



Office for Democratic Institutions and Human Rights

**REPUBLIC OF SERBIA  
PRESIDENTIAL ELECTION  
20 January and 3 February 2008**

**OSCE/ODIHR Limited Election Observation Mission  
Final Report**



Warsaw  
29 August 2008

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**REPUBLIC OF SERBIA  
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**I. EXECUTIVE SUMMARY**

The 20 January 2008 presidential election was conducted mostly in line with OSCE commitments for democratic elections. The election was the first presidential election held after the adoption of a new Constitution in October 2006. The process was transparent and offered voters a genuine choice between distinct political perspectives. Turnouts were high for both the first and second round, over 60 and 68 per cent respectively, demonstrating a significant level of public interest and participation in the democratic process.

Nine candidates were registered for the first round in an inclusive manner. The election was concluded after a run-off between leading first round candidates Mr. Tomislav Nikolić of the Serbian Radical Party (SRS) and the incumbent President Mr. Boris Tadić of the Democratic Party (DS), which was conducted on 3 February 2008.

The campaign was pluralistic, competitive, and conducted in a generally calm atmosphere. Candidates held rallies and door-to-door campaigns in a free environment. Civil and political rights were respected.

The Republican Election Commission (REC) administered the election in an inclusive, professional and transparent manner, although at times REC decisions would appear to have been influenced by political agendas. On one occasion, the REC chose to ignore a Supreme Court ruling on accreditation of bilateral observers from two OSCE participating States prior to the first round; this raised concerns for respect for the rule of law.

Political parties' access to most stages of the process added to the transparency of the election administration and further enhanced confidence in the process.

A variety of media provided candidates with an opportunity to convey their respective messages to the electorate. However, Mr. Tadić enjoyed an advantage during the campaign for both rounds of the election, mostly as a result of his institutional activities as incumbent President. Before the second-round, the two candidates presented their platforms and exchanged views in a 90-minute televised debate.

The legal framework generally provides a sound basis for elections in line with OSCE commitments; however it could be improved in some areas. For example, some aspects of the process are under-regulated and require REC decisions and regulations, which may on occasion go beyond the REC's regulatory authority. In addition, contrary to the previous Presidential Election Law, the new law does not provide for an intermediary level of election administration between the REC and the polling boards.

The OSCE/ODIHR stands ready to further support the efforts of the authorities and civil society of Serbia to meet the remaining challenges outlined in this and previous reports.

## II. INTRODUCTION AND ACKNOWLEDGEMENTS

In response to an invitation to observe the 20 January 2008 presidential election in Serbia, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed a Limited Election Observation Mission (LEOM) to Belgrade on 4 January. The OSCE/ODIHR LEOM assessed the presidential election in terms of its compliance with the 1990 OSCE Copenhagen Document, other international standards and domestic legislation. For the second round, the OSCE/ODIHR LEOM was joined by a delegation of the Parliamentary Assembly of the Council of Europe (PACE), led by Mr. Andreas Gross. This report should be read in conjunction with previous OSCE/ODIHR reports on elections in Serbia.<sup>1</sup>

The OSCE/ODIHR LEOM was headed by Mr. Nikolai Vulchanov, and consisted of nine international experts based in Belgrade and twelve long-term observers from 18 OSCE participating States deployed throughout the country. In view of past findings on election-day proceedings in Serbia, the OSCE/ODIHR did not consider the deployment of short-term observers to be necessary, and did not undertake a systematic or comprehensive observation of election day proceedings. However, representatives of the OSCE/ODIHR LEOM visited some polling stations during voting on 20 January and 3 February.

The OSCE/ODIHR is grateful to the Ministry of Foreign Affairs, the REC, other national and local authorities and non-governmental organisations for their assistance and co-operation during the course of the observation. The OSCE/ODIHR also wishes to express its appreciation to the OSCE Mission to Serbia for its co-operation, as well as other international organizations and embassies of OSCE participating States accredited in Belgrade.

## III. POLITICAL BACKGROUND

### A. OVERVIEW

The 20 January 2008 presidential election, with a run-off on 3 February, was the first presidential election since the adoption of the new Constitution of the Republic of Serbia.<sup>2</sup> Against the background of developments concerning the status of Kosovo and debate surrounding Serbia's future path towards European integration, there was a general perception that this election was the most significant since the 2000 early parliamentary election following the end of the regime of Slobodan Milošević.

In the last parliamentary elections, held on 21 January 2007, none of the parties got a clear majority in National Assembly of Serbia (the Parliament).<sup>3</sup> The government coalition was

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<sup>1</sup> These reports are available at <http://www.osce.org/odihr-elections/14610.html>

<sup>2</sup> The Constitution of the Republic of Serbia was adopted by the National Assembly of the Republic of Serbia on 30 September 2006. It was further endorsed by a popular referendum on 28-29 October 2006.

<sup>3</sup> These were the first elections since the dissolution of the State of Union of Serbia and Montenegro in 2006 and the adoption of the new Constitution. The SRS won 28 per cent of the vote (81 seats), the DS - 22 per cent (64 seats), the coalition of the Democratic Party of Serbia (DSS) and the New Serbia party (NS) - 16,5 per cent (47 seats), the "G17 Plus" party - 6.8 per cent (19 seats), the Socialist Party of

formed on 12 May 2007, after three months of negotiations. It consisted of the DS, G17 Plus and the coalition of the Democratic Party of Serbia (DSS) and New Serbia (NS), with DSS Vojislav Koštunica as Prime Minister. When the government was formed the parties signed a coalition agreement, which specified a common position on key issues such as the preservation of Kosovo within the territory of the Republic of Serbia, EU integration and co-operation with the International Criminal Tribunal for former Yugoslavia.

As the presidential election was approaching, the relations between the coalition partners became strained, due to increasing divergences on these issues. The DS and G17 Plus favoured unrestricted integration with the European Union, whereas the other two coalition partners, the DSS and NS, linked the process of EU integration with the future of Kosovo.

The presidential election was called on 12 December 2007 by the Speaker of Parliament, Mr. Oliver Dulić. The date set for the election, 20 January 2008, came as a surprise to DSS and resulted in further deterioration of the relations between the DS, the party of the incumbent president Boris Tadić and DSS, led by Prime Minister Vojislav Koštunica. This also had an influence on the campaign and general political atmosphere.

## B. CANDIDATES

In an inclusive process, the Republican Electoral Commission registered nine candidates<sup>4</sup> to contest the first round of voting and rejected two applicants.<sup>5</sup> In both cases of rejection, the reason was incomplete documentation submitted by the applicants. Rejected candidates filed appeals to the Supreme Court, which confirmed the REC decisions.

The DS endorsed Mr. Boris Tadić as its candidate. The other main contender was Mr. Tomislav Nikolić, Deputy President of the SRS and sitting Member of Parliament. The DSS did not nominate a candidate of its own and officially supported the NS candidate and Minister of Infrastructure, Mr. Velimir Ilić.

