

WHAT NEEDS TO BE CHANGED IN SERBIAN LEGAL REGIME ON ELECTORAL RIGHTS PROTECTION?

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Abstract. *This paper provides a comprehensive and thorough analysis of the Serbian system for protection of electoral rights, both parliamentary and municipal, and its shortcomings. The author first discusses the legal position, powers and competences, duties and responsibilities of electoral commissions (Republic and municipal ones), Administrative Court and the Constitutional Court. Thereupon, the author concludes that legal protection of electoral rights can be improved by increasing transparency, clarifying the nature of "silence" of the electoral administration actions, providing the electoral administration with power to protect electoral rights ex officio, expanding the scope of the Administrative Court's decisions in the dispute of full jurisdiction, and specifying the role of the Constitutional Court along with continuing re-education of all participants in the electoral process.*

Key words: *elections, electoral disputes, protection of electoral rights, electoral administration, Administrative Court.*

1. INTRODUCTION

According to the current legal framework, protection of electoral rights in Serbia is in the hands of electoral administration and courts. The quality of the system governing the protection of electoral rights is contributed to by its stability, long-lasting application and fine-tuning through judicial practice. The existing legal framework in Serbia, featuring built-in mechanisms for the protection of electoral rights, has been used since the year 2000, when the current Deputies Election Act was adopted. Generally speaking, the legal framework for protection of electoral rights in Serbia is in accordance with most of the relevant international legal standards on this matter, such as: the General Comment No. 25 on the right to participate in public affairs, voting rights and the right of equal access to public service; the UN Human Rights Committee General Comment 31 on the Nature

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of the General Legal Obligation on States Parties to the Covenant; the Declaration on Criteria For Free and Fair Elections of the Inter-Parliamentary Union; the Code of Good Practice in Electoral Matters of the Venice Commission; and the OSCE/ODIHR Guidelines for Reviewing a Legal Framework for Elections.

In order to provide answer to the question what should be changed in the Serbian system of electoral rights protection, the author focuses on the results gained from the analysis of the legislation and case law in this field (primarily decisions of the Administrative Court regarding violations of electoral rights in the elections held in 2012 and 2014). The results were presented in the study "2012 Elections: (ir)regularities in the electoral process" (Vuković, Vučetić, 2013), OSCE's reports on the Serbian elections of 2012 and 2014 (OEBS/ODIHR, 2012; OEBS/ODIHR, 2014) as well as the works of well known experts in this field.

2. PREVENTIVE ROLE OF ELECTORAL COMMISSIONS IN THE PROCESS OF ELECTORAL RIGHTS' PROTECTION

The basic points of the legal regime for protection of electoral rights are set up in relevant provisions of the Constitution of the Republic of Serbia,¹ the Deputies Election Act,² the Local Elections Act³ and the Presidential Elections Act⁴ (Vučetić, Randelović, Jančićjević, 2014: 1275-1276). According to the provisions of these Acts, protection of electoral rights falls under the scope of responsibility of the Republic Electoral Commission (REC), municipal and city electoral commissions, and the Administrative Court. The competences of other bodies, such as the Constitutional Court, are secondary (which will be shown further on in this text).

In Serbia, depending on the type of elections, electoral commissions may be local electoral commissions or the Republic Electoral Commission. The basic duties of electoral commissions are to guarantee that relevant electoral procedures are used before elections (during the preparatory actions), on the election day and after the elections day (while determining their results). As bodies responsible for conducting elections, electoral commissions decide upon objections for violations of electoral laws. In case their decisions are challenged by participants in the electoral process, judicial protection may be pursued by filing an appeal before the Administrative Court. In the following subheadings, the author highlights the issues that have caused most concerns in the work of electoral commissions; these issues should be regulated in the future, particularly in respect of the electoral commissions' duty to ensure the protection of electoral rights.

