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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

DRAFT LAW
ON THE UNIFIED REGISTER OF VOTERS
OF SERBIA

I. BASIC PROVISIONS

Unified Register of Voters

Article 1

The Unified Register of Voters (hereinafter: Register of Voters) is a public document which keeps the register of citizens of the Republic of Serbia who have the right to vote.

The Register of Voters is permanent and is regularly updated.

Registration in the Register of Voters is the precondition for exercising voting rights.

The voter can be registered in the Register of Voters only once.

The Register of Voters is kept *ex officio*.

Organs in charge of keeping and updating the Register of Voters

Article 2

The Register of Voters is kept by the ministry competent for public administration.

Keeping the Register of Voters by the ministry competent for public administration includes: analyzing data from the Register of Voters and undertaking measures for ensuring their mutual harmonization and accuracy, making changes to the Register of Voters (entry, deletion, changes, amendments or corrections) after the Register of Voters is closed, and performing other tasks, pursuant to this law.

Part of the Register of Voters for the territory of the unit of self-government is updated by the municipal/ town administration as an assigned task.

Updating part of the Register of Voters for the territory of the unit of self-government which is performed by the municipal/town administration includes making changes to the Register of Voters (entry, deletion, changes, amendments or corrections) *ex officio* or upon citizen's request until the deadline for closing the Register of Voters, and other tasks, pursuant to this law.

Methods for keeping and updating the Register of Voters

Article 3

Register of Voters is kept as an electronic database and is updated according to the unified methodology of the ministry competent for public administration.

The contents of the Register of Voters and the manner in which it shall be used, kept, corrected and closed, and the way in which parts of the Register of Voters for the territory of the local self-government unit shall be displayed, as well as other issues relevant for the complete and accurate keeping of the Register of Voters are prescribed by the relevant minister competent for public administration.

II. PROCEDURE FOR KEEPING THE REGISTER OF VOTERS

1. Registering in the Register of Votes

Persons who are to be registered in the Register of Voters

Article 4

Registered in the Register of Voters are persons who have the right to vote, and obtain their right to vote on election day at the latest.

Competence for registering voters in the Register of Voters

Article 5

The voter who is not registered in the Register of Voters shall be registered in the Register of Voters by the municipal/town administration up to the deadline for its closure, and after it is closed until 72 hours before election day by the ministry competent for public administration.

The voter who resides abroad, and who files the request to be registered in the Register of Voters with the diplomatic missions and consular offices of the Republic of Serbia, shall be registered in the Register of Voters by the ministry competent for public administration, and the ministry shall inform on the registration the competent municipal/town administration, pursuant to the permanent residence of the voter in the country.

Territorial competence for registering voters in the Register of Voters

Article 6

The voter is registered in the Register of Voters according to his permanent residence, and upon voter's request it is possible to register in the Register of Voters also the temporary residence in the country, pursuant to this law.

The voter whose temporary residence is abroad is registered in the Register of Voters according to his last permanent residence prior to leaving the country, namely the last residence of one of his parents, and an entry is made also regarding data on his temporary residence abroad.

The internally displaced person is registered in the Register of Voters according to the place in which the person is registered as an internally displaced person.

Data related to the voter which shall be written into the Register of Voters

Article 7

Into the Register of Voters are entered: voter's first name and family name, name of one of the voter's parents, voter's personal identification number, date and place of voter's birth, voter's gender, voter's place of residence and address, the local self-government unit in which the voter has his permanent residence, foreign country in which he has his temporary residence, place of voter's temporary residence and address abroad, and the temporary residence for internally displaced persons.

The first name and family name of the voter who belongs to a national minority is entered in two ways: first in the Cyrillic script and as spelled in Serbian, and after that also in the script and spelling in the language of the member of the national minority.

In the Register of Voters shall be registered the fact that in the forthcoming elections the voter shall vote according to his address in the country, i.e. the place of temporary residence abroad. Apart from the fact that in forthcoming elections the voter shall vote according to his dwelling in the country, in the Register of Voters shall be registered also the place and address of his residence in the country, as well as the local self-government unit in which he has the temporary residence.

Data set forth in paragraph 3 of this Article are registered starting from the next day after the elections are called, and not later than five days prior to the closing of the Register of Voters.

After the elections were held data set forth in paragraph 3 of this Article are deleted.