Mr. Ištvan Pastor, the head of the Alliance of Vojvodina Hungarians, was proposed by the Hungarian Coalition.<sup>6</sup> Mr. Marijan Rističević, was running on behalf of the coalition of the People's Peasant Party and of the United Peasant's Party. The only woman candidate, Ms. Milanka Karić, ran on behalf of her husband Bogoljub Karić, who is the leader of the Serbian Strength Movement.<sup>7</sup>

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Serbia (SPS) – 5.6 per cent (16 seats), the coalition of the Liberal Democratic Party, Civic Alliance of Serbia, Social Democratic Union and League of Social Democrats of Vojvodina five per cent (15 seats). Minority parties received eight seats in the parliament: the Alliance of Vojvodina Hungarians won 1.3 per cent (three seats), the Coalition List for Sandžak 0.8 per cent (two seats), the Coalition of Albanians from Preševo Valley 0.4 per cent (one seat), Union of Roma in Serbia 0.4 per cent (one seat) and Roma Party 0.3 per cent (one seat).

<sup>4</sup> The registered candidates in the order of the ballot were Mr. Tomislav Nikolić (SRS), Mr. Jugoslav Dobričanin (Reformist Party), Mr. Boris Tadić (DS), Mr. Velimir Ilić (NS), Mr. Ištvan Pastor (Hungarian Coalition), Mr. Marijan Rističević (People's Peasant Party), Mr. Čedomir Jovanović (Liberal Democratic Party, LDP), Mr. Milutin Mrkonjić (Socialist Party of Serbia, SPS) and Ms. Milanka Karić (Serbian Strength Movement - Bogoljub Karić).

<sup>5</sup> The rejected applicants were Mr. Hadži Andrej Milić and Mr. Milovan Petrović.

<sup>6</sup> The Hungarian Coalition consisted of three parties, the Alliance of Vojvodina Hungarians, the Democratic Party of Vojvodina Hungarians and the Democratic Community of Vojvodina Hungarians.

<sup>7</sup> Mr. Bogoljub Karić was under investigation by the Serbian authorities and currently resides outside the country. He was thus unable to obtain the certificate of residency, necessary to register as a candidate.

As none of the candidates received the necessary majority of votes to be elected in the first round, the two candidates who won most votes, Mr. Nikolić and Mr. Tadić, went through a run-off. In the first round Mr. Nikolić came first with 39.96 per cent of votes while Mr. Tadić received 35.41 per cent of votes. In the second round, on 3 February, Mr. Tadić won with 50.31 per cent of votes (please see the results in Annex). During the campaign for the run-off, the leader of the DSS, Prime Minister Koštunica, conditioned his support to Mr. Tadić by suggesting adding new conditions to the coalition agreement, linking Serbia's policy towards EU integration to the future status of Kosovo. Eventually, neither DSS nor NS expressed support for any of the candidates competing in the run-off. G17 Plus was the only coalition partner in government to support the DS candidate.

Out of nine candidates, only Ištvan Pastor officially called his voters to support Boris Tadić in the run-off. Marijan Rističević supported Tomislav Nikolić. The other candidates did not declare official support for either of the two candidates.

## IV. LEGAL FRAMEWORK

### A. OVERVIEW

The Constitution of the Republic of Serbia (2006), the Law on the Election of the President of the Republic of Serbia (PEL) and several provisions of the Law on the Election of Representatives (LER), which cover technical aspects of the election process, constitute the main legal framework for the presidential election. They are supplemented by the Law on Financing of Political Parties, the Law on Broadcasting, as well as by regulations and instructions issued by the REC.<sup>8</sup>

The 2006 Constitution, the LER and the newly adopted<sup>9</sup> PEL provide a sound basis for the conduct of elections in line with OSCE Commitments and other international standards. However, there is still room for improvement, and some ambiguities and shortcomings remain, as identified in an assessment of the election legislation undertaken jointly by the OSCE/ODIHR and the Council of Europe's Commission for Democracy through Law (Venice Commission).<sup>10</sup> Some issues stem from provisions of the LER such as those regarding possible grounds for the dissolution of polling boards (PB) on election day, which create a potential for intentionally annulling results of PBs and delaying the announcement of the final results. The law also does not provide a framework for the participation of international and domestic non-partisan observers.<sup>11</sup> Additional concerns include, inter alia, provisions for authenticating signature lists in support of a candidate, and provisions on mobile ballot boxes.

The legal framework leaves some aspects of the process somewhat under-regulated. This contributed to legal uncertainties resulting from the simultaneous conduct of elections held under different laws. There were instances when provisions of the REC regulations adopted in order to regulate specific aspects of the process raised concerns that the REC was going

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<sup>8</sup> Instructions for the enforcement of the PEL of 13 December 2007.

<sup>9</sup> The new Law on the election of the President of the Republic of Serbia was adopted on 3 December 2007 in order to avoid possible inconsistencies with the new Constitution.

<sup>10</sup> *Joint Recommendations on the Laws on Parliamentary, Presidential and Local Elections, and Election Administration in the Republic of Serbia*, Opinion no. 347/2005, 23 March 2006, CDL-AD(2006)013.

<sup>11</sup> In contradiction with paragraph 8 of the 1990 OSCE Copenhagen document and despite previous OSCE/ODIHR recommendations.

beyond its regulatory authority and overstepping legislative competencies. While this practice, observed and identified as problematic in previous OSCE/ODIHR reports,<sup>12</sup> seems until now to have been accepted across the political spectrum, it raises several issues, including possible inconsistent implementation of the law. It could also lead to limitations on concrete possibilities for a fully functional complaints and appeals process.

While the previous Law on the Election of the President provided for an intermediate level of election administration between the REC and the polling boards, it has been eliminated in the new law. The REC established working groups (WGs) at municipal level to carry out election logistics. While it appears that WGs in general discharged their duties efficiently, the absence of a proper legal framework for WGs raised concerns of inconsistent implementation of the law, membership nominations on an ad hoc basis, and lack of a proper accountability mechanism.

## **B. CAMPAIGN AND CAMPAIGN FINANCE**

The legal framework establishes a campaign silence period commencing 48 hours before election day (Article 5 of the LER). Restrictions on campaign activities only affect campaigning on broadcast media, public gatherings, publication of projections of estimated election results or the display of campaign symbols 50 meters from the polling station; it does not consider other forms of campaigning. This allowed candidates and their proxies to undertake other forms of campaigning during the election silence period.<sup>13</sup>

While campaign activities are to be supervised and monitored by a Supervisory Board, as foreseen by Article 99 to 101 of the LER, the National Assembly once again failed to meet the requirement of the law to establish such a body for the election period.