2.1. The problem of short deadlines – should they be extended or not?

Regarding the procedures for the protection of electoral rights in the course of elections, any voter, candidate and electoral list submitter is entitled to raise objections not later than 24 hours after the (day of) decision, action or omission of the electoral board has resulted in the breach of the electoral right, or has generated irregularities with respect to candidature or elections. The addressee of the objection is the Electoral Commission,

¹ *Official Gazette of the RS*, 98/2006.

² *Official Gazette of the RS*, 35/2000, 57/2003, 72/2003, 75/2003, 18/2004, 101/2005, 85/2005, 28/2011, 36/2011 and 104/2009.

³ *Official Gazette of the RS* 129/2007, 34/2010, and 54/2011.

⁴ *Official Gazette of the RS*, 111/2007 and 104/2009.

which is obliged to render a decision on the matter, not later than 48 hours after receiving the objection, and serve it on the objection submitter. If the Electoral Commission accepts the objection, it shall annul the contested electoral decision or action. If the objection is rejected or dismissed, the voter, candidate or election list submitter may file an appeal with the Administrative Court. As we can see, the time limits are short, counted in hours (in compliance with the application of relevant provisions of the General Administrative Procedure Act)⁵ but they are not the same in local and national elections. There is a small but relevant distinction. The deadline for objections in national elections (elections of MPs) is 24 hours after the decision, action or omission. In local elections, the deadline for objections is 24 hours after the day of the decision, action or omission, and it expires at midnight the next day. Miscalculation of these deadlines was a common cause for the administrative courts' rejection of objections, without considering the merits of individual objections (Vuković, Vučetić 2012: 70 - 78). As the time limits are basically the same, it leads us to the conclusion that the slight difference in calculating the hours is quite unnecessary as it brings confusion in the electoral process; therefore, the legislator should prescribe the identical time limit for filing objections pertaining to both the national and municipal elections.

According to the stance of the OSCE taken in the reports from 2012 and 2014, the deadline for filing objections to the REC are "more than too short," and should be extended. As a matter of fact, these time limits give rise to ample problems in the process of ensuring the effective protection of electoral rights, not because the deadlines are short but because they are not the same, considering that they refer to the same actions taken in different types or stages of elections, as previously noted. Thus, the stance of the OSCE bodies should not be accepted *a priori* because, in this situation, the legislator tends to reconcile two equally important principles of the legal system: democracy and efficiency. Short deadlines are necessary in order to preserve the integrity of the entire electoral process that would be seriously undermined by long procedures for protecting electoral rights.

2.2. Contradictions in the interpretation of "silence" of election commissions

In practice, there is a lot of confusion generated by contradictory opinions about how the absence of the Republic Electoral Commission decision upon objection should be interpreted. This disputable question should be solved as soon as possible, primarily through changes of relevant legislation.

The provision of Article 96 of the 2000 Deputies Election Act is explicit: when it comes to election of MPs, if the Republic Electoral Commission (REC) fails to render a decision upon objection within the timeframe provided by this Act, it shall be deemed that the objection has been accepted! In the theory of administrative law, this institute is called positive "silence of the administration"; it is an exemption from the general administrative law rule that the "silence" of the administrative body upon a party's request automatically implies that the request is rejected (Dimitrijević, 2005; Dimitrijević, 2015). It is obvious that the legislator made this exception in order to improve the quality and efficiency of the electoral process and adjust it to the importance of the protected objectives and urgency of proceedings in these situations.

⁵ *Official Gazette of the SRY* 33/97 and 31/2001, and *Official Gazette of the RS* 98/2010.

However, as noted in the 2012 OSCE report, this can be interpreted as a discrepancy between the provision of Article 96 of the Deputies Election Act and the provision of Article 23 para. 5 of the Rules of Procedure of the Republic Electoral Commission, the latter of which stipulate as follows: if a sufficient number of REC members do not vote in favour of adopting the objection, the objection shall be deemed to be automatically rejected! Upon a closer examination of the REC Rules of Procedure provision, it is obvious that in this particular case the REC has not failed to render a decision; it has actually rendered a negative decision upon the filed objection, in a manner explicitly prescribed by the law!

