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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

SERBIA

LAW

ON THE UNIFIED ELECTORAL ROLL

LAW ON THE UNIFIED ELECTORAL ROLL¹**I General provisions****Unified Electoral Roll****Article 1**

(1) The unified electoral roll (hereinafter referred to as: the electoral roll) is a public unified register of all citizens of the Republic of Serbia having the right to vote.

(2) The electoral roll shall be permanently and regularly updated.

(3) Registration on the electoral roll is a precondition for the exercise of the right to vote.

(4) A voter may be registered in the electoral roll only once.

(5) The electoral roll shall be maintained ex officio.

Bodies in charge of keeping and updating the Electoral Roll**Article 2**

(1) The electoral roll shall be maintained by the ministry competent for public administration.

(2) Maintenance of the electoral roll by the ministry competent for public administration shall include: analysis of the data contained in the electoral roll and taking of measures to ensure their mutual harmonization and accuracy, entry of changes in the electoral roll (entry, deletion, addition, modification or corrections) after the electoral roll closure, and performance of other tasks pursuant to this Law.

(3) A part of the electoral roll for the territory of the unit of self-government shall be updated by the municipal/ town administration as an assigned task.

(4) Updating of a part of the electoral roll for the territory of the unit of self-government, which is performed by the municipal/town administration shall include entry of changes in the electoral roll (entry, deletion, addition, modification or correction) ex officio or upon a citizen's request until the deadline set for the electoral roll closure, and other tasks pursuant to this Law.

Methods of maintaining and updating the Electoral Roll**Article 3**

(1) The electoral roll shall be maintained as an electronic database and shall be updated according to the uniform methodology of the ministry competent for public administration.

(2) The contents of the electoral roll and the manner in which it shall be used, maintained, corrected and closed, as well as the way in which the parts of the electoral roll for the territory of the local self-government unit shall be publicized, and other issues of relevance for a complete and accurate maintenance of the electoral roll shall be prescribed by the relevant minister competent for public administration.

¹ "RS Official Gazette", No. 104/09 and 99/11.

II PROCEDURE FOR KEEPING THE ELECTORAL ROLL

1. Entry in the Electoral Roll

2.

Persons to be entered in the Electoral Roll

Article 4

Persons having the right to vote and after the date of the adoption of the Decision on calling the elections persons who gain the right to vote on the date of elections at the latest, shall be registered in the electoral roll.

Competence for voter entry in the Electoral Roll

Article 5

(1) A voter who has not been entered in the electoral roll shall be registered in the electoral roll by the municipal/town administration up to the deadline set for its closure, and after the electoral roll closure until 72 hours before the polling day, by the ministry competent for public administration.

(2) A voter residing temporarily abroad, who directly files the request to be registered in the electoral roll with the municipal or town administration or through the diplomatic-consular mission of the Republic of Serbia abroad, shall be entered in the electoral roll by the municipal or town administration pursuant to his/her permanent place of residence in the country.

Territorial jurisdiction for registration of voters in the Electoral Roll

Article 6

(1) A voter shall be entered in the electoral roll according to his/her permanent residence; provided, however, that at the voter's request his/her temporary residence in the country may also be entered in the electoral roll, pursuant to this Law.

(2) A voter temporarily residing abroad shall be registered in the electoral roll according to his/her last permanent place of residence prior to leaving the country, namely, the last place of residence of one of his/her parents; provided, however, that entry shall also be made of his/her temporary place of residence abroad.

(3) An internally displaced person shall be registered in the electoral roll according to the place where he/she is registered as an internally displaced person.

Voter related data to be entered in the Electoral Roll

Article 7

(1) The following data shall be entered in the electoral roll: voter's name and surname, name of one of voter's parents, voter's unique master citizen 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/her permanent residence, foreign country in which he/she has temporary residence, place of voter's temporary residence and address abroad, and the temporary place of residence for internally displaced persons.

(2) The name and surname of a voter belonging to a national minority shall be entered in two ways: first, in the Cyrillic script and according to orthography of the Serbian language and then in the script and according to orthography of the the language of the member of the national minority.

(3) The electoral roll shall include the fact that in the forthcoming elections the voter shall vote according to his/her place of residence in the country, i.e. the place of temporary residence abroad. Apart from the data that in forthcoming elections the voter shall vote according to his/her permanent residence in the country, the place and address of his/her residence in the country, as well as the local self-government unit in which he/she has the place of residence shall be entered in the electoral roll.

(4) The data referred to in paragraph 3 of this Article shall be registered starting from the day following the day when the elections were called and finalizing no later than five days prior to the electoral roll closure.

(5) Once the elections are over, the data referred to in paragraph 3 of this Article shall be deleted ex officio from the electoral roll within 30 days from the day elections were held.