A Law on the Financing of Political Parties adopted in 2003 regulates campaign finances for presidential, parliamentary and local elections, setting limits for party expenditures and private sources of funding such as membership dues, income from the property owned by a political party, and voluntary contributions. It also foresees public funding for campaign expenses. According to the law, for each year when regular elections are foreseen, funds corresponding to a portion of the state budget are secured to cover election campaign costs.<sup>14</sup> The amount should be the same for early elections.

For all types of elections, 20 per cent of the total amount calculated for public campaign funding for a particular election are equally divided between all registered candidates and disbursed after candidate registration, while 80 per cent of the amount goes to the winner(s) of the election(s). This system is clearly designed for parliamentary elections held under a proportional representation system, where 80 per cent of the funds are distributed to lists according to the number of seats won. Its implementation in the context of a presidential election provides an exorbitant advantage to the winner and has been criticized in past

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<sup>12</sup> See in particular the OSCE/ODIHR Final Report on the January 2007 Parliamentary Elections.

<sup>13</sup> For example, there were reports of leaflets being given away or of voice mail messages sent to mobiles phones during the silence period.

<sup>14</sup> Pursuant to Article 9 of the Law, campaign funding for a year of regular elections corresponds to “0.1 per cent of the Republic of Serbia budget (reduced for the transfers to other levels of government and social security and medical insurance funds), 0.05 per cent of the territorial autonomy unit’s budget (reduced for the transfers from other levels of government) and/or 0.05 per cent of the local self-government unit’s budget (reduced for the transfers from other levels of government) for the year for which the budget is passed.”

OSCE/ODIHR Reports.<sup>15</sup> Many interlocutors, among them political party representatives (LDP, DS, SPS, and DSS), criticized this solution and recommended that public funding for campaign expenses be distributed equally among all presidential candidates.

Contestants must submit reports on campaign resources and expenses to the REC no later than 10 days after the election day (Article 14). While this provision does not raise questions of interpretation in the context of parliamentary elections taking place on one day only, it is less clear in the context of a presidential election held in two rounds of voting. The reports are then reviewed by the commission within 90 days of their receipt. The REC can hire an independent company to audit the financial reports of campaign expenses. According to the law, these financial reports shall be published, but the law fails to specify who has the responsibility to publish them.

A number of political party representatives indicated that the legal limit on campaign expenditures, established by law, is too low and therefore not abided by. Moreover, parties tend to use their operational funds for campaign financing, which is against existing regulations.

## V. ELECTION ADMINISTRATION

### A. OVERVIEW

The presidential election is administered by a two-tiered election administration comprising the Republic Election Commission<sup>16</sup> and 8,573 Polling boards (PBs)<sup>17</sup>. In addition, the REC Instruction for the Enforcement of the PEL provides for Working Groups<sup>18</sup> to be established in each of the 194 municipalities, including the 17 Belgrade municipalities. WGs are technical *ad hoc* bodies tasked with performing the election-related logistics at municipal level in the absence of an intermediate level of election administration. Their composition follows the composition of the Parliament.

### B. REPUBLIC ELECTION COMMISSION

The Republic Election Commission administered the election in an inclusive, professional and transparent manner, although at times REC decisions would appear to have been influenced by political agendas of REC members.

The REC is a permanent body appointed by Parliament.<sup>19</sup> The REC is composed of a chairperson and 16 permanent members, each with a deputy. In addition, during the electoral period, the REC's membership is increased to an 'extended' composition which includes representatives nominated by each registered candidate, along with their deputies.<sup>20</sup> The REC composition also includes a non-voting Secretary, with his or her deputy, and a representative

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<sup>15</sup> See in particular the OSCE/ODIHR Final Report on the 2004 Presidential Election.

<sup>16</sup> Art. 33 of the LER.

<sup>17</sup> Art.36 and Art.12 of the REC Instructions for the enforcement of the PEL.

<sup>18</sup> *ibid* Art.18.

<sup>19</sup> Art. 33, paragraph 1 of the LER of May 2004. The current REC was established by a decision made by the Parliament on 5 November 2007, "Official Gazette of the Republic of Serbia", No. 100/07.

<sup>20</sup> *ibid*.



of the Republic Statistics Office, who is a non-voting member.<sup>21</sup> The REC appointed thirty of its members and their deputies as District Coordinators, to supervise the distribution and collection of election materials.

According to Art.16 of the Rules of Procedure of the REC, its sessions have to be attended by the majority of its members. Valid decisions have to be voted on by the majority of the members with a right to vote.<sup>22</sup> While inclusion of party representatives can enhance the transparency, accountability and trust towards the election administration, there were a limited number of instances when decisions appeared to be influenced by specific political agendas.

### **C. POLLING BOARDS**

The composition of polling boards is similar to the REC. Each PB comprises a chairperson and two permanent members, as well as a number of extended members representing candidates, all with deputies.<sup>23</sup> For the first round, the average number of members appointed to a given PB was 24. While this level of participation promotes transparency and trust in the process, the large size of such PBs could be cumbersome. To address this, the Rules of Procedure on the Work of the PBs for conducting elections for the President of the Republic suggest members to work in shifts during voting hours.<sup>24</sup>

In total, polling boards included some 205,000 members for the first round and around 85,000 members for the second. The formation of PBs before the first round was somewhat stalled by difficulties faced by some candidates in putting forward nominations for all positions in the PB extended composition that they were entitled to by law. In the most remote areas, this led to instances of parties hiring members related to other candidates.

While the OSCE/ODIHR LEOM did not conduct comprehensive observation of election day procedures, a limited number of visits of OSCE/ODIHR LEOM members to polling stations revealed that familiarity of PB members with the procedures could be improved, in particular with regard to completing the polling station protocols. Counting errors appeared to be fewer for the second round.

### **D. VOTER REGISTRATION**

Voter registers are maintained on a continuous basis by municipal authorities, in co-operation with the Ministry of Interior, and under the supervision of the Ministry of Public Administration and Self-Governance. Voters could be added to the register between the two rounds by Court decisions.

Voter registration is “passive”, as citizens are included in the voters lists based on their residency registration, thus they are not required to separately apply for registration as voters. Once they have been registered, their records remain on the voter register, with possible updates introduced as a consequence of changes of name or address of registered permanent residence. Inclusion of citizens turning 18 years, as well as deletion of records of deceased

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<sup>21</sup> *ibid*, Art.33, paragraph 2.

<sup>22</sup> Art.16, paragraph 2 of the Rules of Procedure of the Republic Electoral Commission.

<sup>23</sup> Art.36, paragraphs 1 and 2 of the LER, and Art.12, paragraph 2 of the Instructions for the Enforcement of the PEL.

<sup>24</sup> Art.7, paragraph 1 of the Rules of Procedure on the Work of Polling boards for Conducting Elections for the President of the Republic of the REC.

citizens, is undertaken by the respective municipal authorities. Conversely, changes of registered permanent address require the active reporting of the change by the voter to the district police office, both at their former and current municipality of residence.

