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DRAFT LAW
ON THE STATE REGISTER OF VOTERS
OF UKRAINE

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Unofficial Translation

Draft law

**Submitted by people's deputies of Ukraine
O.Zadorozhny (b/o N 213) and
Yu. Klyuchkovsky (b/o N 244)**

**LAW OF UKRAINE
ON THE STATE REGISTER OF VOTERS**

This Law defines the legal and organizational principles of establishing and maintenance of the uniform State Register of Voters.

CHAPTER I. - GENERAL PROVISIONS

Article 1. Definition of Terms

In this Law the terms are used within the following meaning:

‘the State Register of Voters’ (hereinafter referred to as ‘the State Register’) shall mean the data bank established to ensure the state registration of the citizens of Ukraine who are entitled to vote;

‘maintenance of the State Register’ shall mean the primary registration, updating and refinement of personal data of voters, processing and use thereof in the cases provided for in the legislation;

‘primary registration’ shall mean the entry of personal data of voters into the State Register;

‘updating of personal data of voters’ shall mean alteration and supplementation of these data in the State Register;

‘administrator of the State Register’ shall mean the Central Election Commission;

‘registering authorities’ shall mean authorities empowered to register voters;

‘voters’ shall mean citizens of Ukraine that are entitled to vote in accordance with Article 70 of the Constitution of Ukraine;

‘electoral address’ shall mean the postal address of the voter’s residence registered in accordance with law and defining the place of voting of the voter;

‘place of residence’ shall mean the administrative and territorial unit on the territory of which the person resides for the period of more than six months per year and where she/he is registered in accordance with law;

‘personal data of voters’ shall mean data concerning a voter, established by law, with regard to the possibility of enjoyment of the right to vote by the person.

Article 2. Main Objectives of the State Register

The main objectives of the State Register shall be as follows:

- 1) to conduct the personified registration of voters;
- 2) to form lists of voters for elections and referendums in Ukraine.

Article 3. Principles of Maintenance of the State Register of Voters

1. Principles of maintenance of the State Register of Voters shall be as follows:

- 1) prohibition of denial of entering the person entitled to vote in accordance with Article 70 of the Constitution of Ukraine into the Register;
 - 2) accuracy and completeness of the data that are entered into the Register;
 - 3) prohibition of entering information not provided for in this Law into the Register;
 - 4) single entry of a voter into the Register;
 - 5) protection of information in the Register from unauthorized access and illegal use.
2. The State Register of Voters is maintained in the state language.

Article 4. Data in the State Register of Voters

1. The following data concerning voters (personal data) shall be entered into the State Register of Voters:

- 1) last, first and patronymic names (with indication of the previous last, first and patronymic names where they have been altered);
- 2) date of birth;
- 3) place (oblast, district, town, township, village) of birth in accordance with the modern administrative and territorial division;
- 4) electoral address (place of residence);
- 5) date of acquisition of the citizenship of Ukraine;
- 6) data about the voter’s capacity.

2. It is prohibited to collect and enter into the State Register personal data of voters not provided for in this Article.

Article 5. Rights and Duties of Voters Regarding the State Register of Voters

1. Each voter shall have the right to:

- 1) submit his/her personal data to the State Register;
- 2) know about entry of his/her personal data into the State Register of Voters;
- 3) receive, free of charge, in accessible form and at any time, information about his/her personal data from the State Register of Voters;
- 4) disprove false information regarding himself/herself or other voters;
- 5) lay appeal against the denial of correcting false personal data with the authorities of maintenance of the State Register of Voters or with a court;
- 6) protect his/her rights in case of their violation in the course of maintenance of the State Register of Voters.

2. The voter is required to provide correct information regarding his/her personal data that are entered into the State Register in cases provided for in this Law. Deliberate giving of false personal data to the State Register entails a responsibility in accordance with laws of Ukraine.

3. The voter is required to take measures to avoid his/her multiple entry into the State Register of Voters.

Article 6. Guarantees of Protection and Safety of Personal Data of Voters

1. Authorities maintaining the State Register of Voters shall ensure protection and safety of personal data of voters during establishment and maintenance of the State Register of Voters.

2. Protection and safety of personal data of voters shall be ensured by taking corresponding organizational and technical measures aimed at protection of personal data from incidental or illegal deletion, loss, alteration, unauthorized provision of or unauthorized access to personal data of voters.

3. Laws of Ukraine shall establish administrative, criminal and other responsibility for violation of guarantees of protection and safety of personal data of the State Register of Voters.

4. The system of measures relating to protection and safety of personal data of voters and the procedure for taking such measures shall be approved by the Central Election Commission.