(6) In the case where the fact that in the forthcoming elections a voter shall vote according to his/her temporary place of residence in the country/abroad is not entered into the electoral roll five days prior to the electoral roll closure, the voter may cast his/her vote only according to his/her permanent residence.

Separate records of polling places

Article 8

(1) A separate register of polling places shall be maintained together with the electoral roll and it shall include the number, address, description and the polling place location.

(2) Detailed rules on the manner in which the separate records referred to in paragraph 1 of this Article are maintained and on the content thereof shall be prescribed by the minister competent for public administration.

2. Changes in the Electoral Roll

Decision on changes in the Electoral Roll

Article 9

(1) All changes in the electoral roll have to be based upon a relevant decision: decision on the registration of voters in the electoral roll, decision on deletion of voters from the electoral roll, or decision on change, addition or correction of a particular fact relating to voter.

(2) The decision on the change in the electoral roll shall be made ex officio or upon the citizen's request based on the data contained in birth/death/marriage registers, other official records and public documents. The records of such decisions shall be kept pursuant to the rules of office procedures.

Competence for making decisions on changes in the Electoral Roll

Entry of changes

Article 10

(1) Municipal/town administration shall adopt decisions based on which the changes in the electoral roll shall be made, while between the electoral roll closure and up to 72 hours prior to the election date such decisions shall be made by the ministry competent for public administration.

(2) The decision on the change to be entered in the electoral roll, which relates to a voter having a temporary place of residence abroad and who files the request for the change in the electoral roll directly with the municipal/town administration or through the diplomatic-consular mission of the Republic of Serbia abroad, shall be made by the municipal/town administration according to the place of his /her permanent place of residence in the country.

(3) The decisions referred to in paragraph 1 of this Article, as well as the decisions from paragraph 2 of this Article relating to internally displaced persons, shall be made by the municipal/town administration according to the place in which they are registered as internally displaced persons.

(4) The decision on the change in the electoral roll shall be enforced ex officio by the body adopting the decision concerned.

Ex officio changes in the Electoral Roll

Article 11

(1) The body which keeps official records of citizens shall be obliged to submit any data relevant for the completeness, accuracy and timely maintenance of the electoral roll within, no later than three days, as from the date the change occurred, to the body competent for making decisions on the change in the electoral roll.

(2) The ministry competent for internal affairs shall within the deadline referred to in paragraph 1 of this Article submit in electronic form to the ministry competent for public administration the data from official records of citizens' permanent and temporary places of residence upon which the changes in the electoral roll are based.

(3) The ministry competent for public administration shall promptly forward the data referred to in paragraph 2 of this Article to the relevant municipal/town administration, or within no later than three days as of the day of receipt thereof.

(4) As of the day when elections are called and up to 72 hours prior to the polling day the bodies referred to in paragraphs 1 and 2 of this Article shall submit promptly all data referred to in paragraphs 1 and 2 of this Article, or no later than one day after the date the changes occurred.

(5) A more specific mode for exchange of data referred to in paragraphs 1 to 4 of this Article shall be prescribed by the minister competent for administration.

Changes in the Electoral Roll upon citizens' request

Article 12

(1) Every citizen may file a request for a change in the electoral roll with the municipal/town administration or the ministry competent for public administration when it is competent to enter the change in the electoral roll, if he/she or another citizen is not entered into the electoral roll, or if he/she is registered but does not have the right to vote or does not have the right to vote in the territory of the unit of self-government in which he/she is registered in the electoral roll, or if some of the data have not been entered correctly in the electoral roll .

(2) The competent body shall decide on the request for the change in the electoral roll within 48 hours upon the receipt of the request.

3. Right of appeal and right of action

Article 13

(1) The applicant may lodge an appeal against the decision of the municipal/town administration with the ministry competent for public administration within 24 hours after the decision has been received.

(2) The ministry competent for administration shall adopt the decision on the appeal referred to in paragraph 1 of this Article within 48 hours.

(3) An action may be filed with the Administrative Court against the decision adopted in the first instance by the ministry competent for administration if it is competent for changes in the electoral roll or against the decision adopted on the appeal, within 24 hours from the date of the receipt of the decision.

(4) The Administrative Court shall decide on the action within 48 hours.

(5) The decision of the Administrative Court shall be final and enforceable and no motion for extraordinary re-examination of the court's decision or for re-opening of the proceedings shall be allowed.

4. Publicizing parts of the Electoral Roll for the territory of the local Self-government unit

Article 14

(1) One day following the day elections are called, the municipal/town administration in charge of updating the electoral roll for the territory of the local self-government unit shall make public for perusal by citizens the part of the electoral roll for the territory of the local self-government unit, which shall be announced through the mass media and, if necessary, in other ways, and shall inform the citizens that up to the electoral roll closure they may demand from the municipal/town administration to adopt decisions on the basis of which changes in the electoral roll can be made.

