from the date of the adoption of decision referred to in Article 100 paragraph 2.

The manner of implementation of the elections shall be determined in accordance with the provisions of this law.

Article 130

It is binding on the national councils to enact new or harmonize their old statutes and general acts with the provisions of this law within three months from the date of their constitution.

Article 131

The provisions of this law referring to the right to give proposals or opinions in the process of election or appointment of members of the bodies established by the Republic of Serbia, the Autonomous Province of Vojvodina or the local self-government units shall be applied as of the first next process of election or appointment of members of these bodies.

Article 132

The permanent composition of the CEC shall be nominated by the Ministry within 30 days of this law entering into force.

Article 133

The regulations referred to in Articles 4 (paragraph 4), 52 (paragraph 3), 55 and 102 (paragraph 4) of this law shall be adopted by the Ministry within 30 days after this law entering into force.

Article 134

The Executive Board of the Union of Jewish Municipalities of Serbia shall function as a national council and the President of the Union of Jewish Municipalities of Serbia is a member of the Council of National Minorities of the Republic of Serbia.

Article 135

If a national council fails to determine traditional names referred to in Article 22 of this law, within three months of this law entering into force, the traditional names shall be determined by the Government, namely by the competent body of the autonomous Province if a national council is located in the territory of the autonomous province, in co-operation with the local self-government units, organizations of national minorities and experts in the field of language, history and geography of a national minority concerned.

The provision referred to in paragraph 1 of this Article shall not concern national councils that had determined and published traditional names referred to in Article 22 of this law before this law entering into force.

Article 136

For the purpose of certain elections, the Ministry may allow permanent residence, which is the condition to exercise an active or passive right to vote, to be replaced with temporary residence in case of persons who have residence in Kosovo and Metohija.

Article 137

After this law had entered into force all national councils shall be elected, i.e. re-elected.

If half of the term of office of a national council has not expired on the date of schedule of elections, its term of office shall be renewed and last as long as the term of office of national councils that are elected.

The national councils elected before this law entering into force whose term of office has expired, shall continue to work until the elections, namely until the constitution of a national council according to the provisions of this law.

Article 138

On the day this law enters into force, the following shall cease to be valid:

- 1) Article 24 of the Law on the Protection of Rights and Freedoms of National Minorities (the Official Gazette of FRY, no. 11/02);
- 2) The Book of Rules on the Method of Activities of Assemblies of Electors for the Election of National Minority Councils (the Official Gazette of FRY, no. 41/02);

Article 139

This law shall enter into force eight days after its publication in the Official Gazette of the Republic of Serbia.