By law, voter registers are to be merged in a unified, computerised, national register.<sup>25</sup> Yet, the establishment of such a central voter register has not been accomplished, although a similar provision already existed in the previous Law on the Election of Representatives from 2000. The OSCE/ODIHR LEOM was informed that a project on reform of voter registration was intended after the presidential election.

Accuracy of the voter lists was not a matter of particular concern during the presidential election, and political parties, while acknowledging possible shortcomings, usually expressed their trust in voter registration. However, municipal officials often recognised the difficulties to ensure the accuracy of the registers in relation to the removal of names of voters who have died outside Serbia or of voters who do not register their changes of residency when they move between municipalities, this being a potential source of multiple entries in the voter lists<sup>26</sup>. Voter lists were open for public scrutiny for 21 days<sup>27</sup>, which allowed voters to check their records.

The total number of registered voters for the second round was of 6,723,762, reflecting an increase of 21,744 over the number registered for the first round.

#### **E. VOTING ABROAD**

Sixty five PBs, in 36 countries, were set up in diplomatic representations for about 37,000 registered voters. In Montenegro, 7 PBs were set up in co-operation with the Montenegrin authorities<sup>28</sup>. Civil servants from the Serbian Ministry of Foreign Affairs were appointed to administer voting abroad. Political parties were granted the possibility to send their representatives to the PBs abroad, at the expense of the electoral budget. It appeared that the SRS and DS did not make use of this possibility, and rather appointed supporters residing abroad to fill the positions. The estimated budget allocated to travel of political party representatives amounted approximately to one third of the entire electoral budget.<sup>29</sup> Previous OSCE/ODIHR reports have pointed out the exorbitant cost of this practice.

#### **F. COUNTING AND TABULATION OF RESULTS**

Ballots are counted immediately after the closing of the polls in the voting premises. Preliminary tabulation of results is done by statisticians from the Republic Statistics Office (RSO) deployed to municipalities. This well organized and efficient tabulation system allowed the first nationwide, provisional results to be announced within two hours following the closing of the polls. Official results are tabulated at REC level by RSO officials based on original

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<sup>25</sup> Art.12, paragraph 1 of the LER.

<sup>26</sup> SRS representatives showed to the OSCE/ODIHR LEOM a list of double entries from three municipalities, Novi Pazar (1078 double entries), Sjenica (78) and Tutin (638). However, the OSCE/ODIHR LEOM was not in a position to verify the list.

<sup>27</sup> Art.19, paragraph 1 of the LER.

<sup>28</sup> At the time of the election, Serbia did not have a diplomatic representation in Montenegro.

<sup>29</sup> According to REC estimates, 245 millions of dinars out of a budget of 700 millions dinars.

protocols. They are announced within 96 hours after the closure of polls, after votes from abroad have been received and counted, and complaints have been ruled upon.<sup>30</sup>

There are no legal provisions setting out the role of the RSO with regards to the tabulation of the results. The procedures regulating the activities of the statisticians at municipality level and subsequent compilation of the nationwide results are set forth in the RSO internal procedures. The same applies to the consistency checking mechanisms used to assess the accuracy of protocols. Results by PBs were made available to the members of the REC and the OSCE/ODIHR LEOM. However, no detailed breakdown of the results by polling station was published.

## **G. REPEAT ELECTIONS**

On 12 February, following a complaint lodged at the REC about the alleged irregular identification of a voter, a re-run took place in one PB<sup>31</sup>. This resulted in the postponement of the announcement of the final outcome of the elections. The REC conducted preparations for the re-run in line with the law.<sup>32</sup> The OSCE/ODIHR LEOM did not receive any negative report or information on the conduct of the repeat voting.<sup>33</sup>

The REC announced officially the result of the election during its 51<sup>st</sup> session, on 13 February, ten days after the second round.

## **VI. CAMPAIGN**

The campaign for the first round was lively and became more dynamic in the run-up to the second round. Freedom of expression and freedom of assembly were widely respected. However, some political parties expressed the view that the campaign duration was relatively short and that it had an impact on the candidates' opportunities to present their programs to the public.<sup>34</sup> The issue of the future status of Kosovo and of a Stabilization and Association Agreement with the European Union dominated the public discourse during both the first and second round of election. Unemployment, the fight against corruption and reform of the social system were also issues discussed during the campaign.

The press, as well as the electronic media, focused on two candidates, Mr. Tomislav Nikolić and Mr. Boris Tadić, the incumbent President. These two candidates were also the first to start campaigning, soon after they were officially registered.

In general, there was a noticeable difference between the scope and intensity of the campaign of the candidates supported by parties represented in Parliament,<sup>35</sup> and the other candidates. Mr. Tadić and Mr. Nikolić campaigned actively, holding rallies across the country, widely

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<sup>30</sup> Art.78, paragraph 1 of LER.

<sup>31</sup> Voting was repeated in Dobro Polje, Boljevac municipality. One citizen voted with an expired ID card as a proof of identity and a complaint was filed with the REC. According to the LER, repeat voting must be carried out if the REC voids the results due to election irregularities. The final result of the election follows the completion of the repeat voting.

<sup>32</sup> The date of the repeat elections was set by REC Decision 02 No. 013-941/08 of 6 February 2008.

<sup>33</sup> According to the Republic Statistics Office, out of 362 eligible voters, 114 voted for Boris Tadić, 86 for Tomislav Nikolić and 3 cast invalid votes.

<sup>34</sup> This view was expressed by a number of political parties including LDP, SPS, NS and DS.

<sup>35</sup> Boris Tadić (DS), Tomislav Nikolić (SRS), Čedomir Jovanović (LDP and Velimir Ilić (DSS-NS).

using paid airtime in the private media, and with their supporters conducting intense door-to-door visits.

Mr. Tadić's campaign presented this presidential election as a choice between European integration, economic progress and strengthening of the state on the one side, and isolation and instability on the other, which he argued his main political opponent Mr. Nikolić represented. Mr. Nikolić conducted a high-profile campaign, targeting mainly people disappointed with the transition to democracy. His campaign slogans focused on preservation of Serbia's borders, building-up of the national economy, and fighting corruption and crime.

Citizens participated in this election in high numbers, which reached 61.37 per cent for the first round of election and 68.12 per cent during the run-off.<sup>36</sup> In addition to the voters' appreciation of the issues at stake in the election, the level of participation might have also been influenced by a law on the privatization of large state companies,<sup>37</sup> which took force on 26 December 2007. The Law provides that the right to receive free shares of privatized companies shall be granted to persons included in the voter registers. The issue of privatization and free shares received considerable public attention and was discussed during the campaign period.<sup>38</sup>

There were a large number of get-out-the-vote (GOTV) campaigns, organized by civil society. The most active country-wide GOTV campaign was conducted by the Centre for Free Elections and Democracy (CeSID). The Centre for Modern Skills organized a campaign "Volim da biram, biram da volim",<sup>39</sup> which appealed mainly to women and young people. The European Movement, in co-operation with Women Government, implemented a campaign under the slogan "Choose president – choose Europe". A similar campaign emphasizing the pro-European choice was conducted also by the Civic Initiatives. The GOTV campaigns were visible mainly in urban areas, especially Belgrade and Novi Sad.