Article 7. Electoral Address. Voter's Place of Residence

1. Electoral address shall be determined by the place of residence of the voter. The place of residence of the voter shall be determined in accordance with laws of Ukraine.

2. The postal address of the voter's dwelling at the place of his/her residence shall be his/her electoral address, unless the voter has another place of residence.

3. The voter who has more than one place of residence shall determine, at his/her own discretion, his/her electoral address as the postal address of his/her dwelling at one of his/her places of residence by submitting a corresponding application to the authority of maintenance of the local register of voters.

4. The voter who has no place of residence shall determine his/her electoral address on approval of the corresponding authority of maintenance of the local register of voters.

CHAPTER II. - STRUCTURE OF THE STATE REGISTER

Article 8. Structure of the State Register of Voters

The State Register consists of the Central Register of Voters, regional (in administrative and territorial units indicated in the second paragraph of Article 133 of the Constitution of Ukraine) registers of voters and local registers of voters (registers of territorial communities).

Article 9. Form of Maintenance of the State Register of Voters

1. To maintain the State Register of Voters, systems of classification and coding that are necessary for the functioning of the Register shall be applied. The said systems shall be established by the Central Election Commission on approval of the Ministry of Justice of Ukraine.

2. The State Register of Voters shall be maintained in written and electronic forms. The written form of the register shall look like a file. The electronic maintenance of the Register shall be performed on the basis of computer information media.

3. The Central Register of Voters shall be maintained in electronic form.

4. Register of voters of a village or a township may be maintained in written form.

Article 10. Central Register of Voters

1. The Central Register of Voters shall contain information about all voters of Ukraine.

2. The Central Election Commission shall be the authority of maintenance of the Central Register of Voters and the main administrator thereof.

Article 11. Regional registers of voters

1. A regional register of voters shall be a part of the State Register of Voters.

2. A regional register of voters shall contain information about all voters who constantly reside within the respective region as specified in the second paragraph of Article 133 of the Constitution of Ukraine.

3. A regional register of voters shall be maintained by the appropriate department of justice. Maintenance of a regional register of voters shall be controlled by the Central Election Commission.

Article 12. Local Register of Voters

1. The following belongs to local registers of voters:

1) register of voters of a territorial community (town, township, village);

2) register of voters of a town district (in the towns where there are district town councils).

2. A register of voters of a town, township or village shall be a part of an appropriate regional register of voters.

3. A register of voters of a town district shall be a part of an appropriate town register of voters. A register of voters of a settlement belonging to a town shall be a part of the appropriate town register of voters.

4. A local register of voters shall contain information about all voters who constantly reside on the territory of the appropriate territorial community and are entitled to vote during local elections and referendums.

5. A register of voters of a town, township, village or town district shall be maintained by the appropriate local self-governance authority of the territorial community or the authority or person on which such powers are conferred by law.

Article 13. Authorities of the State Register of Voters

1. The system of authorities of the State Register of Voters includes the Main Authority of Maintenance and the Main Administrator of the State Register, regional authorities of maintenance and regional administrators of the State Register, local authorities of maintenance and local administrators of the State Register of Voters.

2. The Central Election Commission shall be the Main Administrator of the State Register.

3. Appropriate bodies of justice in the Autonomous Republic of Crimea, oblasts, cities of Kyiv and Sevastopol shall be regional authorities of maintenance and regional administrators of the State Register.

4. Appropriate executive local self-governance authorities and territorial communities shall be local authorities of maintenance and local administrators of the State Register.

CHAPTER III.- MAINTENANCE OF THE STATE REGISTER OF VOTERS

Article 14. Forming of the State Register of Voters

1. The State Register of Voters shall be formed by submission of personal data of voters indicated in Article 4 of this Law to registering authorities.

2. The data shall be included into the State Register according to the procedure established by the Central Election Commission in compliance with requirements of this Law.

