

## LAW ON REGISTERS OF ELECTORS

### Article 1

The Register of Electors is a public document wherein citizens are entered having electoral right and it is kept for the purpose of elections.

### Article 2

The Register of Electors is kept ex officio. The Register of Electors is a unique, consistent and regularly updated, particularly after the elections have been set.

### Article 3

The Register of Electors is kept for a territory of a self-government unit. An Elector may be entered into the Register of Elector only once, into the Register of Electors of only one local self-government unit and at one polling station.

The Register of Electors is kept by a local administration authority and an executive authority of a local self-government unit is in charge of its accuracy and up-datedness.

### Article 4

The Registers of Electors are worked out in units of local self-government by polling stations and they are unified into the unique Register of Electors (Central) kept by a competent state administrative agency.

Keeping Central Register of Electors includes: analysis of the Registers of Electors, establishing eventual drawbacks and informing competent authorities as well as undertaking technical and other actions for the purpose of accuracy and up-dateness of the Registers of Electors.

The Registers of Electors under Article 3 of this Law and Para. 1 of this Article, are worked out by computer data processing according to unique program made by a competent state administrative agency.

The Ministry in charge of administrative work shall prescribe contents and method of using a unique program of computer data processing.

A Head of a competent state administrative agency is in charge of keeping Central Register of Electors.

### Article 5

All citizens shall be entered into the Register of Electors having electoral rights or they are to acquire electoral rights on the Election Day by their residence.

Citizens residing abroad shall be also entered into the Register of Electors by their ultimate residence before they have left abroad.

Citizens serving military obligations or military training as well as citizens detained or serving a sentence shall be entered into the Register of Electors by their ultimate residence.

Persons having been deprived of working ability by a court's in effect decision may not be entered into the Register of Electors. Should these persons have been entered into the Register of Electors they shall be deleted and after they have regained working ability by a court's in effect decision, they shall be entered again into the Register of Electors.

### Article 6

Entering into, deletion from, modification of, amendment to or correction of Register of Electors is carried out ex officio at the elector's request that he submits for himself or for another person as well as at the request of a parliamentary party respectively a submitter of verified electoral list or other legal entity having legal interest in accordance with law and if related reasons are prescribed by law.

Entering into, deletion from, modification of, amendment to or correction of Register of Electors is carried out on basis of data in the Registers, other official records and public documents, indirect examination as well as on basis of data and public documents attached to the request of the submitters under Para. 1 of this Article.

The authorities in charge of keeping official records on citizens shall submit data affecting accuracy and up-dateness of the Registers of Electors to the authorities in charge of keeping the Registers of Electors within seven days of a day on which the modifications are made.

A submitter of a request under Para. 1 of this Article shall be held responsible for genuineness of data attached to the request.

### Article 7

Into the Register of Electors shall be entered a unique ordinal number of registration in the Register of Electors (order), name and surname, date and place of birth, citizenship, address, date of the last statement of permanent residence and personal identification number of an elector.

Exceptionally, if an elector has no personal identification number, the number of his ID shall be entered instead and if a date of the last statement of permanent residence of an elector can not be established, a date of ID's issuance shall be entered.

Persons exercising electoral rights on the Election Day and if a date of the last statement of permanent residence can not be established in the manner prescribed under Para. 2 of this Article, a date of the last statement of permanent residence of one of the parents or a guardian.

The Ministry in charge of administrative work shall closely set a method of keeping, correcting, submitting, concluding, locking, transcribing and presenting the Register of Electors and other matters required for complete, accurate and up-date keeping of the Registers of Electors.

#### Article 8

Within three days of the day of setting the elections, an authority in charge of keeping the Register of Electors shall announce the Register of Electors and inform the citizens that they may have an inspection of the Register of Electors, seek entering into, deletion from, modification of, amendment to or correction of Register of Electors.

Announcement under Para. 1 of this Article shall be made through a public notice, media or in other manner if required.