In the case when not later than five days prior to the closing of the Register of Voters the fact that in the forthcoming elections the voter shall vote according to the temporary residence in the country/abroad is not entered into the Register of Voters, the voter can cast the ballot only according to his permanent residence.

Separate record of polling stations

Article 8

Together with the Register of Voters a separate register of polling stations which contains the number, address, description and headquarters of the polling station is also kept.

Details on the manner in which the separate records set forth in paragraph 1 of this Article are kept and on the content thereof are prescribed by the minister competent for public administration.

2. Changes to the Register of Voters

Article 9

Every change in the Register of Voters must be based upon a relevant ruling: ruling on voter's registration in the Register of Voters, ruling on deletion of the voter from the Register of Voters, or the ruling on changes, amendments or correction of data related to the voter.

The ruling upon which the change to the Register of Voters is made *ex officio* or upon citizen's request is based on data contained in official registry books, other official records and public documents. The registry of these rulings is kept pursuant to rules of office procedure.

Competence for issuing rulings on the basis of which changes are made to the Register of Voters. Entering changes

Article 10

Rulings on the basis of which municipal/town administration enters changes to the Register of Voters are issued by the municipal/town administration until the date on which the Register of Voters is closed, and after it is closed up to 72 hours prior to the election day by the ministry competent for public administration.

When the request for changes to the Register of Voters is filed by a voter with temporary residence abroad who files the request with the diplomatic missions and consular services of the Republic of Serbia, the ruling upon which changes shall be made to the Register of Voters is always issued by the ministry competent for public administration, about which this ministry informs the relevant town/municipal administration according to the place in which the voter has permanent residence.

The ruling on which the change to the Register of Voters is based is applied *ex officio* by the organ which issued the ruling .

Changes to the Register of Voters *ex officio*

Article 11

The organ which keeps official records on citizens must submit any data relevant for the completeness, accuracy and timeliness of the Register of Voters not later than three days after the change occurred to the organ which is competent for issuing rulings on which changes to the Register of Voters are based.

The ministry competent for internal affairs submits to the ministry competent for public administration in electronic form data from official records on permanent and temporary residence of citizens upon which changes in the Register of Voters are based within the deadline set forth in paragraph 1 of this Article.

The ministry competent for public administration forwards data set forth in paragraph 2 of this Article to the relevant municipal/town administration promptly, and not later than three days upon receipt thereof.

In the period from the day on which elections were called and up to 72 hours prior to the election day the organs set forth in paragraphs 1 and 2 of this Article submit promptly all data mentioned in paragraphs 1 and 2 of this Article, and not later than the next day after the changes occurred.

The manner in which data are set forth in paragraphs 1 to 4 of this Article shall be exchanged are prescribed in more detail by the minister competent for administration.

Changes to the Register of Voters made upon citizen's demand

Article 12

Every citizen can file a request with the municipal/town administration, or the ministry competent for public administration when it is within its competences to enter changes in the Register of Voters, with the demand for change in the Register of Voters if he or another citizen is not entered into the Register of Voters, or is registered but has not the right to vote, or has no voting right in the territory of the unit of self-government in which he is registered in the Register of Voters or if some of the data in the Register of Voters are not correctly entered.

The competent organ decides on the request for entering change into the Register of Voters within 48 hours upon the receipt of the request.

Right to appeal and right to complaints

Article 13

The applicant can appeal the ruling of the municipal/town administration to the ministry competent for public administration within 24 hours after the ruling was received.

Against the ruling which the ministry competent for administration issued in the first degree in the case that it is authorized to make changes to the Register of Voters, or against the ruling issued upon appeal, an appeal can be filed with the Administrative Court not later than 24 hours upon receipt of the ruling.

The Administrative Court's decision is final and enforceable and no requests for extraordinary reassessment of the court's ruling nor for revision of procedure can be filed.

4. Making public parts of the Register of Voters relating to the local self-government unit

Article 14

One day after elections were called, the municipal/town administration which updates the Register of Voters for the territory of the local self-government unit makes public and accessible to citizens the part of the Register of Voters for the territory of the local self-government unit, on which information shall be given through the media and, if needed, in other ways, and informs the citizens that up to the closing of the Register of Voters they can request the municipal/town administration to issue rulings upon which changes can be made to the Register of Voters.

The way in which the part of the Register of Voters for the territory of the local self-government unit shall be displayed is in more detail prescribed by the minister competent for public administration.

