LAW ON REGISTERS OF ELECTORS

Article 1

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

The registration into the Register of Electors is the condition for obtaining the suffrage.

Article 2

The Register of Electors shall be maintained ex officio. The Register of Electors is unique, consistent and is regularly updated, particularly after calling for the elections.

Article 3

The Register of Electors shall be maintained for a territory of the local self-government unit. The elector may be registered into the Register of Electors only once, in one local self-government unit and at a single polling station.

The Register of Electors shall be maintained by the local administration authority and an executive authority of a local self-government unit shall be in charge of its accuracy and up-datedness.

Article 4

The Registers of Electors from Article 3, Paragraph 1 of this Law shall be consolidated into the unique Register of Electors (Central) that shall be maintained by the competent state administration body.

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

The head of administrative body in charge shall be responsible of maintaining of the Central Register of Electors.

Article 5

The Registers of Electors from Article 3 and 4 of this Law shall be maintained by implementing computer processing of the data, according to the unique programme created by the competent state administration body.

The content and manner of operating the unique programme for computer processing of the data, maintaining, correcting, concluding, copying and presenting the register of electors, as well as other issues of importance for complete, accurate and up-dated maintenance of the Register of Electors shall be determined by the ministry in charge of the administrative affairs.
Article 6

The registration into the Register of Electors shall be enabled to a citizen with the voting right or a citizen who shall obtain the voting right on the day of elections (hereafter: the elector) according to the permanent residence.

The elector who is in military service, participating in the military exercise, custody or serving prison sentence shall be registered into the Register of Electors according to the last permanent residence.

The elector who has been deprived of business capacity shall not be registered into the Register of Electors and shall be removed from it if he/she is already registered.

Article 7

The change in the Register of Electors (entry, deletion, change, amendments or corrections) shall be done ex officio or upon the request of the elector.

In an event that the elector is the submitter of the request for change in the Register of Electors, he/she has to submit the evidence of deletion from the Register of Electors of the municipality he/she has de-registered from.

The change in the Register of Electors shall be done according to the data from birth registries, other official registries and public documents, i.e. data or identification documents submitted by the submitter of the request from the Paragraph 1 of this Article.

The bodies in charge of maintaining of the official registries on permanent residents shall be obliged to deliver the data that affect the accuracy and up-datedness of maintenance of the Register of Electors to the bodies in charge of maintaining of the Registers of Electors within the seven days from the day when the change has occurred.

Article 8

The elector shall be registered into the Register of Electors under the ordinal number of the record by which the registration into the Register of Electors has been done, name and surname, date and place of birth, citizenship, gender, address, date of registration of last permanent residence and PIN of the elector.

Extraordinary, if the elector has not been assigned with the PIN, the register number of his/her ID card shall be notified and if the date of registration of elector’s last permanent residence cannot be determined, the date of issuing of the ID card shall be notified.

The date of the registration of the last permanent residence of one of the parents or guardian shall be notified for the persons who shall obtain the voting right on the Election Day in the event that the date of the registration of the last permanent residence cannot be established in a manner determined in Paragraph 2 of this Article.
Article 9

The body in charge of maintaining of the Register of Electors shall be obliged to announce the Register of Electors, via media, within the three days from the day of calling for the elections, with notification of possibility of viewing and making the modifications.

Art 10

The body in charge of maintaining of the Central Register of Electors shall, within the 48 hours of the day of calling for 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 to the Register of Electors based on which the previous elections were held, with the condition that the review has to contain also the data on persons who have lost voting right because of: death, revoking of the citizenship or business capacity, as well as persons who have changed the permanent residence – address.

The body in charge of maintaining of the Central Register of Electors shall make the data from Paragraph 1 of this Article public within the 48 hours from the day of conclusion of the Register of Electors from the Article 12 of this Law, as well as within the 48 hours from the day of final conclusion of the Register of Electors from the Article 13 of this Law.

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

The ministry in charge of administrative affairs shall prescribe contents of numerical tabular review of data from Para. 1 of this Article.

Article 11

The request to make an entry, delete, modify, amend or correct the Register of Electors shall be submitted to the authority in charge of maintaining of the Register of Electors.

The body in charge shall render a decision upon the request under Para 1 of this Article within the 48 hours of the day of receipt of the request.

A complaint against the decision under Para 2 of this Article may be lodged to the main administrator within the 48 hours upon a receipt of the request.

The main administrator shall render the decision upon the appeal from the Paragraph 3 of this Article within the 48 hours.

Against the decision from the Paragraph 4 of this Article the administrative lawsuit can be initiated within the 48 hours from the hour of reception.
The court shall decide in the administrative proceedings within the 24 hours from the hour of reception of the appeal.

**Article 12**

The Register of Electors shall be concluded not later than 25 days prior to the Election Day, upon the decision necessarily containing the total number of electors registered into the Register of Electors, as well as the date of conclusion of the Register of Electors.