(2) The manner of publicizing part of the electoral roll for the territory of the local self-government unit shall be prescribed more specifically by the minister competent for public administration.

Request for entry in the Electoral Roll that a voter shall vote in the country according to the place of temporary residence

Article 15

One day following the day the elections are called, the municipal/town administration in charge of updating the electoral roll for the territory of the local self-government unit, shall inform the citizens that they may file the request for entry in the electoral roll with the relevant municipal/town administration, no later than five days before the closure thereof, that in the forthcoming elections a voter shall vote according to the place of temporary residence in the country.

Request for entry in the Electoral Roll that a voter shall vote abroad, and of the request for receiving information on voter's personal data entered in the Electoral Roll

Article 16

(1) One day following the day elections are called, diplomatic-consular missions of the Republic of Serbia shall inform the voters with temporary place of residence abroad that they can, through the diplomatic-consular missions of the Republic of Serbia, and no later than five days prior to the electoral roll closure, file request for entry in the electoral roll of the fact that in the forthcoming elections he/she will vote abroad.

(2) The ministry competent for administration shall be obligated to post this fact on the website of the ministry immediately after the calling of the elections.

(3) Municipal/town administration shall decide on the request referred to in paragraph 1 of this Article according to the voter's permanent place of residence in the country.

(4) Through the diplomatic-consular mission of the Republic of Serbia the voter with a temporary place of residence abroad can file with the municipal/town administration a request to obtain information that concern him/her which has been entered in the electoral roll.

(5) The information referred to in paragraph 4 of this Article may be provided by phone, fax or e-mail.

Electoral roll closure

Total number of voters

Article 17

(1) The ministry competent for public administration shall close the electoral roll 15 days prior to the election date with a decision and shall in its decision determine the total number of voters in the Republic of Serbia, in each local self-government unit, and at each polling place.

(2) The decision on the electoral roll closure shall be forwarded to the Republic Electoral Commission no later than 24 hours from its adoption.

Announcement of the total number of voters

Article 18

The Republic Electoral Commission shall announce the total number of voters in the Official Gazette of the Republic of Serbia immediately upon receiving the information about the total number of voters.

III EXCERPTS FROM THE ELECTORAL ROLL

Preparation and submission of excerpts from the Electoral Roll

Article 19

(1) The ministry competent for public administration shall prepare and verify printed excerpts from the electoral roll classified by local self-government units and polling places in the country and abroad, and forward them to the Republic Electoral Commission within 48 hours after passing the decision on the electoral roll closure.

(2) Excerpts from the electoral roll for each polling place shall contain all data about the voters entered in the electoral roll, and the space for the voters' personal signatures.

(3) A voter casting the vote according to his/her temporary place of residence in the country/abroad shall not be registered in the excerpt from the electoral roll according to the permanent place of residence.

(4) If several simultaneous election processes are taking place, excerpts from the electoral roll shall be prepared in a number of copies corresponding to the number of ballot papers to be cast.

(5) Voters who are serving their national military service, on temporary military duty or undergoing education in units or institutions of the Army of Serbia, or voters in detention or serving a sanction in a correctional facility, shall be entered in separate excerpts from the electoral roll.

(6) The ministries competent for defence and justice shall submit to the ministry competent for public administration the data necessary for the preparation of separate excerpts from the electoral roll referred to in paragraph 5 of this Article no later than three days prior to the electoral roll closure.

Final number of voters

Article 20

(1) The ministry competent for public administration shall forward to the Republic Electoral Commission all decisions on the changes in the electoral roll, which it had passed between the electoral roll closure and up to 72 hours prior to the date of elections.

(2) The Republic Electoral Commission shall only take into account the decisions of the ministry competent for public administration it had received at least 48 hours prior to the election date, and on the basis thereof shall enter the changes in the excerpts from the electoral roll or into separate excerpts from the electoral roll, and shall immediately thereafter establish and publish 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 at each polling place.

IV SPECIAL RIGHTS OF PARTICIPANTS IN ELECTIONS

Right to perusal and to filing request for change in the Electoral Roll

Article 21

Once the electoral list is proclaimed, the right to perusal and to filing the request for changes in the electoral roll shall also be enjoyed by the submitter of the electoral list or the person authorized by him/her, according to the procedure identical to the one applicable to the exercise of this right by citizens. The powers-of-attorney and the necessary evidence shall also be submitted with the requests.

V SUPERVISION

Article 22

(1) The ministry competent for public administration shall supervise through administrative inspection the updating of the electoral roll and performance of other tasks assigned to municipal/town administrations pursuant to this Law.

(2) The ministry competent for public administration shall in this regard have all general and special powers, which pursuant to the Law on Public Administration belong to the state administration body when supervising the performance of the holders of public powers.