Request to register in the Register of Voters that the voter shall vote in the country according to the place of temporary residence

Article 15

One day after the elections were called the municipal/town administration which is updating the Register of Voters for the territory of the local self-government unit informs the citizens that they can, not later than five days prior to the closure of the Register of Voters, file with the relevant municipal/town administration the request to register in the Register of Voters that in the forthcoming elections the voter shall vote according to the place of temporary residence in the country.

Together with the request set forth in paragraph 1 of this Article submitted is evidence on the place of voter's temporary residence in the country.

Request to register in the Register of Voters that the voter shall vote out-of-country and the request to get information on personal data registered in the Register of Voters

Article 16

One day after the elections were called the diplomatic missions and consular offices of the Republic of Serbia inform the voters with temporary residence abroad that they can, through the diplomatic missions and consular offices of the Republic of Serbia, and not later than five days prior to the closure of the Register of Voters, file the request for having registered in the Register of Voters that in the forthcoming elections they shall vote out-of-country.

The request set forth in paragraph 1 of this Article is decided by the ministry competent for public administration and it informs accordingly the respective municipal/town administration according to the place of the voter's permanent residence in the country.

The voter whose permanent residence is abroad can file the request set forth in paragraph 1 of this Article also in the country, to the competent municipal/town administration. In this case, the request is decided by the relevant municipal/town administration according to the place of the voter's permanent residence.

The voter whose temporary residence is abroad can through the diplomatic missions and consular offices of the Republic of Serbia file with the ministry competent for public administration the request to obtain information on his personal data which were registered into the Register of Voters.

Information set forth in paragraph 4 of this Article can be given by phone, fax or e-mail.

Closing the Register of Voters. Total number of voters

Article 17

The ministry competent for public administration closes the Register of Voters by its ruling 15 days prior to the election day and in this ruling it declares the total number of voters in the Republic of Serbia, in each local self-government unit and for each polling station.

The ruling on the closure of the Register of Voters is forwarded to the Republic Electoral Commission not later than 24 hours after it was issued.

Declaring the total number of voters

Article 18

The Republic Electoral Commission declares the total number of voters in the *Official Gazette of the Republic of Serbia*.

III. EXCERPTS FROM THE REGISTER OF VOTERS

Preparation and submission of excerpts from the Register of Voters

Article 19

The ministry competent for public administration prepares and authenticates printed excerpts from the Register of Voters classified by local self-government units and polling stations in the country and abroad and forwards them to the Republic Electoral Commission not later than 24 hours after it issued the ruling on the closure of the Register of Voters.

Excerpts from the Register of Voters for each polling station contain all data on the voters contained in the Register of Voters and the space for the voter's personal signature.

The voter who casts the ballot according to his temporary residence in the country/abroad, is not registered in the excerpts from the Register of Voters according to the permanent residence.

If there are more simultaneous election processes, the excerpts from the Register of Voters shall be prepared in a number of copies which corresponds to the number of ballots to cast.

Voters serving military duty, mobilized for military exercise or in the educational units or institutions of the Army of Serbia, i.e. voters who are serving their time in jail or are in custody, are registered in separate excerpts from the Register of Voters.

The ministries competent for defense and justice shall submit to the ministry competent for public administration data which are necessary for the preparation of separate excerpts from the Register of Voters set forth in paragraph 6 of this Article not later than three days prior to closing of the Register of Voters.

Final number of voters

Article 20

The ministry competent for public administration forwards to the Republic Electoral Commission all rulings on which changes to the Register of Voters are founded, which it issued in the period after the Register of Voters was closed up to 72 hours prior to the elections.

The Republic Electoral Commission takes into account only those rulings of the ministry competent for public administration which it had received at least 48 hours prior to the election day, and on the basis thereof it enters changes into the excerpts from the Register of Voters or into separate excerpts from the Register of Voters and immediately afterwards it establishes and publishes in the *Official Gazette of the Republic of Serbia* the final number of voters in the Republic of Serbia, in each local self-government unit and for each polling station.

IV. SPECIAL RIGHTS OF PARTICIPANTS IN ELECTIONS

Right to have insight into the Register of Voters and to file requests for changes to the Register of Voters

Article 21

Once the list of candidates for election was declared, the right of insight and of filing requests for changes to the Register of Voters is enjoyed also by the submitter of the list of candidates for election or the person authorized by him, according to the same procedure applied to this right of the citizens. With the requests are submitted the authorization and the necessary evidence.