#### Article 9

An authority in charge of keeping the Central Register of Electors shall, within 48 hours of the day of setting the elections, announce in public in a daily newspaper "Pobjeda" numerical and tabular review of data on modifications made in the Register of Electors as a whole and by local self-government units in relation with a Register of Electors according to which previous elections were held.

An authority in charge of keeping the Central Register of Electors shall announce data under Para. 1 of this Article in public within 48 hours of a day of conclusion of the Register of Electors under Article 12 of this Law as well as within 48 hours of a day of final conclusion of the Register of Electors under Article 13 of this Law.

An authority in charge of keeping the Central Register of Electors shall submit all data on electors to which modifications under Paras. 1 and 2 are related to, to a parliamentary party or a submitter of a verified electoral list at their request and on condition that a request is submitted not later than 48 hours of a day of public announcement.

The Ministry in charge of administrative work shall prescribe contents of numerical tabular review of data under Para. 1 of this Article.

#### Article 10

A request for entering into, deletion from, modification of, amendment to or correction of Register of Electors shall be submitted to an authority in charge of keeping the Register of Electors. Required evidence is to be attached to the request.

A competent authority shall render a Decision upon the request under Para. 1 of this Article within 48 hours of the day of receipt of the request. The Decision shall forthwith be forwarded to a submitter of a request and to a person to which a modification in the Register of Electors is related.

A complaint against the Decision under Para. 2 of this Article may be lodged to the Supreme Court of the Republic of Montenegro (hereinafter: Court) within 48 hours upon a receipt of the request.

A complaint shall be lodged to the authority which has rendered the Decision and which shall submit a complaint and other required documents within 24 hours upon a receipt of the complaint.

The Court shall decide upon the complaint within 24 hours upon receipt of the complaint in the administrative lawsuit.

The Court's decision is in effect and enforceable.

#### Article 11

Entering into, deletion from, modification of, amendment to or correction of Register of Electors ex officio are carried out in accordance with a decision rendered by a competent authority.

Related provisions under Article 10 of this Law are applied to a procedure of decision delivery, lodging a complaint and decision-making upon a complaint.

#### Article 12

The Register of Electors shall be concluded not later than 25 days prior an Election Day. A competent authority shall render a decision on conclusion of the Register of Electors necessarily containing total number of citizens entered into the Register of Electors and a date of conclusion of the Register of Electors.

A decision on conclusion of the Register of Electors shall be submitted to the Municipal Election Commission not later than 24 hours upon rendering a decision.

The Municipal Election Commission shall submit data on total number of electors in a local self-government unit to the Republican Election Commission within 24 hours upon a receipt of a decision.

The Republican Election Commission shall announce in public a number of electors as a whole and by local self-government units and by polling stations within 24 hours upon a receipt of data.

#### Article 13

After the Register of Electors have been concluded, entering into, deletion from, modification of, amendment to or correction may be carried out only in accordance with a Court's decision in the administrative lawsuit not later than 10 days prior to the set election date.

The Republican Election Commission shall announce total number of the electors as a whole, by by local self-government units and by polling stations within 48 of the expiration of a period of time under Para. 1 of this Article.

#### Article 14

An authority in charge of keeping the Register of Electors shall draw up a verified extract from the Register of Electors for each polling station. An extract shall be submitted to the Municipal Election Commission and to a submitter of a verified electoral list within 24 hours upon the announcement of the Register of Electors under Article 13 Para. 2 of this Law.

An extract from the Register of Electors, except data under Article 7 Para. 1 of this Law, shall include: name of an authority having drawn up an extract, date of drawing up and a mark of a polling station which an extract has been drawn up for.

#### Article 15

An authority in charge of keeping the Central Register of Electors shall submit the Register of Electors being computer processed in proper media, with data contained in an extract from the Register of Electors to a parliamentary party or a submitter of a verified electoral list, at their request, according to Article 7 of this Law and within 48 hours of a day of receipt of the request and shall enable access in the computer to particularly protected and separated data base of the Central Register of Electors.