## VII. MEDIA

### A. MEDIA LANDSCAPE

Serbia's media landscape is characterized by a wide diversity of media outlets operating in a free and minimally regulated environment. In addition to the state broadcaster RTS, there are 543 radio stations, 73 television stations and 139 stations broadcasting radio and television programs.

Television is the primary source of information, and the most viewed broadcasters are the state-owned Radio Television of Serbia with two channels, RTS 1 and RTS 2, and the private television channels B92 and TV Pink. While RTS 1 has the larger audience ratings, especially

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<sup>36</sup> Source: REC statistics.

<sup>37</sup> Law on the Right to Free Shares and the Financial Compensation Realised by the Citizens in the Privatisation Procedure.

<sup>38</sup> On 25 January the Minister of Economy and Regional Development, Mr. Mlađan Dinkić, publicly stated that in case SRS candidate Tomislav Nikolić would win, there would be a great danger that foreign investors would withdraw from Serbia and that the "shares from privatizations would be worth nothing", *www.b92.net*.

<sup>39</sup> "I love to vote, I vote to love".

during the evening news, RTS 2 broadcasts mainly sport and documentary programs, except during the elections when it provides free air time to candidates.

TV Pink and, to a lesser extent, TV B92 are commercial broadcasters with a strong entertainment profile. The local media remain mostly owned by local authorities, although Article 96 of the Broadcasting Law foresaw their privatization by 31 December 2007.

Radio audiences show different preferences. Liberalized much earlier than television, and with innovative programming coming from the tradition of urban based Studio B and the youth station B92, radio has built up strong audiences, in particular with programming targeting youth.

Exact data on written press circulation or any other aspects of the press industry are not available, as most companies regard such information as confidential, but it is estimated to be low. The press market is diversified and has a long tradition of specialization in content and variety.

## **B. MEDIA REGULATORY FRAMEWORK**

The legal framework regulating the coverage of the presidential election campaign by the media is mainly governed by the 2006 Constitution of the Republic of Serbia, the LER, the Broadcasting Act,<sup>40</sup> the 2003 Public Information Law, the 2003 Telecommunications Law, and the 2004 Law on Free Access to Information of Public Importance.

The Constitution of the Republic of Serbia guarantees freedom of thought and expression, freedom of the media and the right to information. The LER prohibits electoral promotion through media and public gatherings, as well as publication of projections of electoral results in the period of 48 hours before the day of holding of elections, until the closing of polling stations.

The LER also foresees the establishment of a Supervisory Board to control the legality of the acts of political parties, candidates and mass media in the course of electoral activities. The Board shall control the mass media activities with regard to ensuring equal<sup>41</sup> conditions for candidates. As mentioned before, the Supervisory Board was not established.

The Broadcasting Act regulates both public and private media. It establishes an independent regulatory authority, the Republic Broadcasting Agency (RBA), with wide competencies such as defining the broadcasting strategy, issuing licenses and supervising the work of broadcasters.

On 23 December 2007, the RBA Council issued General Binding Instructions to Radio and Television Stations Regarding the Conduct of the Pre-election Campaign for the 2008 Presidential Elections.<sup>42</sup> The adoption of this document was in line with Article 12 of the

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<sup>40</sup> Last amended in 2005.

<sup>41</sup> According to Art.100, the supervisory board shall control the mass media activities regarding the ensuring of equal conditions for the presentation of submitters of electoral lists and candidates from the electoral list in order to respect the equality of candidates in the presentation of their programs.

<sup>42</sup> **General Instruction for all television stations and radio:** "All pre-election programs, reports, advertisement slots, and polls on television must be clearly marked as "election program" and paid air time must continuously have the indication "paid time". On radio, election program and paid time must

Broadcasting Law and it provided useful guidelines to broadcasters. Additionally, the RBA Council also adopted a Recommendation to Commercial Radio and Television Stations on selling of time slots in the campaign for the election.

### C. MEDIA MONITORING, FIRST ROUND

On 4 January 2008, the OSCE/ODIHR LEOM started its monitoring activities and conducted qualitative and quantitative analysis of prime time broadcasts of state-owned television RTS 1, and RTS 2, and of two privately owned televisions, TV B92 and TV PINK. The contents and reporting of five private daily newspapers<sup>43</sup> were also monitored.

In the run up to the first round of the election, from 4 January to 17 January 2008, the public broadcaster RTS, in its distribution of time in news reporting, devoted 31 per cent of the coverage of presidential candidates to Mr. Tadić portraying him in his capacities as president and candidate. Mr. Mrkonjić, Mr. Jovanović, Mr. Ilić and Ms. Karić received 11.23 per cent, 10.59 per cent, 10.50 per cent and 9.23 per cent of news coverage respectively. The other four candidates received an average of seven per cent of the coverage. On 15 January, RTS 2 meeting its legal obligation, started to broadcast the free airtime program during prime time hours. All nine candidates used their allocated free time during the three days before the election.<sup>44</sup>

On the private TV channels, the campaign was mostly visible through paid air time, with few other informative political programs. Overall campaign coverage on TV B92 and TV Pink was mostly dedicated to candidates supported by political parties represented in Parliament. B92 gave 30 per cent of its time to Mr. Jovanović, 29.27 per cent to Mr. Tadić, 24.43 per cent to Mr. Nikolić and 7.68 per cent to Mr. Mrkonjić. Pink TV focused on candidates Tadić, Nikolić, Jovanović and Mrkonjić who received respectively 44.49 per cent, 24.36 per cent, 12.72 per cent and 7.62 per cent of the coverage. The tone of the news coverage of all candidates was predominantly neutral.

For the first round, only a few debates were broadcast on the monitored national channels. Mr. Tadić and Mr. Nikolić did not take part in these debates. Representatives from the media suggested that some candidates were reluctant to participate in televised debates.

The print media followed the campaign with a limited amount of critical articles and editorials. Newspapers provided voters mostly with information on campaign activities of Mr. Tadić and Mr. Nikolić. Except for the paid space, the tone of the coverage in the print media was overall neutral.

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be clearly marked at the beginning and at the end of the program, as well as every five minutes during program. All television station and radio are required to define in advance time-slots for campaign program, which cannot be arbitrarily changed during the campaign.” **Instruction for TV stations and radio with the status of a public broadcasting service:** “Public TV and radio stations are obliged to provide broadcasting of promotion of presidential candidates free of charge and in a non-discriminatory manner.” **Instruction for commercial TV stations and radio:** “Commercial, private stations are allowed to sell their time slots for pre-election campaign but they are obliged to do it in such a way that their regular program schedule is not considerably jeopardized. Commercial broadcasters with national coverage cannot sell more than 90 minutes of pre-election propaganda per day, and for regional and local broadcasters not more than 120 minutes per day.”