V. MONITORING

Article 22

The ministry competent for public administration shall monitor through the public administrative inspector the updating of the Register of Voters and performance of other tasks which were assigned pursuant to this Law to municipal/town administrations.

The ministry competent for public administration has in this regard all general and special authorities which pursuant to the law on public administration belong to the public administration's monitoring organ when it monitors the performance of holders of public authorities.

VI. APPLICATION OF THIS LAW TO PRESIDENTIAL AND LOCAL ELECTIONS

The application of this Law to presidential elections

Article 23

Provisions of this Law are applied also to presidential elections.

Between the voting and repeated voting in presidential elections the citizens can request the ministry competent for public administration to issue a ruling by which changes shall be made to the Register of Voters.

The Republic Election Commission takes into account only those rulings which it received not later than 48 hours prior to the repeated voting, and on the basis thereof makes changes to excerpts from the Register of Voters and separate excerpts from the Register of Voters.

Application of this Law to provincial, i.e. local elections

Article 24

The ministry competent for public administration closes the part of the Register of Voters for the territory of the local self-government unit for which elections were called, i.e. parts of the Register of Voters for the territories of the local self-government units in the territory of the autonomous province when provincial elections were called, pursuant to law.

Ministry competent for public administration submits authorized printed excerpts to the relevant electoral commissions, pursuant to law.

Provisions of this Law are accordingly applied to elections for organs of autonomous provinces and units of local self-government, as well as to citizens' participation in referenda.

VII. PENAL PROVISIONS

Article 25

The responsible person in the competent organ whose duty was to maintain, i.e. update the Register of Voters, shall be fined with 5,000 to 50,000 dinars if its accuracy and timeliness are not ensured (Article 2 of this Law).

VIII. TRANSITIONAL AND FINAL PROVISIONS

Verifying data in existing registers of voters within the procedure for their unification into a register of voters which shall be kept pursuant to this Law

Article 26

During the procedure by which the existing registers of voters shall be unified into the register of voters which shall be kept pursuant to this Law accuracy of data existing in existing registers of voters can be verified

In case that it deems it necessary to verify whether the registered data are complete and accurate the municipal/town administrations can, *ex officio* or upon request of the ministry competent for public administration, request the voter to submit to the municipal/town administration within a period which must not be shorter than seven days since the day on which the request was received all data which prove the completeness and accuracy of his registration in the register of voters.

Organs which keep official records on the basis of which they issue public documents significant for keeping the register of voters must submit to the organ which keeps registers of voters upon this organ's request all data necessary for verifying the register of voters pursuant to paragraph 2 of this Article, within seven days from the day this request was received.

The minister competent for public administration shall establish in more detail the way in which the register of voters shall be verified and the verification shall be monitored.

Unifying existing registers of voters into a register of voters that shall be kept pursuant to this Law

Article 27

The minister competent for public administration shall within 60 days after this Law enters into force issue an instruction which shall arrange the procedure for unifying existing registers of voters into a register of voters that shall be kept pursuant to this Law.

The ministry competent for public administration shall *ex officio* register into the Register of Voters that shall be kept pursuant to this Law data related to the voter's temporary residence which have until the beginning of application of this Law been kept in separate registers of voters out-of-country.

Adoption of bylaws. Competences of the Supreme Court of Serbia

Article 28

The minister competent for public administration must issue rules which this Law stipulates for its implementation within 120 days after this Law entered into force.

The Supreme Court of Serbia decides on the charge filed against the ruling which the ministry competent for public administration issues on appeal, or in the first degree until the Constitutional Court starts its work.

Termination of validity of former rules

Article 29

On the day on which this Law enters into force Articles 12 to 24 and Articles 736, 73v and 73g of the Law on election of members of Parliament (*Official Gazette RS*, No. 35/02, 57/03, 72/03 and 18/04) and Article 23 of the Law on the elections for the President of the Republic (*Official Gazette RS*, No. 111/07) cease to be valid.

On the day on which this Law enters into force cease to be valid bylaws adopted with the aim to apply those provisions of the Law on parliamentary elections and the Law on presidential elections whose validity terminated on the day on which this Law enters into force.

Entry into force of this Law

Article 30

This Law enters into force on the eighth day after it was published in the *Official Gazette of the Republic of Serbia*, and its implementation starts one year after it entered into force.