An integral part of the Register of Electors computer processes in proper media is a program solution for monitoring modifications on the electors.

An authority under Para. 1 of this Article, shall enable a parliamentary party or or a submitter of a verified electoral list, at their request, an access in the computer to particularly protected and separated data base of the Central Register of Electors in a period from a day of setting the elections until a day of final conclusion of the Register of Electors under Article 13 of this Law.

An authority in charge of keeping the Central Register of Electors shall carry out updating of the Central Register of Electors under Para. 3 of this Article once a day, and shall not be held responsible for eventual modifications in particularly protected and separated database in the computer.

Provisions under Paras. 3 and 4 shall not refer to main database of the Central Register of Electors.

#### Article 16

State authorities, local government authorities, public institutions and other authorities, shall issue public documents essential for exercising electoral rights immediately at the request of an elector and not later than a following day of a day of submitting a request.

#### Article 17

A competent state authority and a local government authority shall enable the authorized representatives of parliamentary parties and submitters of verified electoral lists, an inspection of the Register of Electors of a local self-government unit and of the Central Register of Electors as well as an inspection of the official documentation according to which an authority in charge of keeping the Register of Electors shall carry out entering into, deletion from, modification of, amendment to or correction of Register of Electors.

The Ministry of Internal Affairs and local government authorities shall enable the authorized representatives of parliamentary parties and submitters of verified electoral lists, an inspection of the official documentation according to which modification of the Register of Electors shall be carried out (documentation; citizens' IDs, statements of

permanent residence and changes of permanent residence; citizen's personal identification number, working ability, birth, marriage, death registry, etc.).

The inspection is carried out in the offices of an authority keeping the official documentation.

#### Article 18

The Ministry of Internal Affairs and local government authorities keeping related official records on citizens shall submit data affecting accuracy and up-dateness of the Registers of Electors to parliamentary parties and submitters of verified electoral lists at their request within 48 hours upon the receipt of request.

#### Article 19

The Ministry in charge of administrative work shall supervise implementation of the regulations related to keeping the Registers of Electors.

After the Ministry in charge of administrative work have established that the Register of Electors has not been kept in the manner prescribed by law and regulations passed in accordance with law, shall award to a competent authority to remove all ascertained irregularities.

Upon the petition of the electors, parliamentary parties and submitters of verified electoral lists, the Ministry in charge of administrative work shall carry out control within 24 hours of a day of receipt of the petition.

The Ministry in charge of administrative work shall submit a copy of a Record on inspection and a document awarding a competent authority to undertake certain measures and actions to a submitter of the petition within 48 hours of a day on which the inspection is carried out.

#### Article 20

The Parliament of the Republic of Montenegro and Assembly of a local self-government unit may form the Commission for the supervision of the implementation of this Law.

The commission membership shall be in proportion to the number of representatives, i.e. the party's councilors at the Republican Parliament, or at the local self-government assembly.

The members of the commission referred to in Item 1 of this Article shall be proposed by the parties having seats at the Republican Parliament, or the councilors at the local self-government assembly.

#### Article 21

Any person committing any of the following acts shall be sentenced for the criminal act to imprisonment of 1 year:

- 1) Providing without authority, data on a person being collected, processed and used for the purpose of keeping the Register of Electors, or using them for some other purposes;
- 2) Giving false information about permanent residence and electoral rights for himself or for other person;
- 3) Deleting, modifying, damaging, concealing without authority or in some other manner rendering computer data of the Register of Electors or a program of the Register of Electors unusable;
- 4) Gaining access without authority to the computer or computer network of the Register of Electors by breaking measures of protection.