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

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

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

**Article 13**

After the Register of Electors has been concluded, the changes may be carried out only based on the decision of the main administrator, i.e. the Court in administrative proceedings, ten days prior to the Election Day at latest.

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

**Article 14**

Upon the expiration of the deadline from Article 13 Paragraph 2 of this Law, the authority in charge of maintaining of the Register of Electors shall draw up a verified extract from the Register of Electors for each polling station and shall submit it to the Municipal Election Commission and to the submitter of a verified electoral list.

Apart the data from the article 8 Paragraph 1 of this Law, the extract from the Register of Electors shall include: the name of the authority having drawn up an extract, date of drawing up and a mark of a polling station for which an extract has been drawn up.

**Article 15**

Upon their request, the authority in charge of maintaining of the Central Register of Electors shall be obliged to submit to the parliamentary party or submitter of the verified electoral list the computer\(^1\) processed Register of Electors in proper media,

\(^1\) Electronically
with the data from an extract from the Register of Electors within the 48 hours from the day of receipt of the request and shall enable the access to the specially protected and separated data base of the Central Register of Electors via computer connection.

The integral part of the computer processed Register of Electors is a program solution for monitoring of the modifications on the electors.

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

The authority in charge of maintaining of the Central Register of Electors shall update the Central Register of Electors under Para. 3 of this Article daily, and shall not be held responsible for unauthorised modifications in specially protected and separated database with which the computer connection has been established.

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

Article 16

The authorities in charge shall be obliged to issue public documents necessary for exercising electoral rights not later than the day following the day of submission of the request.

The deadline from the Paragraph 1 of this Article shall refer to the requests that shall be submitted from the day of announcement of the Register of Electors until the Election Day.

Article 17

The competent state authority and a local government authority shall enable the authorized representative of parliamentary party and verified electoral list, a view into the Register of Electors, as well as a view into the official documentation based on which the change in Register of Electors is being made (documentation: citizenships, permanent residents’ ID cards, registration and de-registration of the place of permanent residence, PIN, business capacity, registries of birth, married and deceased.

The view shall be enabled in official premises of the authority in the possession of the official documentation.

Article 18

Upon the request, the body in charge shall deliver the data influencing the accuracy and up-datedness of maintaining of the Register of Electors to the parliamentary party and submitter of the verified electoral list within the 48 hours from the hour of reception of the request.
**Article 19**

The inspection over the implementation of the regulations setting up the maintaining of the Register of Electors shall be conducted by the ministry in charge of the administrative affairs.

Upon the application from the elector, parliamentary party or submitter of the verified electoral list, the ministry in charge of administrative affairs shall conduct the inspection within the 24 hours from the reception of application.

The ministry in charge of the administrative affairs shall deliver a copy of the minutes of conducted inspection and a copy of the act that orders the body in charge to conduct specific measures and actions to the submitter of the application within the 48 hours from the day of inspection.

**Article 20**

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

The number of the members of the commission shall be in proportion to the number of representatives, i.e. councillors belonging to a particular party.

**Article 21**

A prison sentence of up to one year shall be imposed to a person committing a criminal act of:

1) Unauthorised obtaining or misuse of one’s personal data that are collected, processed and used for the purposes of the Register of Electors;

2) Providing false information on permanent residence and electoral rights for himself/herself or other person;

3) Unauthorised deleting, modifying, damaging, concealing or in some other manner rendering computer data in the Register of Electors or computer programme of the Register of Electors unusable;

4) Unauthorised access to the computer or computer network of the Register of Electors by breaking measures of protection.

**Article 22**

For committing a following misdemeanour, the fine of at least five-fold minimum wage in Montenegro shall be imposed to:

1) The person in charge of maintaining of the Registers of Electors if he/she has not provided its accuracy and up-datedness;
2) The executive authority in a local self-government unit and the competent person in the local government authority if the control of the accuracy and updatedness of the Registers of Electors has not been carried out;

3) The competent person in the body in charge of the Register of Electors if Montenegrin citizen has not been provided a view into the Register of electors

4) The person who undertakes the entry, deletion, modification or amendment in the Register of Electors apart from the decision of the body in charge

5) The competent person in the body in charge of the maintaining of the Register of Electors if he/she does not deliver the data from Article 14 of this Law to the parliamentary party or submitter of the verified electoral list;

Article 23

The Ministry in charge of administrative affairs shall pass the regulations for implementation of this law within the 15 days from the day of coming into effect.

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

Article 24

The body in charge shall preserve the concluded Register of Electors at least five years from the day of conclusion.

Article 25

By this Law coming into force the Law on Register of Electors ("Official Gazette of Republic of Montenegro", no. 14/00 and 18/00) shall cease to be in force.

Article 26

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

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Podgorica, June 19 2008