EXPLANATORY NOTE

I. CONSTITUTIONAL BASIS FOR THE ADOPTION OF THIS LAW

The constitutional foundation for adopting this Law is contained in Article 42, paragraph 2 of the Constitution of the Republic of Serbia, which stipulates the collecting, processing and usage of personal data to be regulated by law.

II. REASONS FOR ADOPTING THIS LAW

The basic reasons for adopting the proposed law are the need to:

- establish in the Republic of Serbia one–single register of voters, which shall be kept by the Ministry for Public Administration and Local Self-Government. The single register of voters, kept by only one competent organ – the Ministry of public administration and local self-government – shall very significantly contribute to the accuracy and timeliness of the register of voters;
- keep the register of voters using modern technology, such as electronic databases, on the basis of a single methodology.
- clearly define certain tasks which, as assigned tasks of the public administration, shall be performed by the municipal/town administration. Namely, these would be only tasks related to updating parts of registers of voters for the territory of the local self-government unit (making changes to the register of voters – entry, deletion, change, amendment or correction) and this only until the register of voters is closed, after which these tasks shall also be performed by the Ministry of Public Administration and Local Self-Government. These tasks are assigned to municipal/town administration in order to secure easier access of citizens to the relevant organ, as well as an easier (more efficient and more economical) procedure for fulfilling their rights;
- enable the voters to vote also according to their provisional residence in the country, if on the day of elections they are not in the place of their permanent residence. In this way the legal solution makes it easier for the voters to realize their voting right, respecting also their other, personal and professional duties and needs;
- enable the voters with temporary residence abroad to realize their voting right on the basis of registration of their temporary residence abroad in the register of voters without keeping separate registers on voters with temporary residence out-of-country for the purpose of the election process. Namely, keeping all data necessary for the realization of the voter's voting rights in one – single – register of voters, shall in this case, too, significantly contribute to the accuracy and timeliness of the register of voters and enable that all existing deficiencies in the register of voter become more visible, and they will also be more easily removed through a procedure envisaged by law. In this case changes in the register of voters which the voter asks for from out-of-country, through the relevant diplomatic missions and consular offices of the Republic of Serbia, are introduced into the register of voters always by the Ministry for of Public Administration and Local Self-Government. The proposed solution makes it also easier for the voter to approach the relevant organ. In this direction goes also the provision by

which the voter with temporary residence abroad, if in the country, can approach with the same request also the municipal/town public administration according to his permanent residence;

- define in detail the procedure and enable more efficient exchange of data (by using modern technology) among the competent organs which keep official records on citizens with data significant for keeping the Register of Voters on the one hand, and the Ministry of Public Administration and Local Self-Government and the relevant municipal/town administration, again with the aim to ensure accuracy and timeliness of the register of voters.

Hence, the basic aims which should be accomplished through the adoption and subsequent application of the proposed law are: the existence of accurate, updated and single records of all voters in the Republic of Serbia and also an easier (more efficient or more economical) procedure within which the voters shall realize their voting right.

The analysis of applicable legal solutions related to registers of voters, envisaged by the Law on parliamentary elections, indicates that the established basic goals cannot further on be accomplished through the application of applicable legal solutions. Namely, the applicable Law on parliamentary elections (Article 12, paragraph 1) stipulates only in principle: "In the Republic of Serbia the general register of voters is kept electronically by municipalities, as a part of the single, unified system", as well as that changes in the register of voters in the territory of the municipality are introduced by the municipal administration as an assigned task. However, which is most important, the mentioned law does not further arrange the procedure, method and competence for keeping, conditionally speaking pursuant to the mentioned law, of the general or single register of voters. Further, the applicable law does not know the procedure for keeping the voters roll through modern technologies, except in principle in the already mentioned provision of Article 12, paragraph 1 of the Law. Thus, for instance, the provision of Article 15, paragraph 1 of the Law, stipulates the following: "The register of voters is kept by volumes. Volumes of the register of voters are kept for each settlement." Provision of Article 16, paragraph 1 of the Law, says also: "The register of voters can be kept also in the form of files, or as a database on magnetic tape, or on a magnetic disc."

Hence, on the basis of the above mentioned it can be concluded that deficiencies related to applicable legal solutions represent one of the reasons to adopt the proposed law.