#### Article 22

For the following offences shall be fined at least five-fold amount of a minimum wage in the Republic:

- 1) A person in charge of keeping the Registers of Electors if not have provided their accuracy and up-datedness;
- 2) An executive authority in a local self-government unit and a responsible person of a local government authority if not have carried out control of the accuracy and up-datedness of the Registers of Electors;
- 3) A responsible person in the Ministry in charge of administrative work if not have passed regulations under Articles 4, 7 and 9 of this Law and if not have carried out control under Article 18 Para. 2 of this Law;
- 4) A responsible person of an authority not have submitted beforehand data under Article 6 Para. 4 of this Law;
- 5) A responsible person in the authority in charge of keeping the Register of Electors not have made available an inspection of the Register of the Electors to a citizen;
- 6) A person have carried out entering into, deletion from, modification of, amendment to the Register of Electors without a decision of a competent authority;

7) A responsible person in an authority in charge of keeping the Central Register of Electors if not have announced in public and not have submitted data under Article 9 of this Law to a parliamentary party and to a submitter of a verified electoral list;

8) A responsible person in a state authority, local government authority, public institution or other authority not have issued to an elector at his request, a public document required for exercising his electoral rights within a period of time prescribed in Article 16 of this Law;

9) A responsible person in a competent state authority or local government authority not have made available an inspection under Article 17 of this Law to the authorized representatives of political parties and submitters of verified electoral lists, respectively if not have submitted data under Article 18 of this Law, at their request;

10) A responsible person in an authority in charge of keeping the Central Register of Electors not have complied with a request of a parliamentary party or a submitter of a verified electoral list under Article 15 of this Law;

11) A responsible person in an authority in charge of keeping the Register of Electors not have submitted a copy of a verified extract from the Register of Electors for each polling station to a submitter of a verified electoral list, at his request.

#### Article 23

The Ministry in charge of administrative work shall pass regulations under Article 4 Para. 4, Article 7 Para. 4 and Article 9 Para. 4, within 15 days of a day of coming into effect of this Law.

A competent local government authority and a competent state authority shall bring into line the Registers of Electors with provisions of this Law within 30 days of a day of coming into force of this Law.

#### Article 24

An authority in charge of keeping the Register of Electors shall announce in public a list of persons entered into the Register of Electors without a citizen's personal identification number or a number of ID within 15 days of a day of coming into force of this Law.

A person under Para. 1 of this Article shall submit to an authority in charge of keeping the Register of Electors, data on citizen's personal identification number and number of ID within 30 days of a day of public announcement of the Register under Para. 1 of this Article.

An authority in charge of keeping the Register of Electors shall delete from the Register of Electors a person not have submitted data within the period under Para. 2 of this Article by virtue of Law.

A person have been deleted from the Register of Electors in accordance with Para. 2 of this Article, may request reentering under condition and in the manner prescribed by law.

#### Article 25

An authority in charge of keeping the Register of Electors shall bring into line the register of Electors in terms of entering data on citizenship with Article 7 of the Law within one week of a day of coming into force of this Law.

Entering data under Para. 1 of this Law is not related to the Register of Electors for the elections to be held within one year of a day of coming into force of this Law.

#### Article 25 (a)

The data referred to in Article 9, Paras 1 and 3 of this Law, for the called local elections in Podgorica and Herceg Novi shall be publicized by the body in charge of keeping the Central Register of Electors, and forwarded to the parliamentary party at its request within 72 (seventy-two) hours following the date the regulations referred to in Article 9, Para 4 of this Law were adopted.

The rule referred to in Article 9, Para 4 of this Law, for the called local elections in Podgorica and Herceg Novi, is to be passed by the ministry in charge of administration procedures within 72 (seventy-two) hours following the date of this Law coming to effect.

#### Article 26

The Law on Registers of Electors, "Official Gazette of the Republic of Montenegro", No. 4/98 shall cease to be in effect by a day of coming into force of this Law.

#### Article 27

This Law shall come into force by a day of its publishing in the "Official Gazette" of the Republic of Montenegro.