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Pursuant to Article 88, Para. 2 of the Constitution of the Republic of Montenegro, I hereby issue

EDICT
OF PROMULGATION OF THE LAW ON
REGISTERS OF ELECTORS

Promulgated is the **Law on Registers of Electors**, passed by the Assembly of the Republic of Montenegro at the sitting of its second extraordinary session in 1998, held on 3rd, 4th, 5th, 10th, 11th and 12th February 1998.

No.: 01-167/2
Podgorica, 16 February 1998

PRESIDENT OF THE REPUBLIC OF MONTENEGRO

Milo Djukanović

THE LAW ON REGISTERS OF ELECTORS

Article 1

The Register of Electors is a public document for keeping records of citizens having suffrage.

Article 2

The Register of Electors is kept ex officio.

The Register of Electors is central, permanent, and regularly updated, particularly after the election is called for.

Article 3

The Register of Electors is kept for the territory of the municipality.

An elector may be entered in the Register of Electors only once, in the Register of only one local authority and at one polling station.

The Register of Electors is kept by a local administration body, and the executive official of the municipality is responsible for its accuracy and up-to-dateness.

Article 4

Registers of Electors processed in the local authorities by individual polling stations are compiled into a general (central) Register of Electors kept by a competent state authority.

Keeping the central Register of Electors referred to in Para. 1 of this Article is understood to comprise the following: analysing registers of electors, establishing possible faults in them and informing competent bodies of this, as well as taking technical and other measures aiming at accuracy and up-to-dateness of registers of electors.

Registers of Electors referred to in Article 3 of this Law and Para. 1 of this Article are computer processed, in a unique programme prepared by the competent state authority.

Article 5

Entered in the Register of Electors are all the citizens who have suffrage or shall gain suffrage on polling day, by reference to their permanent place of residence.

Also entered in the Register of Electors are the citizens temporarily residing abroad, by reference to their last place of permanent residence before leaving the country.

Citizens doing their national service in the army or taking part in a military exercise, as well as citizens in detention or serving prison sentences, are entered in the Register of Electors by reference to their last permanent place of residence.

Persons who have been deprived of their business capacity by an irrevocable court order may not be entered in the Register of Electors. If such persons have already been entered in the Register of Electors, they shall be deleted from it, and re-entered upon the restoration of their business capacity by an irrevocable court order.

Article 6

Entering into and deletion from the Register of Electors is carried out ex officio on the basis of data from the Register of Births, Marriages and Deaths, other official records, public documents and direct checking.

The authorities keeping the relevant official records of citizens are bound to submit data affecting the accuracy and up-to-dateness of registers of electors to bodies in charge of keeping registers of electors within 7 (seven) days of the day a change has occurred.

Entering into and deletion from the Register of Electors is carried out at the request of electors, as well as on the basis of other valid evidence.

Article 7

The following information is entered in the Register of Electors: name and surname, date and place of birth, address, permanent residence and personal identification number of electors. Exceptionally, if an elector has no personal identification number, the number of his ID shall be entered instead.

The Ministry in charge of administration affairs shall prescribe in more detail the manner of keeping, correcting, delivering, concluding, copying and displaying of the Register of Electors and other matters relevant to complete, accurate and updated registers of electors.

Article 8

Within 7 (seven) days of calling for the election, the authority in charge of keeping the Register of Electors shall publicize the Register of Electors

and inform the citizens that they may inspect the Register, request entering, deletion, modification, amendment or correction of the Register of Electors.

Informing the citizens in the sense of Para. 1 of this Article is done in a public notice, the media, or, if it proves necessary, in some other way.

Article 9

A request for entering in, deletion from, modification of, amendment to, or a correction of the Register of Electors is filed with the authority in charge of keeping the Register of Electors. Together with the request also enclosed is proper evidence.

The authority in charge shall render a decision on the request referred to in Para. 1 of this Article within 48 (forty eight) hours of the receipt of the request. The decision shall be delivered to the party that has filed the request without delay.

A petition may be filed with the Supreme Court of the Republic of Montenegro (hereinafter: the "Court") against the decision referred to in Para. 2 of this Article within 48 (forty eight) hours of the delivery of the decision.