The given situation is further complicated by the the Administrative Court judgements enacted after the 2014 parliamentary elections,⁶ in which the Court has taken the insufficiently elaborated stance that in the procedure concerning the protection of electoral rights there is no accordant application of the provisions of the Administrative Dispute Proceedings Act⁷ in regard of the “silence” of the administration, and that appeal is not allowed when there is no administrative act or decision against which the appeal can be filed.

2.3. Transparency of electoral administration activities

As the OSCE report included a critical remark on insufficient transparency of electoral administration activities, which may be taken to be well-founded, the REC should start publishing its decisions on its web portal (in line with a similar practice of the Administrative Court), with special consideration for adequate protection of personal data.

As for the request to ensure the publicity of Administrative Court proceedings when deciding upon appeals arising from the electoral process, as well as the request for mandatory oral pleadings, it is completely inadequate to expect that such requests are to be accepted under the current circumstances without endangering the entire electoral process, simply because the total of only 40 judges of the Administrative Court would not be physically able to concurrently hear and decide on hundreds of appeals, within the prescribed short deadlines.

2.4. The question of *ex officio* Protection of Electoral rights

When it comes to power of electoral commissions to protect the electoral rights *ex officio* by removing serious irregularities from the electoral process, the OSCE stances coincides with the author’s standpoint (Vučetić 2013: 341-356). The opinions of the academic/professional public are quite divided on this issue, which should clearly be regulated by changing the electoral legislation as soon as possible. This problem will be further explained in detail.

The standpoint of the Administrative Department of the Supreme Court of the Republic of Serbia on the issue of legality of *ex officio* protection of electoral rights was negative in prior cases. In the course of the 2012 elections, the administrative judiciary modified its position on the following question: if no objection has been filed by entitled participants within the prescribed time limit, can the electoral committee *ex officio* annul the elections results at an individual polling station because of the noted irregularities (e. g. wrongfully calculated results), if the electoral action has become final? The former position of the

⁶ Administrative Court Decisions II-2 UŽ 27/14, UŽ 28/14 and UŽ 29/14.

⁷ *Official Gazette of the RS* 111/2009..

Administrative Department of the Supreme Court of Serbia was clear: the answer was *no*. The Court's reasoning was that the officiality principle established by the General Administrative Procedure Act, is the rule under which the administrative procedure is always initiated by the action of the administrative authority, whereas the proceedings for the protection of electoral rights are always initiated by the action of the entitled objection submitter. The principle of officiality is fully exercised when initiating the administrative procedure *ex officio*, for the purpose of either creating (establishing) certain obligation for a party or repealing or limiting a party's right (in order to protect the public interest). The annulment of elections is an action which is not aimed at repealing or limiting some right but rather at providing for the essential exercise of the electoral right protection, which the holder of this right is entitled to. Regarding the *ex officio* procedure, as a matter of principle, there are no deadlines for its initiation. Hence, the *ex officio* annulment of elections by the Republic Electoral Commission would be inappropriate for the electoral proceedings in which all actions are constrained by strict deadlines prescribed by the Deputies Election Act (Stojčević, Danilović, Šuput, 2008: 15).

Likewise, the provision of Article 24 of the Rules of Procedure the Republic Electoral Commission, provides for the accordant application of the General Administrative Procedure Act only in terms of objection proceedings, and not throughout the entire election process (Plajkić, 2012: 28).