The decision to arrange the keeping of the register of voters by separate law and not, as was the case until now, by a law which regulates parliamentary elections, is based on the following. First, keeping the register of voters is a procedure clearly separated from the procedure for the implementation of elections. Second, the election procedure for members of parliament is only one of the election procedures in the Republic of Serbia in which the register of voters is used (apart from them, here are also presidential and local elections).

III. EXPLANATORY NOTES REGARDING CONCRETE SOLUTIONS

The Draft Law establishes the Unified Register of Voters, defines organs competent for keeping and updating the register of voters, and contains rules on the way in which the register of voters should be kept and updated.

Pursuant to the provision of Article 1, paragraph 1 of the Draft Law, the Unified Register of Voters (hereinafter: Register of Voters) is a public document which keeps records related to citizens of the Republic of Serbia who have the right to vote. Provision of Article 3, paragraph 1, of the Draft Law envisages that the Register of Voters is kept as an electronic database and updated pursuant to the single methodology of the ministry competent for public administration. Thus the Draft Law stipulates solutions which should ensure that in the Republic of Serbia is established one – single register of voters, which shall be maintained by modern technologies, as an electronic database based on a single methodology, which shall significantly contribute to the accuracy and timeliness of the Register of Voters.

The establishment of one – single register of voters in the Republic of Serbia includes also the duty to define clearly in the Draft Law one state organ (organ of public administration)

that shall maintain the register of voters. Having in mind the up to now established competences of the Ministry of Public Administration and Local Self-Government, it is proposed in Article 2, paragraph 1 of the Draft Law that the register of voters is kept by the Ministry of Public Administration and Local Self-Government. The provision in Article 2, paragraph 2, of the Draft Law stipulates tasks which the Ministry of Public Administration and Local Self-Government is to perform when keeping the register of voters. Thus, it stipulates that keeping the Register of Voters by the ministry competent for public administration includes: analyzing data contained in the Register of Voters and undertaking measures for ensuring their mutual harmonization and accuracy, making changes to the Register of Voters (entry, deletion, changes, amendments or correction) after the Register of Voters is completed and performing other duties, pursuant to this Law. This allows for conclusion that keeping the Register of Voters includes all the most important procedures and actions which must be undertaken directly by, speaking conditionally, the central state organ in charge of keeping the Register of Voters. However, when prescribing procedures for keeping the Register of Voters, respected must be the right of the citizen to exercise his rights and duties in a manner that is the most economical and most efficient one for him within existing circumstances. Therefore, the Draft Law takes into account the need that a precisely defined part of tasks related to registers of voters, which encompasses updating thereof, is performed by municipal/town public administration. Namely, the other solution by which tasks related to the updating of registers of voters would instead be performed by the Ministry of Public Administration and Local Self-Government would imply big additional costs for the budget of the Republic of Serbia because it would imply the establishment of new organizational units of the Ministry in all local self-government units and employing a big number of new civil servants, etc. For these reasons it is proposed that the part of the register of voters for the territory of the local self-government unit is updated by the municipal/town administration as an assigned task (Article 2, paragraph 3 of the Draft Law). At the same time, updating of the part of the register of voters for the territory of the local self-government unit by the municipal/town administration includes introducing changes to the Register of Voters (entry, deletion, changes, amendments or corrections) *ex officio* or upon citizen's request up to the deadline for closing the Register of Voters and other tasks, pursuant to law.

Further on, the Draft Law regulates the procedure for keeping the Register of Voters. As regards this procedure, it is important to point out that it further defines both the tasks related to keeping the Register of Voters which are performed by the Ministry of Public Administration and Local Self-Government, and the tasks related to updating the Register of Voters which are performed by the municipal/town administration. In view of the existing circumstances, and the need to make the procedure itself as economical and as efficient for the citizens, it is necessary to ensure as much as possible that the single records relating to voters are kept by one organ in order to reach best possible accuracy and timeliness of the register, stipulated is also the rule by which all procedures related to the updating of registers of voters after they were closed are taken over by the Ministry of Public Administration and Local Self-Government. In any case, this shall further on contribute to their accuracy and timeliness, and a more efficient action of the Ministry within its legal competences is ensured. It is thus envisaged that the voter who is not registered in the Register of Voters shall be registered until its closure by the municipal/town administration, and after its closure and up to 72 days prior to the election day by the ministry competent for public administration (Article 5, paragraph 1 of the Draft Law). Further, it is envisaged also that decisions by which changes to the register of voters are introduced are made by the municipal/town administration until the closure of the register of voters, and after its closure and up to 72 hours prior to the day of elections the ministry competent for public administration (Article 10, paragraph 1 of the Draft Law). With this same aim in view, it is proposed also to have the directly linked solution by which the ministry competent for public administration closes the Register of Voters 15 days prior to the election day and in its ruling it sets the total number of voters in the Republic of Serbia, for each unit of local self-government and for each polling station (Article 17, paragraph 1), as well as the solution by which the ministry competent for public administration prepares and authorizes printed excerpts from the Register of Voters classified by local self-government units and polling stations in the country

