

OPINION ON THE CURRENT UPDATED DRAFT LAW ON AMENDMENTS TO THE LAW ON THE UNIFIED VOTER REGISTER

SERBIA

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Based on an an English translation of the Draft Law provided by the National Assembly of the Republic of Serbia.



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EXECUTIVE SUMMARY AND KEY RECOMMENDATIONS

The Unified Voter Register (UVR) of the Republic of Serbia has been the subject of a number of long-standing recommendations put forward in the election observation reports of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) that pertain to improving the accuracy and transparency of voter lists. Spanning November 2024 to September 2025, ODIHR issued four Opinions and two sets of informal comments on several versions of the Draft Law on Amendments to the Law on the Unified Voter Register (LUVR), including assessments of to what extent the drafts addressed ODIHR recommendations put forward in its earlier informal comments and Opinions.

ODIHR's Opinions on the earlier versions of the Draft Law noted a gradual improvement in the proposed amendments, which brought the draft largely in line with the aim of ODIHR's recommendations with regard to the Unified Voter Register (UVR) as presented in its election observation reports and which addressed most of its recommendations to bring the draft in closer alignment to international standards, OSCE Commitments, and good practice. Positively, the series of changes to the Draft Law established an effective framework for public access to the voter register and key information concerning voter registration while guaranteeing personal data protection, and introduced an independent body responsible for conducting periodic broad-based audits of the UVR, identifying and directing the correction of irregularities in the UVR, and issuing final recommendations to improve the process for maintaining and updating of the UVR.

On 12 September 2025, the Chairperson of the Committee on Constitutional and Legislative Issues of the National Assembly requested a new legal review of another updated version of the Draft Law. While members of the ruling party referred to comprehensive consultations on the Draft Law, other stakeholders criticized the process for lacking transparency and inclusiveness. ODIHR notes that the process undertaken for updating the Draft Law lacked inclusive efforts to build a broad political consensus as it previously recommended. Positively, the current version of the Draft Law addresses many recommendations put forward or reiterated in ODIHR's 3 September 2025 Opinion, as well as some concerns raised by national stakeholders in talks facilitated by ODIHR. Key updates harmonize and elaborate procedures for nomination of candidates to the auditing body, strengthen and clarify the powers of the auditing body, enhance provisions on the audit reporting and recommendations, and strengthen guarantees for observation of the auditing process, among others. However, key recommendations on balancing the composition of the auditing body and lowering its decision-making threshold remain unaddressed.

The ODIHR facilitated talks took place following the publication of the 3 September Opinion and before subsequent drafts of the law were published. In preparation of this Opinion, ODIHR also sought comments from the national stakeholders that participated in previous ODIHR facilitated talks. These efforts generated suggestions that while not necessitated by international standards or good practice, if introduced in the law could provide greater safeguards of the good faith implementation of the law. These as well as a few recommendations of a technical nature are noted throughout the Opinion.

ODIHR encourages the Serbian authorities to further consider addressing the few remaining recommendations put forward in its previous Opinions and address the few technical

recommendations presented in this Opinion. ODIHR also encourages law-makers to discuss and consider the suggestions put forward in this Opinion in the legislative process to further safeguard the good faith implementation of the law. It further reiterates its call to subject the proposed amendments to the LUVR to inclusive, extensive, and effective consultations, including with civil society. It also urges the authorities to ensure that the explanatory report that will accompany the Draft Law to be submitted for parliamentary consideration, clarifies the intent and meaning of key provisions that some stakeholders have raised concerns about. Moreover, ODIHR stresses that while the Draft Law largely adheres to international standards, OSCE Commitments, and good practice, its good faith implementation following adoption is key to improving the voter registration process and the integrity of the voter register, and to ensuring transparency and overall public trust in the electoral process.

As part of its mandate to assist OSCE participating States in implementing their OSCE human dimension commitments, ODIHR reviews, upon request, draft and existing laws to assess the compliance with international human rights standards and OSCE Commitments and provides concrete recommendations for improvement.

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ANNEX: Current Updated Draft Law on Amendments to the Law on the Unified Voter Register

I. INTRODUCTION

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) issued four previous Opinions and two sets of informal comments on several versions of the Draft Law on Amendments to the Law on the Unified Voter Register (LUVR), spanning from November 2024 to September 2025, including assessments of how the drafts addressed ODIHR recommendations put forward in its earlier informal comments and Opinions.¹ The LUVR was adopted in 2009, and it regulates a single register of Serbian citizens, who have the right to vote. The Unified Voter Register (UVR) has been the subject of a number of long-standing recommendations put forward in ODIHR's election observation reports that pertain to improving the accuracy and transparency of the voter lists. The proposed changes to the LUVR introduced through the various drafts reviewed by ODIHR in 2024 and 2025 relate to the public display of and access to the UVR and publication of information concerning the UVR, introduce new articles on personal data protection, and establish an independent commission and framework for conducting periodic audits of the UVR.