However, in the decision of the Administrative Court UŽ 409/2012 of 16 May 2012, the Court decided not to hear the appeal of the electoral list submitter against the REC decision to deny the submitter's objection against the REC record determining the election results). In this case, the Court found that the members of the electoral committee had concluded that the number of votes was correctly established but that the technical error occurred when establishing the census of 5%; instead of the total number of voters who actually voted, the total number of valid ballots was calculated. Thus, this error was corrected *ex officio*. In contrast to the stance taken in some other decisions, in this decision the Administrative Court found that the technical error should be corrected *ex officio*, in compliance with Article 209 of the General Administrative Procedure Act, and that this Act should be applied *ex officio* in electoral proceedings, notwithstanding the fact that the objection had not been filed. By the majority of votes, the Administrative Court judges amended the previous standpoint of the Administrative Department of the Supreme Court of Serbia (applied in the cited decisions), without changing the legal provisions. According to the new Administrative Court standpoint, "the Republic Electoral Commission is obliged to determine *ex officio* the actual electoral will of citizens by ensuring a correct determination and publication of electoral results, in accordance with the provision of Article 15 of the Local Elections Act, in a manner prescribed by Articles 40, 41 and 44 of this Act, which also implies the duty to correct all technical errors in that proceeding".⁸

2.5. Application of legal analogy by Electoral Commissions

On 28th February 2014, an administrative dispute proceeding was initiated for assessment of legality of the decision of the Republic Electoral Commission under which the candidate for a parliamentary representative (entered on the electoral list of a coalition of parties) lost his candidate status and that his place on the electoral list should remain vacant. The Deputies

⁸ The decision is publically accessible through the Administrative Court of Serbia web portal: www.up.sud.rs.

Election Act does not regulate the institute of withdrawal of candidature from the election list after the list has been proclaimed by the Republic Electoral Commission, and especially not after this proclamation has become final. Thus, the REC resorted to applying the Local Elections Act provisions by analogy, even though the Deputies Election Act does not contain a provision referring to the Local Election Act. The disputed REC explanation was that entire law of the state should be taken as a whole and that “if one situation is regulated by the law and the other, completely identical, is not, it is justified to apply the same solution in the identical situation, by applying Article 20 para.6 of the Local Elections Act.” As a reminder, the cited provision of the Local Elections Act states that: “If, upon issuing the decision on the proclamation of the electoral list, the candidate is deprived of his/her legal capacity by a final court decision, or if he/she is denied the citizenship of the Republic of Serbia, renounces his/her candidacy, or in case of his/her death, the submitter of the electoral list is not entitled to nominate a new candidate.” Unfortunately, the Administrative Court could not resolve this issue on the merits because the appellant withdrew his appeal.

The Uniform Methodological Rules for Drafting Legislation⁹ provide in Article 46 para. 2 as follows: “In case legal relations which are regulated by a specific legislative act are, by virtue of analogy, subjected to the application of another legislative act, the accordant application of the latter act must be envisaged by relevant legal provisions of the former act.”

The accordant application is a type of interpretation of law in the narrow sense (linguistic and systemic). On the other hand, the statutory analogy (according to the standards laid down by scholars and practitioners) is the interpretation of law in the broader sense, which results in establishing rules in extraordinary individual (procedural) situations; it is done by means of legal syllogism and teleological interpretation, by determining similarities between two legal situations, one of which is regulated by the law and the other is not (although it should be) so that there is a legal gap.

The easiest way to prevent this kind of open questions from emerging in the future electoral disputes is to amend the Deputies Election Act by introducing new provisions regulating the concept of withdrawal of candidacy from the final electoral list.

3. ADMINISTRATIVE JUDICIARY PROTECTION OF ELECTORAL RIGHTS

According to the current legislative framework on all types of elections in Serbia, Administrative Court is given a central position in solving the appeals filed against decisions of electoral commissions (both the Republic Electoral Commission and local electoral commissions). An appeal can be filed against any decision of any electoral commission, provided that the party has previously filed an objection against an electoral commission activity. The Administrative Court decides on the appeal by applying the accordant provisions of the Administrative Disputes Act.