<sup>43</sup> *Vecernje Novosti, Press, Blic, Politika and Kurir.*

<sup>44</sup> Thirty minutes each.

## D. MEDIA MONITORING, SECOND ROUND

For the second round, broadcasts again provided opportunities for both candidates to communicate their messages. Paid political advertisements were widely used by both contestants, especially during the last week of the campaign, mainly to portray their opponent in negative terms.

During its special election-related program, RTS 1 offered balanced and politically neutral coverage providing the two candidates with an equal amount of airtime. Nevertheless, on RTS1 Mr. Tadić received more coverage (63 per cent of news broadcast dedicated to candidates) than Mr. Nikolić (37 per cent), mostly as a result of the coverage of his official activities. In a positive development, RTS 1 broadcast a 90-minute debate between Mr. Tadić and Mr. Nikolić on 30 January. Both candidates were given the opportunity to present their platforms and to field questions on eight topics agreed in advance, in a calm atmosphere and with a possibility to examine their respective viewpoints.

TV B92 and TV PINK provided the two candidates with nearly equal amounts of time, excluding paid campaign advertising. TV B92 gave 56 per cent of its coverage of the campaign in the news edition to Mr. Tadić and 44 per cent to Mr. Nikolić. TV Pink allocated 58 per cent and 42 per cent of its candidate-related news coverage to Mr. Tadić and Mr. Nikolić respectively. Both candidates were presented in a generally neutral manner.

All monitored newspapers provided mostly neutral information about the two candidates during the second round of the campaign, although some negative paid political advertising was published. *Vecernje Novosti*, *Press* and *Politika* dedicated a balanced coverage to Mr. Tadić and to Mr. Nikolić. *Kurir* strongly favoured Mr. Nikolić dedicating 75 per cent of its relevant space to him and portraying him in a positive light, while *Blic* dedicated 62 per cent of its space to Mr. Tadić.

For both rounds, campaign silence was respected by the media monitored by the OSCE/ODIHR LEOM.

The cost of campaigning in the media can be considered as substantial as candidates widely used paid advertisement for their campaigns.<sup>45</sup>

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<sup>45</sup> **On RTS 1**, for the first round, Mr. Ilić purchased 400 seconds, Ms. Karić - 210 seconds, Mr. Mrkonjić - 660 seconds, Mr. Nikolić - 293 seconds and Mr. Tadić - 748 seconds; for the second round, Mr. Nikolić purchased 211 seconds and Mr. Tadić - 620 seconds. According to the RTS web site, [www.rts.co.yu](http://www.rts.co.yu), the average price of paid advertising was around 100 EUR per second. **On TV B92**, Mr. Jovanović purchased 8,594 seconds, Mr. Nikolić - 4,826 seconds and Mr. Tadić - 4,233 seconds; for the second round Mr. Nikolić had 7,166 seconds of paid airtime and Mr. Tadić - 8,295 seconds. According to B92 Marketing and Sales Director, the price of the package of advertisements, called 'Campaign package' was 300,000 EUR for each round. **On TV Pink**, Mr. Ilić had 4,073 seconds, Mr. Jovanović - 7,433 second, Ms. Karić - 1,659 seconds, Mr. Mrkonjić - 4,327 seconds, Mr. Nikolić - 14,647 seconds and Mr. Tadić - 25,564 seconds; for the second round Mr. Nikolić had 10,119 seconds and Mr. Tadić - 10,827 seconds. According to [www.b92.net](http://www.b92.net), the average price for paid advertising was around 200 EUR per second.

## VIII. COMPLAINTS AND APPEALS

Provisions of the LER regulating electoral disputes provide for an adequate protection for political and electoral rights, including the right to vote, and to be registered as a voter and as a candidate. Article 95 provides that “Every voter, candidate and submitter of electoral list has the right to file an appeal with the Republic Electoral Commission because of infringements of electoral rights during the elections, or because of irregularities in the procedure of candidacy or voting.”

Complaints are adjudicated at the REC and the Supreme Court of Serbia, which is the last instance to seek legal redress. In addition, according to the Constitution, the Constitutional Court has competence to “decide on electoral disputes for which the court jurisdiction has not been specified by the Law”.<sup>46</sup>

According to the LER, all election complaints are filed with the REC within 24 hours from the moment the contested decision is made or the alleged irregularity occurred. After considering the complaint, the REC issues within 48 hours its ruling by a majority of votes of its full membership. Possible delays in adjudicating a complaint are avoided by automatically upholding it should the REC fail to render the judgment within the prescribed deadline.<sup>47</sup>

A REC decision can be appealed, through the REC, within 48 hours from the moment of notice of the decision. The REC has then 24 hours to forward the appeal to the Supreme Court. The Supreme Court has 48 hours to render a judgment, from the moment the appeal was filed. This ruling enters into force immediately and is final.

Complaints are considered at REC sessions. Unlike the Law on General Administrative Procedures, which prescribes means and deadlines for a decision to be delivered to a party affected by it, the LER does not require that the REC decision be delivered to any of the parties.

From the start of the election process, the REC rejected the majority of complaints on procedural grounds or for not being sufficiently substantiated. This pattern finds an explanation in the lack of guidelines in the LER. In some cases, the REC failed to comply with the requirement of the law. In particular, it violated Article 20 of the Rules and Procedures, which prescribes to prepare a draft decision before considering the case at a session.<sup>48</sup>

In a notable case, on 11 January, the REC rejected the complaint of a citizen following the refusal to accredit bi-lateral international observers from two embassies of the OSCE participating States. On 16 January, the Supreme Court ruled in favour of the plaintiff by stressing that approving accreditation is not left to the appreciation of the REC, as long as the Government has provided a positive opinion on the issue. Ignoring the binding nature of the Supreme Court ruling,<sup>49</sup> the REC decided again not to grant the requested accreditations. On 19 January, following a second appeal on the matter, the Supreme Court ruled obliging the REC to issue the accreditations.

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<sup>46</sup> Article 167.

<sup>47</sup> Article 96.3, LER.

<sup>48</sup> The REC did not have a draft decision on the session of 11 January when considering a complaint lodged by a citizen.

<sup>49</sup> Article 97, LER.



All eighteen complaints alleging irregularities during the first round were dismissed by the REC either on procedural grounds or for having no legal basis. None of the REC decisions on these complaints were appealed to the Supreme Court.

Eleven complaints were lodged for the second round. Ten of them were rejected by the REC as not being substantiated or filed late. On 5 February, REC members in session could not find a majority vote on an irregularity observed at a polling station. As a result, Article 96 of the LER was applied upholding the complaint automatically.