Article 15. Submission of data to the State Register of Voters

1. The voter who is included into the State Register for the first time shall submit data about him/her in person to the authority of maintenance of the local register according to the place of his/her residence in compliance with Article 4 of this Law. The voter who is not able to submit the application in person because of his/her physical state or because of any other good reasons shall entrust this in writing to another person.
2. The voter shall submit data about himself/herself to the register in form of a written application, indicating the personal data referred to in Article 4 of this Law and the document proving the identity and citizenship of the voter.
3. The voter who constantly resides beyond the territory of Ukraine and is included into the State Register for the first time shall submit an application referred to in the second paragraph of this Article to the consular office of Ukraine where he/she is registered. The head of the consular office of Ukraine shall immediately transfer data about such voter to the authority of maintenance of the Central Register.
4. The voter who is liable for military service and is included into the State Register for the first time shall submit his personal data to the head of the military unit. The postal address of the corresponding military unit shall be considered the electoral address of such voter. The head of the military unit shall transfer data about such voter to the authority of maintenance of the local register.
5. The voter who is a serviceman in a military unit dislocated beyond the territory of Ukraine and is included into the State Register for the first time shall submit his personal data to the head of the unit. The head of the unit shall immediately transfer the said data to the consular office of Ukraine in the state where the unit is located or to the Ministry of Foreign Affairs of Ukraine.
6. The voter who is afloat on board of a vessel carrying the State Flag of Ukraine or is at a polar station of Ukraine shall be registered for the first time at his/her electoral address.
7. On request of the authority of maintenance of the register, the voter shall submit documents (copies of documents) confirming his/her personal data indicated in his/her application for entry into the State Register.
8. The authority of maintenance of the local register of voters shall provide information about voters entered into the local register to the authority of maintenance of the appropriate regional register of voters under the procedure established by the authority of maintenance of the Central Register of Voters. The authority of maintenance of the regional register of voters shall provide information about the voters entered into the regional register of voters to the authority of maintenance of the Central Register of Voters under the same procedure.
9. The authority of maintenance of the Central Register of Voters shall provide the data about voters which it has received from other sources and which may be included into the regional register of voters to the authority of maintenance of the appropriate regional register of voters. The authority of maintenance of the regional register of voters shall provide the data about voters which it has received from other sources and which may be included into the local register of voters to the authority of maintenance of the appropriate local register of voters.

10. The procedure and time-limits of submission of the data indicated in the eighth and ninth paragraph of this Article shall be established by the authority of maintenance of the Central Register of Voters.

Article 16. Updating of Personal Data of the State Register of Voters

1. In case of any change in personal data of a voter, he/she shall be required to submit updated data about himself/herself within a month from the day the change occurred.

2. If the indicated change occurred after the election or referendum process had been declared, the voter shall be required to submit the updated data within seven days from the day the change occurred.

3. Authorities of registration of civil status acts shall submit to authorities of maintenance of local and regional registers the following data:

- 1) about registration of the death of a person who may be entered into a register of voters;
- 2) about acknowledgement of a person who may be entered into a register of voters as being deceased and about cancellation of such decision.

4. Courts submit to authorities of maintenance of register the following data:

- 1) about acknowledgement of a person who may be entered into a register of voters as being incapable or about resumption of a person's capacity;
- 2) about sentencing a person who may be entered into a register of voters to punishment in form of restriction or deprivation of liberty and about the period and place of serving the sentence;
- 3) about establishment of the place of permanent residence of a voter;
- 4) about acknowledgment of a person who may be entered into a register of voters as missing.

5. Local military commissariats shall submit to authorities of maintenance of a register data about draft of a person who may be entered into a register of voters for regular military or alternative (non-military) service and about the period for which the person is drafted.

6. Consular offices of Ukraine, the Ministry of Foreign Affairs of Ukraine shall submit data about persons who constantly reside or are in a long-term mission beyond the territory of Ukraine and are registered in consular offices, as well as about voters who are servicemen of military units of Ukraine dislocated beyond the territory of Ukraine, to authorities of maintenance of a register.

7. In case of detection of multiple entry of a voter into the State Register of Voters, the appropriate authority of maintenance of the register shall inform the voter about the necessity to refine the data about him/her to avoid the multiplicity of his/her registration. The voter shall be required to give his/her personal response to the indicated authority within seven days from the day of receipt of such notice, together with provision of necessary data.

8. Intentional submission of the data resulting in multiple entry of a voter into the State Register of Voters by that voter, as well as failure to submit the data indicated in the seventh paragraph of this Article within the established period without good reasons shall entail administrative responsibility.

Article 17. Refinement of personal data of the State Register of Voters

1. An authority of maintenance of a register of voters shall be required to supplement data of a voter or correct mistakes and inaccuracies in the personal data on the ground of the voter's application and documents confirming it.

2. Authorities of maintenance of a register shall be required to conduct regular checks and refinement of citizens' personal data, including data about the place of permanent residence of a voter, by way of comparison of data of the Central, regional and local registers of voters, as well as on the basis of information owned by local bodies of the Ministry of Internal Affairs of Ukraine, the Ministry of Justice of Ukraine, the State Tax Administration of Ukraine and the State Department for Execution of Services. Heads of these bodies shall be required to submit information necessary to refine data of a register of voters upon request of the appropriate authority of maintenance of the register.