Jurisprudence of the Administrative Court of the Republic of Serbia has significantly reduced irregularities in the activities of electoral administration. This is proven by the difference in the number of appeals filed in regards to 2012 and 2014 elections. According to the data published on the web page of the Administrative Court (reference numbers of Court files), the total number of electoral disputes arising from the 2012 elections, which had

⁹ *Official Gazette of the RS*, 21/2010.

an epilogue in court, was 633. As for the electoral disputes related to the 2014 elections, it is notable that the situation was significantly improved since there were only 29 disputes. The Administrative Court has managed to significantly correct irregularities in the work of electoral administration by taking the following actions: firstly, the Court has allowed objections in cases of wrong instructions on legal remedies; secondly, the Court has specified that the reception of electoral list and its proclamation are electoral activities in the candidature process, which may not be delegated to administrative authorities because they are the exclusive competence of the electoral committee; thirdly, the Court has not allowed the formation of a new category of election list proposers: a coalition of citizens' groups and political parties; fourthly, the Court has annulled the decisions of electoral commissions for procedural reasons or for defects in the legal form of administrative acts;¹⁰ finally, and most importantly, in full jurisdiction disputes, the Court has denied the proclamation of electoral lists, dissolved the electoral commissions and ordered that the elections are to be repeated at particular polling stations, which has significantly accelerated the removal of illegalities in the electoral procedure.

3.1. Different deadlines before administrative court

Major practical problems which have led to inefficient protection of electoral rights, especially in case of concurrent elections at all levels: presidential, parliamentary and municipal ones, were caused by different time limits in this appellate procedure *sui generis*; namely, the deadlines are not always the same and the time-lapse is not calculated from the same moment (the day the court decision was rendered or the day of serving the decision on the parties). Some of the problems were caused by different technical solutions regarding the way of filing the appeal, which may be effected via the REC (in case of parliamentary elections) or directly to the Administrative Court (in case of local elections). Therefore, it is necessary to correct all these differences by providing the same deadlines and envisaging the same procedural provisions.

In case of parliamentary elections, appeals are filed to the Administrative Court via the REC within 48 hours timeframe after the moment the decision has been served on the disputing parties. On the other hand, in case of local elections, the time limits for filing an appeal are 24 or 48 hours depending on the legally prescribed form of protection of electoral rights.

Namely, according to the Local Elections Act (LEA), the Administrative Court decides upon the appeal which is filed within 24 hours of issuing the disputed decision (Article 14, para. 11, LEA) against the municipal assembly decision on appointment of the Chairman and standing members of the election commission. Next, the Administrative Court acts upon the appeal which is filed within 48 hours from the date of disputed decision (Article 49, para. 5, LEA) against the municipal assembly decision on the councillors mandate ceasure, as well as on the ratification of the new councillor's mandate. Third, the Administrative Court decides upon appeal against the disputed electoral commission decision within 24 hours of receiving the

¹⁰ The Administrative Court insists that electoral commissions decisions should be fully made according to the relevant provisions of the General Administrative Procedure Act and, in particular, that they must include a legal reasoning justifying the decision; it would practically mean that those decisions in which an electoral commission only decides that the objection is rejected, and that it did not receive the required majority vote of the electoral commission members, will be illegal (Decision II-9 UŽ 198/12).

disputed decision (Article 54, para. 1, LEA). Finally, the Administrative Court decide upon appeals against the municipal assemblies' decisions (within 48 hours of receiving the disputed decision) regarding the confirmation of the councillor's mandate (Article 56, para.7, LEA).

The author's earlier research shows that appeals are frequently rejected because appellants have mixed or incorrectly calculated the confusing deadlines for objections and appeals (Vuković, Vučetić 2013: 70-78). Similarly, in case of local elections, the appellants have missed the deadlines because they mistakenly made analogy with the parliamentary elections, filing their appeals via the electoral commission and not directly to the Administrative Court, thus missing the strict deadlines. Therefore, the Serbian legislator needs to unify the rules of relevant legislative acts on this matter.

3.2. Dispute on full or limited jurisdiction

It needs to be emphasized that the Local Elections Act contains the provision on the possibility to render decisions in disputes on full jurisdiction; thus, if the court finds that the contested decision of the electoral commission should be annulled, given the nature of the legal matter at issue and the reliable grounds based on established facts, the court may, by virtue of its own decision, resolve the dispute (which falls within the jurisdiction of the electoral commission) on the merits; in such a case, the court decision fully replaces the annulled act of the electoral committee. In the current Administrative Court judicature, such judgments are not rare any more, which is a positive shift in terms of the Court's engagement in resolving electoral legal matters (Vuković, Vučetić 2013: 58).