While the law ensures the transparency of the hearing at the REC, it does not provide for any guarantee for a public hearing at the Supreme Court, where electoral disputes are reviewed *in camera*. In addition, parties to the appeal do not have the right to defend their case through direct legal representation, contrary to international instruments,<sup>50</sup> as well as the Council of Europe's Venice Commission "Code of Good Practice in Electoral Matters".

## **IX. DOMESTIC NON-PARTISAN OBSERVERS**

Following the Instruction adopted by the REC, and in conformity with paragraph 8 of the 1990 OSCE Copenhagen Commitment, Serbian civil society organizations have the right to appoint observers to the presidential election. Overall, the REC adopted an open approach to accrediting domestic observers.

The largest civil society observation initiative was organized by Centre for Free Elections and Democracy (CeSID) that deployed over 3,700 domestic observers throughout the country and covered 700 polling boards.

CeSID also ran a parallel quick count and announced estimated results in a press conference during both electoral nights. In addition to the gradual and timely announcement of preliminary results by the REC shortly after the closing of the polling boards, this exercise enhanced confidence in the official counting of ballots.

The Belgrade Media Centre and the Independent Association of Journalists of Serbia (NUNS) conducted media monitoring, both in terms of quality and quantity of coverage.

## **X. PARTICIPATION OF WOMEN**

Ms. Milanka Karić, of the Serbian Strength Movement, was the only woman candidate. She decided to contest because her husband, Mr. Bogoljub Karić, was unable to register as a candidate. Ms. Karić conducted a modest campaign and achieved some 0.98 per cent of the votes. Although Ms. Karić acknowledged that there should be more women in Serbia in leadership positions, she did not attempt to address gender equality issues during the campaign. Neither did other candidates, and women were mentioned mainly in the context of family issues. In the second round, Mr. Nikolić organized campaign meetings targeting women.<sup>51</sup>

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<sup>50</sup> See Art.6, European Convention for the Protection of Human Rights and Fundamental Freedoms.

<sup>51</sup> On 24 January, Mr. Nikolić addressed the women in the Belgrade Sava Centre, and on 25 January he visited a delivery hospital in Belgrade.

Women were well represented in the electoral administration, including within the REC, whose President is a woman. Some women were intensively involved in campaigning, either in leadership positions or as public figures, supporting some of the presidential candidates.<sup>52</sup>

## **XI. PARTICIPATION OF NATIONAL MINORITIES**

The 2008 presidential election showed unprecedented participation of minority communities. Their vote proved to be important for the outcome of the election, especially during the second round. During the campaign, most of the candidates sent messages that they would represent interests of all the communities in the country, while a few candidates, such as Mr. Tadić and Mr. Pastor, made visible efforts to gain the national minority vote.

Mr. Pastor, leader of the Alliance of Vojvodina Hungarians, competing on behalf of the Hungarian Coalition, was the first Vojvodina Hungarian presidential candidate since the multi-party system had been established in Serbia. Moreover, for the first time after the dissolution of the Democratic Community of Vojvodina Hungarians in the beginning of the 1990s, Hungarian-based parties reached an agreement on a common political platform and election strategy. Mr. Pastor was campaigning mainly in the northern parts of Serbia, where most of the Hungarian minority lives. He focused predominantly on topics related to the autonomy of Vojvodina, the position of national minorities in Serbia and European integration. Mr. Pastor received 2.26 per cent of the votes cast during the first round of the election.

Political parties of the Bosniak community from the Sandžak region took part in the election campaign by supporting a candidate of their own preference. The Sandžak Democratic Party (SDP) and its leader Rasim Ljajić, Minister of Labour and Social Policy, actively supported Mr. Tadić. In the first round, the Coalition List for Sandžak together with party leader Sulejman Ugļjanin, Mayor of Novi Pazar, gave support to New Serbia candidate, Mr. Ilić; for the second round, the Coalition chose to support Mr. Tadić.

Parties based in the Albanian minority from South Serbia stayed aside of the election campaign. The turnout in their respective municipalities was significantly lower than in the rest of the country.

## **XII. ELECTION DAYS**

In line with standard practice for a limited election observation mission, the OSCE/ODIHR did not undertake a systematic or comprehensive observation of polling, counting or tabulation of results. However, the representatives of the OSCE/ODIHR LEOM did conduct a limited number of visits to some 90 polling stations on each day of election. They found that polling was generally conducted in accordance with the law. The atmosphere at the polling boards was professional and calm. Also, the counting at the polling stations and the tabulation of results at the municipal level were assessed as being well administered.

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<sup>52</sup> Mr. Nikolić was supported by Ms. Marija Šerifović, a singer who won the Eurovision contest in 2007. Mr. Tadić was supported by MS. Ružica Đinđić, widow of assassinated Serbian Prime Minister Zoran Đinđić and member of the DS Presidency, Ms. Mirjana Stupica and Ms. Mirjana Banjac, both prominent actresses. Mr. Jovanović was supported by Ms. Biljana Srbļjanović, prominent playwright. He was also supported by the artist Ms. Biljana Cincarević.

While the conduct of the polls was generally orderly and professional, the OSCE/ODIHR LEOM noted a few issues that should be reviewed prior to the next elections. In particular, the secrecy of vote could have been affected by a combination of factors including the poor design of the voting screens,<sup>53</sup> the layout of several polling stations and the quality of the ballot paper. Ballot papers were too thin to efficiently protect the secrecy of the vote if not properly folded.

On a few occasions observed, mainly in rural areas, the PB failed to check voter identity allowing voters to receive a ballot without an identity proof or only with the voter invitation slip, or allowed voters to vote using expired identification documents.<sup>54</sup> Also, on occasion, the use of ultraviolet lamps appeared to be applied inconsistently.

### **XIII. RECOMMENDATIONS**

The following recommendations are offered for consideration by the authorities of Serbia, with a view to further consolidate improvements to the conduct of elections in line with OSCE commitments and other international standards for democratic elections. Most of these recommendations have been communicated by the OSCE/ODIHR in its previous election observation reports on elections in Serbia and should be read in conjunction with these reports.

#### **A. LEGAL FRAMEWORK**

1. The law on political party financing could be improved by establishing distinct frameworks for the allocation of public funding for the campaign, taking into account the specific contexts of presidential, parliamentary or local government elections.
2. The body responsible for receiving financial campaign reports after the completion of the election process would be strengthened with a specific audit capacity.
3. The rights of domestic non-partisan and international observers should be guaranteed in law, and criteria for their accreditation stipulated clearly.
4. The Supreme Court would enhance transparency by conducting open hearings on election-related appeals with the parties being granted the right for legal representation to defend their cases and support them with additional evidence, if needed.
5. The law would benefit from providing clear guidelines on procedures for adjudication of election disputes at the REC.
6. As has been previously recommended by the OSCE/ODIHR and the Venice Commission, deadlines for complaints and appeals could be extended to a more reasonable period of time in order to take into account any delay between the adoption of a decision and the official notification of the decision. The timeframe for the appeal, and for rendering the decision, shall be sufficient to allow enough time for the plaintiff to lodge a complaint, and for the REC and the Supreme Court to issue a ruling after having had the opportunity to carefully examine the case. However, extension of appeal deadlines would have to be considered in conjunction with the other deadlines of the election schedule as they may have an impact on the timeline for the announcement of official results.