and abroad, and submits them to the Republic Election Commission within 24 hours after it issued the ruling on the closure of the Register of Voters (Article 19, paragraph 1 of the Draft Law). Hence, all most important tasks related to the Register of Voters are unified within the competences of one organ of public administration – the Ministry of Public Administration and Local Self-Government.

It is important to note that the procedure for keeping the Register of Voters leans on or is directly linked to the legal solutions set forth in the law which regulates the general administrative procedure and administrative dispute (for instance, Article 9, paragraph 1 of the Draft Law by which any change to the register of voters is based upon an adequate ruling), whereby the need to make decisions within short time spans and the exclusion of certain extraordinary legal remedies is imposed by the very urgency of the election procedure, the implementation of which actually represents the basic goal of keeping the register of voters (Article 12 and 13 of the Draft Law).

Further, a timely and prompt exchange of data among the competent organs which keep official registers on citizens which contain data relevant for keeping the Register of Voters on the one hand, and the Ministry of Public Administration and Local Self-Government and municipal/town administrations on the other, as well as among the very Ministry of Public Administration and Local Self-Government and the competent municipal/town administrations, can significantly contribute to the realization of the set goal which is to ensure as accurate and as updated a register of voters as possible. Current circumstances imply that this exchange be ensured by using modern technology, electronically. Therefore is proposed Article 11 of the Draft Law which says: “The organ which keeps the official registers on citizens must submit within three days after the respective changes occurred any fact relevant for the completeness, accuracy and timeliness of the Register of Voters to the organ competent for rulings upon which changes to the Register of Voters are made. The ministry competent for internal affairs submits electronically data from official registers related to the permanent and provisional residence of citizens upon which changes in the Registers of Voters are based directly to the ministry competent for public administration within the deadline mentioned in paragraph 1 of this Article. The ministry competent for public administration forwards data mentioned in paragraph 2 of this Article to the competent municipal/town administration promptly, and not later than three days after they were received. From the day on which the elections were called up to 72 hours prior to the day on which the elections shall be held, organs set forth in paragraphs 1 and 2 of this Article forward all data set forth in paragraphs 1 and 2 of this Article promptly, and not later than on the next day after the changes occurred. A more detailed way of data exchange referred to in paragraphs 1 to 4 of this Article is defined in the instruction issued by the minister competent for public administration.”

One of the significant innovations proposed by the Draft Law is also to enable the voters to cast their vote also according to the temporary residence in the country, if on election day they are not in the place of their permanent residence. In this way, as already said, the legal solution makes it easier for the voters to exercise their voting right, respecting also their other, personal and professional duties and needs. Thus, the Draft Law envisages that it will be registered in the register of voters also that the voter shall in forthcoming elections cast the ballot according to his temporary residence in the country. Apart from the fact that the voter shall in forthcoming elections cast the ballot according to the temporary residence in the country, the Register of Voters shall also contain the place of temporary residence in the country, as well as the units of local self-government in which he has the permanent residence. These data are registered from the day after the elections were called, and up to five days prior to the closure of the register of voters at the latest. After the elections were held, these data are deleted *ex officio* from the Register of Voters because the law makes the presumption that the voter shall at each next election vote according to his permanent residence, except in case that pursuant to this same legal procedure he does not request the competent organ to register in the Register of Voters that he will vote according to his temporary residence. In this regard, proposed is also a solution by which if within five days before the day on which the Register of Voters is closed it is not registered in the Register of Voters that in forthcoming elections the voter shall cast the ballot according to his temporary residence in the country, the voter can

vote only according to the place of his permanent residence. The very request for entering into the Register of Voters that the voter shall vote in the country according to his temporary residence is regulated by Article 15 of the Draft Law. The mentioned article of the Draft Law envisages that on the day after the elections were called the municipal/town administration which updates the Register of Voters for the territory of the local self-government unit shall inform the citizens that they can submit, five days prior to the closure of the Register of Voters at the latest, the request for registering in the Register of Voters that in the forthcoming elections the voter shall cast the ballot according to his temporary residence in the country, as well as that together with this request shall be submitted evidence on the voter's temporary residence in the country. The respective ruling shall be made pursuant to provisions of the Draft Law which are envisaged for all other changes to the Register of Voters.