The Administrative Court does not have this type of explicit power when it comes to disputes regarding the election for the National Assembly representatives. However, due to the positive effects that the Administrative Court acts have on the legality of local elections, we hold that it is necessary that such a solution should be explicitly provided in the Deputies Election Act. In the current situation, the Administrative Court also has an option to decide on a full jurisdiction dispute (i.e. to resolve the electoral legal matter on its own) by relying on the provision contained in Article 97, para. 4 of the Deputies Election Act, which is not precise enough.

4. PROTECTION BEFORE THE CONSTITUTIONAL COURT

The role of the Constitutional Court, as an authority outside the separation of powers matrix, is to maintain the role of the Constitution in the country's legal order, by reviewing the constitutionality and legality of its acts.

In the field of electoral dispute resolution, the Constitutional Court jurisdiction is established directly by the Constitution, with the reservation that the resolution thereof does not fall under the jurisdiction of some other authority. In other words, the Constitutional Court is eligible to decide on the disputes outside the scope of the Administrative Court jurisdiction and, in those cases, the Constitutional Court acts according to the rules envisaged in the Constitutional Court Act. It is not sufficiently clear which disputes it specifically refers to but it is absolutely clear that the Constitutional Court cannot be a hierarchically higher instance which would review the Administrative Court decisions (Stojanović 2012: 37). As in case of proceedings before the Administrative Court, the proceedings before the Constitutional Court are initiated upon the initiative of a concerned party (voters, candidates and submitter).

However, there have been only eight proceedings of that kind so far. The basic role of the Constitutional Court is primarily embodied in the normative control proceedings, as well as in the final rulings on the mandate verification following the appeal filed by the candidate for the people's representative and the proposer (Nastić, 2014:72).

4.1. Constitutional court normative control

In the normative control procedure, the Constitutional Court examines the compliance of the electoral legislation with the Constitution, as well as the compliance of the lower level electoral provisions, statutes and acts of political parties with the Constitution and the applicable law, whereby the Court has the authority to annul and repeal. By exercising this authority, the Constitutional Court has issued two important decisions. In the first decision¹¹, the Court established the inconsistency of Articles 43 and 47, par. 1 of the Local Elections Act with the Constitution. In the second decision¹², the Court determined that the provisions of Article 84 of the Deputies Election Act are not in accordance with the Constitution; furthermore, the Court clarified and eliminated the contradictions related to the legal nature of the representative's mandate in Serbian legal system: the practice of assigning mandates to candidates according to the ranking order on the electoral list, and the unconstitutionality of transferring the representative's mandate through so-called "blank resignations", given that the mandate represents a public law relationship between the voters and the representative.

4.2. Ruling on constitutional appeals

However, the Constitutional Court may decide on the constitutional appeals filed by participants in the electoral process in order to provide for the protection of Constitutional rights, one of which is the electoral right. In this context, the constitutional appeal has the character of an extraordinary legal remedy, which can be used only after all other legal instruments at the parties' disposal have been exhausted. This type of procedure does not fall under electoral disputes in the narrow sense but rather represents the form of direct constitutional court's protection of citizens' constitutional rights; therefore, according to the Constitutional Court's decision *Už. 1429/2011*, only natural persons are eligible to participate in these proceedings, not political parties and their coalitions. The constitutional appeal may be filed not later than 30 days after the delivery of an individual act or the performance of an action that constitutes a violation or denial of the electoral right. After determining that the violation or denial has occurred, the Constitutional Court shall annul the challenged act, prohibit or order the performance of action, and order that the incurred damage shall be removed within certain time limits, according to the relevant provisions of the Constitutional Court Act. That means that, in the course of proceedings initiated by the constitutional appeal, the Constitutional Court may annul the Administrative Court decision, and "correct" its holdings! This authority was exercised in the well-known "blank resignations" case, where the Constitutional Court annulled the decisions of the Administrative Court.¹³

¹¹ Decision IUz 52/2008, Official Gazette of RS, No. 129/07.