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<sup>53</sup> As previously observed and reported by the OSCE/ODIHR missions to Serbia.

<sup>54</sup> Please see Section V.G “Repeat Elections”.

7. The tasks of the Republican Statistics Office with regard to counting and tabulation of results need to be specified in the law in a comprehensive manner.
8. Consideration could be given to amend the law to provide for dissolution of a PB only in case of a violation that may impact on the overall integrity of the election process.

**B. CAMPAIGN**

9. Provisions regarding pre-electoral silence would benefit from clarification. Currently, provisions for pre-electoral silence refer only to the media and do not specify if other campaign activities such as distribution of leaflets or door-to-door-campaigning are in breach of the silence.
10. As required by law, the Supervisory Board needs to be established to monitor the conduct of the media, candidates and other participants in the electoral process.

**C. MEDIA**

11. Consideration could be given to the adoption of the draft law on “Prevention of Media Concentration and Transparency of Media Ownership”.<sup>55</sup>

**D. ELECTION ADMINISTRATION**

12. A review of the REC Rules of Procedure would be beneficial with a view to facilitate its decision making process.
13. The cost of the practice of political parties sending their representatives abroad to observe out-of-country voting at the expense of the electoral budget is exorbitant, and this practice could be reconsidered in a manner safeguarding transparency and inclusiveness.
14. Consideration could be given to further enhance the publicity of the work of the REC. Full minutes of the REC meetings, REC decisions and breakdown of results by PBs should be published on its website in a timely manner.

**E. POLLING BOARDS AND WORKING GROUPS**

15. Consideration could be given to reduce the number of PB members; deputy members could remain as a stand-by backup to replace absent members.
16. An intermediate level of election administration between the REC and polling boards needs to be established by law; the need for this was evidenced by the *ad hoc* creation of the WGs. If WGs remain, they should be held fully accountable to the REC and access to the performance of the WGs should be ensured for parties and candidates.

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<sup>55</sup> An expert working group was established on 29 June 2007 under the auspices of the Ministry of Culture to draft a Law on “Prevention of Media Concentration and Transparency of Media Ownership”. The OSCE Mission to Serbia and the Council of Europe have supported the work of the expert group.

**F. VOTER REGISTER**

17. The compilation of a state-wide, unified voter register is required by law. Procedures would need to be undertaken on a regular basis to check the registers for possible multiple entries.
18. The initiative led by the Ministry of Interior and Ministry of Public Administration and Local Self-governments to establish working groups for the reform of the voter register should be encouraged.

**G. ELECTION DAY**

19. The layout of the polling stations, and particularly the design of the voter screens, could be further improved in order to enhance the secrecy of the vote.
20. Voter education campaigns should emphasize the importance of the secrecy of voting, including of the importance of individual voting.
21. Printing ballots on better quality paper would enhance secrecy.
22. The REC could enhance the performance of the election administration at polling station level by undertaking trainings for all permanent PB members with specific emphasis on voter identification, secrecy of vote, proper inking and use of the lamp.
23. Provision for issuing new ballot papers to voters who have damaged theirs could be foreseen in the procedures.

## ANNEX: OFFICIAL RESULTS

First round held on 20 January 2008<sup>56</sup>

Number of registered votes in the electoral rolls	6,708,697
Number of voters turning out to vote	4,117,870
Percentage of voters turning out to vote	61.38%
Number of voters casting out their ballots	4,116,844
Percentage of voters casting out their ballots	61.37%
Number of void ballots	78,462
Percentage of void ballots	1.91%
Number of valid ballots	4,038,382
Percentage of valid ballots	98.09%

Candidates for the office of President of the Republic of Serbia, by number of votes received

Rank	Candidate	Nominator	Votes received	%
1	Tomislav Nikolić	Serbian Radical Party	1,646,172	39.99
2	Boris Tadić	Democratic Party	1,457,030	35.39
3	Velimir Ilić	New Serbia	305,828	7.43
4	Milutin Mrkonjić	Socialist Party of Serbia	245,889	5.97
5	Čedomir Jovanović	Liberal Democratic Party	219,689	5.34
6	Ištvan Pastor	Hungarian Coalition	93,039	2.26
7	Milanka Karić	Movement "Force of Serbia"	40,332	0.98
8	Marijan Rističević	Coalition of People's Peasant Party and United Peasant Party	18,500	0.45
9	Jugoslav Dobričanin	Reformist Party	11,894	0.29

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<sup>56</sup> The Republic Election Commission on Final Results for the 1<sup>st</sup> round of the Presidential Election of the Republic of Serbia, held on January 20, 2008:  
[http://www.rik.parlament.sr.gov.yu/latinica/propisi\\_frames.htm](http://www.rik.parlament.sr.gov.yu/latinica/propisi_frames.htm)

Second Round held on 3 February 2008<sup>57</sup>

Number of registered voters	6,723,762
Number of voters turning out to vote	4,581,270
Percentage of voters turning out to vote	68.13%
Number of voters casting their ballots	4,580,428
Percentage of voters casting out their ballots	68.12%
Number of void ballots	78,806
Percentage of void ballots	1.7%
Number of valid ballots	4,501,622
Percentage of valid ballots	98.3%

Candidates for the office of President of the Republic of Serbia, by number of votes received

Rank	Candidate	Nominator	Votes received	%
1	Boris Tadić	Democratic Party	2304467	50,31
2.	Tomislav Nikolić	Serbian Radical Party	2197155	47,97

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<sup>57</sup> The Republic Bureau of Statistics Report on Final Results of the second round of the election of the President of the Republic of Serbia, held on 3 February 2008:  
<http://webrzs.statserb.sr.gov.yu/axd/en/pred1e.php>

## ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (OSCE/ODIHR) is the OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

The OSCE/ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 130 staff.

The OSCE/ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it co-ordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE Commitments, other international standards for democratic elections and national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, the OSCE/ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. The OSCE/ODIHR implements a number of targeted assistance programs annually, seeking to develop democratic structures.

The OSCE/ODIHR also assists participating States' in fulfilling their obligations to promote and protect human rights and fundamental freedoms consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas including human rights in the fight against terrorism, enhancing the human rights protection of trafficked persons, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance** and **non-discrimination**, the OSCE/ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. The OSCE/ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

The OSCE/ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website ([www.osce.org/odihr](http://www.osce.org/odihr)).