The Draft Law envisages as one of the basic rules also that all data on the voter are kept in the Register of Voters (Article 7 of the Draft Law), without keeping accompanying registers, as was the case until now (Special Register of Voters out-of-country established pursuant to the applicable Law on parliamentary elections), because keeping accompanying records always creates bigger possibilities for emergence of certain mistakes and deficiencies linked to data that are kept. Therefore, the Draft Law stipulates that voter's personal data which relate to his temporary residence abroad are kept as permanent, and for the purposes related to concrete elections it shall be registered in the Register of Voters also that in the forthcoming elections he shall cast the ballot according to the temporary residence. This entry is deleted after the elections were held, and can be again registered in the Register of Voters for the purpose of some other future elections (Article 7 of the Draft Law). Article 16 of the Draft Law envisages the institute of request for registering in the Register of Voters that the voter shall vote out-of-country and of the request to get information on personal data which are registered in the Register of Voters. It is thus stipulated that one day after the elections were called the diplomatic missions and consular offices of the Republic of Serbia inform the voters with temporary residence abroad that through the diplomatic missions and consular offices of the Republic of Serbia they can, not later than five days prior to the closing of the Register of Voters, submit the request to make an entry in the Register of Voters noting that in the forthcoming elections he shall vote out-of-country. Decision on this request is made by the ministry competent for public administration, on which it informs the respective municipal/town administration according to the place of voter's permanent residence in the country. The voter whose temporary residence is out-of-country can file his request also in the country with the competent municipal/town administration. In this case, the request is dealt with by the municipal/town administration according to the place of voter's permanent residence in the country. Besides, it is envisaged also that the voter with temporary residence abroad can through the diplomatic missions and consular offices of the Republic of Serbia file with the ministry competent for public administration the request to obtain information on his personal data registered in the register of voters. This information can be given by phone, fax, or e-mail.

Although it does not foresee further keeping of the Special Register of Voters out-of-country, the Draft Law respects the need to transfer data from the already established register into the register of voters (Article 27, paragraph 2 of the Draft Law). Also, the Draft Law creates the basis for the minister competent for public administration to issue instructions on joining existing registers of voters kept by units of local self-government into the Register of Voters envisaged by the Draft Law (Article 27, paragraph 1 of the Draft Law). It is exactly for these reasons that it is proposed that the implementation of the Law shall start after one year from the day it entered into force (Article 30 of the Draft Law).

IV. ANALYSIS OF THE EFFECTS OF THE LAW

It is not necessary to make an analysis of the law's effect for the Draft Law, because it does not create new duties for economic and other subject.

V. FINANCIAL MEANS NECESSARY FOR THE IMPLEMENTATION OF THE LAW

For the implementation of this Law it is necessary to secure additional funds in the budget of the Republic of Serbia.

Since it is envisaged that the "Register of Voters is kept as an electronic database" it is necessary to establish an adequate, new information system which implies:

- planning, development and implementation of software solutions (including delivery of necessary equipment for the central location and software licenses);
- fulfilling missing technical preconditions for using solutions by the relevant organs in local self-governments;
- training of users in relevant organs in local self-government.

After the information system is established, implemented shall be the procedure for joining existing registers of voters into the Unified Register of Voters, which includes the conversion of data from existing local registers of voters, their harmonization and removal of deficiencies. It is necessary to secure funds also for defining and testing the procedure for centralized preparation of excerpts from the register of voters distributed by local self-government units and polling stations, as well as for maintaining the system.

It is estimated that in 2009 it will be necessary to get from the budget of the Republic of Serbia the amount of 40,000,000.00 dinars, in 2010 the amount of 170,000,000.00 dinars and in 2011 the amount of 40,000,000.00 dinars.

The necessary funds do not include the establishment of the spare location and costs for the communicational infrastructure, for which financing shall be secured from other sources, including also from budgets of units of local self-government and the National Investment Plan.