3. Checks and refinement referred to in the second paragraph shall be conducted from September 1 to November 1 of the year preceding the year of regular elections of people's deputies of Ukraine and from February 1 to April 1 of the year preceding the year of regular elections of the President of Ukraine.

4. Where the periods indicated in the third paragraph of this Article coincide with the periods of the election or referendum process, checks and refinement provided for in the second paragraph of this Article shall not be performed during the corresponding year.

5. Authorities of maintenance of the State Register of Voters shall place a notice about conduct of a regular check and refinement of data of the State Register of Voters, as indicated in the second paragraph of this Article, in the national and local printed mass-media, as well as inform thereof by electronic mass media no later than seven days before the beginning of the periods indicated in the third paragraph of this Article, with specification of addresses and phone numbers of authorities of maintenance of a register.

6. Consular offices of Ukraine shall place a notice referred to in the fifth paragraph of this Article in printed mass-media of the state of residence, indicating the addresses and phone numbers of the consular offices for submission of data of voters of Ukraine residing or staying on the territory of the respective state.

7. Authorities of maintenance of a register shall verify, in the presence of the voter, inaccuracies and contradictions found during a check in his/her personal data and information obtained from authorities indicated in the second paragraph of this Article and eliminate the said defects by way of altering personal data in the State Register.

8. In case of detection of intentional multiple inclusion of a voter into the State Register of Voters, the authority of maintenance of the register shall be required to lay with law-enforcement authorities an application for bringing guilty persons to account.

Article 18. Use of Information of the State Register of Voters

1. Information of the State Register of Voters to establish the number of voters on the relevant territory and to form voters' lists for the purpose of conducting an election or a referendum shall be used by the Central Election Commission, authorities of maintenance of regional or local registers under the procedure established by the authority of maintenance of the Central Register of Voters.
2. Voters of Ukraine have the right to use the information of the State Register of Voters, insofar as their personal data are concerned, upon a written application to the appropriate authority of maintenance of the register.
3. Information about a voter may be given to other natural or legal persons for purposes other than those indicated in the first paragraph of this Article only upon a written consent of that voter.
4. Transfer of data from the State Register of Voters to law-enforcement authorities on their request without consent of corresponding voters shall be allowed only upon a court decision.
5. Officials and officers of the authorities of maintenance of the State Register of Voters shall have a personal responsibility for compliance with the established procedure of use of data of the State Register.

Article 19. Financing of the State Register of Voters

Activities concerning establishment and maintenance of the State Register are financed from the State Budget of Ukraine.

CHAPTER IV. - ENSURING OF COMPLIANCE WITH THIS LAW AND RESPONSIBILITY FOR ITS INFRINGEMENT

Article 20. Procedure for appeal against actions of officials and dispute settlement

Issues relating to denial of correcting mistakes found in personal data of natural persons entered into the State Register or disputes between the voter and the registering authority regarding the accuracy of data about the voter's personality, as well as other disputes regarding fulfillment of certain norms of this Law, shall be decided in court or under any other procedure provided by law.

Article 21. Responsibility for Infringement of This Law

The following persons shall be responsible for infringement of this Law in accordance with laws of Ukraine:

- 1) citizens of Ukraine that are required to provide data to be entered into the State Register, for failure to provide them, for untimely provision and for intentional provision of false data;
- 2) officials, for the following:

failure to provide, failure to enter or untimely entry of data about voters into the State Register;

intentional entry into the State Register of Voters of false data about a voter, failure to alter or untimely alteration of personal data;

processing of data on the grounds and in the way not provided for in this Law and other laws of Ukraine, dissemination or withdrawal of any information from the State Register with violation of requirements of this Law;

violation of the procedure of the use of information from the State Register;

non-fulfillment or improper fulfillment of their official duties relating to ensuring of protection and safety of the personal data of voters.

CHAPTER V. - FINAL PROVISIONS

1. This Law shall enter into force on 1 January 2005.

2. The Cabinet of Ministers of Ukraine, within the period of six months from the day this Law is adopted, should prepare proposals regarding bringing legislative acts of Ukraine in compliance with this Law and submit these proposals for consideration of the Verkhovna Rada of Ukraine.

3. Before this Law enters into force, the Cabinet of Ministers of Ukraine and the Central Election Commission should:

1) bring their normative and legislative acts in compliance with this Law;

2) ensure adoption, review and repeal of normative acts contradicting this Law by ministries and other central executive authorities;

3) take measures regarding gradual entry into force of the State Register of Natural Persons, in particular, by ensuring that the authorities of the State Register automatically enter into the State Register the personal data determined in Article 5 of this Law concerning the citizens of Ukraine who have acquired the right to vote by the moment of entry into force of this Law.