VI APPLICATION OF THIS LAW TO PRESIDENTIAL AND PROVINCIAL/LOCAL ELECTIONS

Application of this law to elections for the President of the Republic

Article 23

(1) The provisions of this Law shall also apply to elections for the President of the Republic.

(2) Between the voting and repeated voting in elections for the President of the Republic, citizens may demand from the ministry competent for public administration to pass the decision on the changes in the electoral roll.

(3) The Republic Electoral Commission shall only take into account the decisions it had received not later than 48 hours prior to the repeated voting, and on the basis thereof shall enter the changes in the excerpts from the electoral roll and separate excerpts from the electoral roll.

Application of this law to provincial or local elections

Article 24

(1) The ministry competent for public administration shall close the part of the electoral roll for the territory of the local self-government unit for which elections had been called, i.e. the parts of the electoral roll for the territories of the local self-government units in the territory of the autonomous province if provincial elections had been called, pursuant to the law.

(2) The ministry competent for public administration shall submit verified printed excerpts to the relevant electoral commissions, pursuant to the law.

(3) The provisions of this Law shall accordingly apply to elections for the bodies of autonomous provinces and units of local self-government, as well as to expression of citizens' will in the referendum.

VII PUNITIVE PROVISIONS

Article 25

A fine from RSD 25,000 to RSD 250,000 shall be imposed on the responsible person in the competent body updating the electoral roll if he/she shall fail to ensure accuracy and update thereof.

VIII TRANSITIONAL AND FINAL PROVISIONS

Verification of data in the existing Electoral Rolls in the procedure of their consolidation into Electoral Roll maintained pursuant to this Law

Article 26

(1) Within the procedure of consolidating existing electoral rolls into the electoral roll to be maintained pursuant to this Law, accuracy of data entered in the existing electoral roll can be checked.

(2) Municipal/town administrations can, ex officio or upon request of the ministry competent for public administration, call on the voter to submit data proving the completeness and accuracy of his/her entry in the electoral roll to the municipal/town administration, within a period not shorter than seven days from the date he/she has received the call, if it is assessed that there is a need to check the completeness and accuracy of registered data.

(3) The bodies keeping the official records on the basis of which they issue public documents significant for maintaining the electoral roll must submit to the body in charge of maintaining the electoral roll, upon this body's request, all data necessary for checking the electoral roll within the meaning of paragraph 2 of this Article, within seven days from the date of receiving its request.

(4) The minister competent for public administration shall more specifically prescribe the way in which the electoral roll shall be checked and the supervision over such checking.

Consolidation of the existing Electoral Rolls into the Electoral Roll to be maintained pursuant to this Law

Article 27

(1) The minister competent for public administration shall within 90 days from the date of entry into force of this Law adopt the guidelines specifying the procedure for consolidation of existing electoral rolls into the electoral roll to be maintained pursuant to this Law.

(2) The ministry competent for public administration shall ex officio enter into the electoral roll to be maintained pursuant to this Law the data about the temporary residence of voters abroad kept within Separate records of voters abroad prior to the commencement of application of this Law.

Adoption of by-laws

Article 28

The minister competent for public administration shall have a duty to pass the regulations envisaged for enforcement of this Law within 6 months from the date of entry into force of this Law.

Repeal of previous regulations

Article 29

(1) Articles 12 to 24 and Articles 73b, 73c и 73d of the Law on Elections of Members of Parliament ("Official Gazette of RS", No 35/00, 69/02 – Decision of the Constitutional Court, 72/03 – other law, 18/04, 85/05 – other law, 101/05 – other law, 101/05 – other law), and Article 23 of the Law on the Election of the President of the Republic ('Official Gazette of RS' No. 111/07), shall be repealed as of the date of application of this Law.

(2) By-laws adopted for the purpose of applying the provisions of the Law on Election of MPs and the Law on Election of the President of the Republic referred to in paragraph 1 of this Article which ceased to be effective as of the date of application of this Law, shall also be repealed as of the date of application of this Law.

Entry into force of the Law

Article 30

(1) This Law shall enter into force on the eight day of its publication in the “Official Gazette of the Republic of Serbia”, and its application shall start two years after its entry into force, except for Article 26, which shall start to be applied from the date of entry into force of this Law.

(2) Without prejudice to paragraph 1 of this Article, if in 2011 or 2012 early elections for MPs are called prior to calling of regular elections, the existing electoral rolls established prior to the entry into force of this Law shall be used in such elections, in accordance with the rules on the basis of which they had been established. In case regular elections for MPs are called – this Law shall apply.

(3) As of the date of application of this Law and until the day regular elections for MPs are called or early elections referred to in paragraph 1 of this Article are completed, municipal/town administrations shall also be obligated to maintain the electoral rolls according to the rules on the basis of which they were maintained prior to the entry into force of this Law.