¹² Decision IUp 42/2008, Official Gazette of RS, No. 28/2011.

¹³ Decisions of the Constitutional Court of Serbia IUz 52/2008, Sl.gl. RS 129/07. Už 688/2011, Už 889/10, Už 4973/2010, Už 2184/2010, Už 748/2009, Už 1244/2008 (Nastić, 2013: 134-135).

5. CONCLUSION

The reform of legislation pertaining to the electoral rights' protection should be conducted within the broader scope of entire electoral system. In spite of the abovementioned drawbacks, the normative framework for the protection of electoral rights is basically well-designed and it requires minor corrections in order to eliminate the reasons for inefficiency of the judicial protection, improve the quality of the electoral administration and the Administrative Court activities. The changes in electoral legislation should provide uniform time limits for the same procedures; the character of the "silence" of the election administration should be explicitly specified as well as the issues pertaining to *ex officio* administration decisions; the transparency of the electoral administration should be increased and made accessible to general public; the competences of the Constitutional Court to rule on these matters should be further specified.

It may be concluded that the main reasons for a lower level of efficient judicial protection of electoral rights are the inobservance of the prescribed legal paths for protection, the participants' insufficient understanding of the applicable law and disorientation in the maze of the procedural *regula* covering the procedure for electing parliamentary and municipal representatives. On the one hand, there is a pressing social need to simplify and unify electoral rules, and, on the other hand, there is a need to constantly educate all participants in the electoral process.

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12. Odluka Ustavnog suda IUz 52/2008 (Constitutional Court Decision), *Službeni glasnik RS*, br. 129/07.
13. Odluka Upravnog suda II-9 UŽ 198/12. (Administrative Court Decision)
14. Odluka Upravnog suda I-3 Уж. 24/2012. (Administrative Court Decision)
15. Odluka Upravnog suda 9 Уж. 65/2013. (Administrative Court Decision)
16. Odluka Upravnog suda II-4 Уж. 58/2012. (Administrative Court Decision)
17. Odluka Upravnog suda 8 Уж. 6/2014. (Administrative Court Decision)
18. Odluka Upravnog suda 9 Уж. 3/2011. (Administrative Court Decision)
19. Odluka Upravnog suda III-3 Уж.. 21/2012. (Administrative Court Decision)
20. Odluka Upravnog suda II-2 UŽ 27/14. (Administrative Court Decision)
21. Odluka Upravnog suda UŽ 28/14. (Administrative Court Decision)
22. Odluka Upravnog suda UŽ 29/14. (Administrative Court Decision)
23. Odluka Upravnog suda UŽ 409/2012 (Administrative Court Decision).

ŠTA TREBA PROMENITI U SRPSKOM PRAVNOM REŽIMU ZAŠTITE IZBORNOG PRAVA?

Ovaj rad daje duboku i temeljnu analizu nedostataka srpskog sistema zaštite izbornog prava, kako na parlamentarnim tako i na lokalnim izborima. Nakon analize pravnog položaja, ovlašćenja i nadležnosti, dužnosti i odgovornosti izbornih komisija - Republičke izborne komisije i lokalnih izbornih komisija, Upravnog suda i Ustavnog suda, autor dolazi do zaključka da je zaštitu izbornog prava moguće je poboljšati povećanjem transparentnosti, razjašnjenjem prirode „ćutanja“ izborne administracije, odlučivanjem po službenoj dužnosti, proširenjem odlučivanja Upravnog suda u sporu pune jurisdikcije i preciziranjem uloge Ustavnog suda uz trajnu reedukaciju učesnika u izbornom postupku.

Ključne reči: izbori, izborni sporovi, zaštita izbornog prava, izborna administracija, Upravni sud.