The petition is filed through the authority that has rendered the decision, that authority being bound to forward the petition, together with the necessary documentation, within 24 (twenty four) hours of the receipt of the petition.

The Court shall decide on the petition in the contentious proceedings within 24 (twenty four) hours of the receipt of the petition.

The decision of the Court shall be irrevocable and binding.

Article 10

The Register of Electors is concluded not later than 20 (twenty) days prior to polling day. The competent authority shall render a decision on the conclusion of the Register of Electors that shall contain the total number of citizens entered in the Register of Electors and the date of conclusion of the Register.

The decision on the conclusion of the Register of Electors is delivered to the Municipal Election Commission not later than 24 (twenty four) hours of rendering the decision.

The Municipal Election Commission shall submit the data on the total number of electors in the local authority unit to the Republican Election Commission within 24 (twenty four) hours of the receipt of the decision.

The Republican Election Commission shall announce the total number of electors, the number of electors by individual municipalities and by polling stations.

Article 11

Upon its conclusion, entering into, deletion from, modification of, amendments to, and corrections of the Register of Electors may be done only by the order of the Court, in an administrative procedure, not later than 5 (five) days prior to polling day.

The Republican Election Commission shall announce the total number of electors and the number of electors by individual municipalities and by polling stations within 48 (forty eight) hours of the expiry of the term referred to in Para. 1 of this Article.

Article 12

The authority in charge of keeping the Register of Electors shall compile a verified extract from the Register of Electors for each polling station. The extract is submitted to the Municipal Election Commission within 24 (twenty four) hours of announcing the information referred to in Para. 2 of Article 11 of this Law.

The extract from the Register of Electors, beside data referred to in Article 7, Para. 1 of this Law, also contains: the name of the authority that has compiled it, the date of its compilation and the indication of the polling station for which the extract has been compiled.

The authority in charge of keeping the general (central) Register of Electors is bound to submit the computer processed Register of Electors on a diskette to the submitter of the electoral list at its request within 48 (forty eight) hours of filing the request.

Article 13

Representatives of submitters of electoral lists have a right of inspection of the Register of Electors and official documentation of authorities on the basis of which entering into, deletions from, modifications of, amendments to and corrections of the Register of Electors is done.

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

Article 14

The inspection of the implementation of ordinances regulating the keeping of registers of electors is carried out by the Ministry in charge of administrative affairs.

In the event that the Ministry in charge of administrative affairs finds that the Register of Electors is not kept in the manner prescribed by the Law and regulations passed on the basis of the Law, it shall order the competent authority to eliminate those irregularities.

Article 15

Any persons committing any of the following acts shall be sentenced for the criminal act to imprisonment of up to one year:

- 1) failing to enter a person in the Register, or deleting a person from the Register in order to prevent that person from voting;
- 2) providing false information on one's permanent residence and suffrage.

Article 16

A fine amounting to at least the five-fold minimum salary in the Republic shall be imposed for the offence on:

- 1) the authorized official in charge of keeping the registers of electors if he fails to ensure their accuracy and up-to-dateness;
- 2) the executive official in the local authority and the authorized official of local administration if he fails to control accuracy and up-to-dateness of keeping registers of electors;
- 3) the authorized official at the Ministry in charge of administrative affairs if it fails to pass regulations referred to in Article 7, Para. 2 of this Law or if it fails to carry out inspection referred to in Article 14, Para. 2 of this Law;
- 4) the authorized official at the authority in charge of timely submitting the data referred to in Article 6, Para. 2 of this Law;
- 5) the authorized official of the authority in charge of keeping the general (central) Register of Electors if he fails to submit the data within the term prescribed in Article 12, Para. 3 of this Law.

Article 17

The Ministry in charge of administration affairs is obliged to pass regulations referred to in Article 7 of this Law within 20 (twenty) days of this Law coming into force.

The competent municipal body and competent state authority are obliged to bring the registers of electors into accord with the provisions of this Law and compile the central Register of Electors referred to in Article 4 of this Law by 31 March 1998.

Article 18

On the day that this Law comes into force, the Law on Registers of Electors ("Official Gazette of the Republic of Montenegro", No. 49/92) shall become invalid.

Article 19 1

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