Shortly after the issuance of ODIHR's 3 September 2025 Opinion² and following ODIHR's talks with representatives of the ruling majority, opposition and civil society on its Opinion, the above-noted Draft Law was further updated, addressing many recommendations put forward in the Opinion and some concerns raised by national stakeholders in the talks. Upon submission of the updated draft by a Member of Parliament Mr. Uglješa Mrđić to the Committee on Constitutional and Legislative Issues of the National Assembly, the Committee's Chairperson on 12 September requested ODIHR to provide another legal review of the Draft Law on Amendments to the LUVR ("current updated Draft Law"). In turn, this Opinion assesses the extent to which the current updated Draft Law addresses the recommendations put forward in ODIHR's 3 September Opinion (some of which are reiterated from its earlier Opinions), reiterates important findings about the proposed changes to the law as well as key recommendations which remain unaddressed, and points to opportunities to further strengthen the legislation in line with national stakeholder suggestions resulting from recent ODIHR facilitated discussions.

While members of the ruling party stated a comprehensive consultation process on the various iterations of the Draft Law has been provided for, some other stakeholders have criticized the process as lacking transparency and inclusiveness, with some versions of the Draft Law not made available to the public in a timely manner and no feedback provided on the submissions of civil society organizations. ODIHR notes that the process undertaken for the various versions of the Draft Law, including the latest updates, lacked inclusive efforts to build a broad political consensus as it previously recommended.³ Civil society and opposition representatives have also criticized the lack of an explanatory report accompanying the various versions of the Draft Law to allow for a clearer understanding of the intent and meaning of the draft provisions. Although the five opinions provided by ODIHR on the various drafts did not benefit from the explanatory report, in this respect, ODIHR understands from the Serbian authorities that the final version of the Draft Law for parliament's consideration will be supplemented by an explanatory report. In doing so, ODIHR urges the authorities to provide sufficient explanations and interpretations of key provisions, especially on the meaning of those provisions which civil

¹ The Opinions were issued on 28 March 2025, 2 June 2025, 10 July 2025, and 3 September 2025.

² See [ODIHR Opinion on the Current Draft Law on Amendments to the Law on the Unified Voter Register](#).

³ Public hearings, initiated by the parliament as of 27 January 2025 faced procedural criticisms and led to withdrawal of opposition parties and civil society representatives from the Working Group.

society organizations have raised concerns about including the funding mechanisms for the Audit Commission.

ODIHR's Opinions on earlier versions of the Draft Law noted a gradual improvement in the proposed amendments bringing the draft largely in line with the aim of previous ODIHR recommendations presented in its election observation reports with regard to the transparency and accuracy of the UVR and addressing most of its recommendations to bring the draft provisions in closer alignment to international standards, OSCE Commitments, and good practice. Positively, the series of changes to the Draft Law established an effective framework for public access to the voter register and information concerning voter registration data while guaranteeing personal data protection, and introduced an independent body responsible for conducting periodic broad-based audits of the UVR, identifying and directing the correction of irregularities in the UVR, and issuing final recommendations to improve the process for maintaining and updating of the UVR. Also addressed were ODIHR Opinion recommendations related to enhancing provisions on transparency of the UVR, consolidating the process for nominating members of the auditing body, strengthening and clarifying the mandate and powers of the auditing body, introducing observation of the auditing process, and providing for more appropriate timelines. However, key recommendations on balancing the composition of the auditing commission and lowering its decision-making threshold remain unaddressed.

In its 3 September Opinion, ODIHR welcomed that the Draft Law reviewed at that time addressed various recommendations put forward in its earlier Opinions, for instance, to introduce a revised deadlock mechanism for nomination of civil society representatives to the proposed auditing body, to preclude audits of the voter register within six months of a scheduled election date, to grant the proposed auditing body the power to make final and implementable recommendations with sole responsibility for monitoring their implementation, and to require the proposed auditing body to establish and utilize a website to ensure transparency of its operations.

At the same time, ODIHR noted in its 3 September Opinion that key recommendations put forward or reiterated in its previous Opinions had been left unaddressed or only partially addressed. Apart from the key recommendations on the composition and decision-making threshold of the commission, these included, among others, recommendations on revising the nomination procedures for members of the auditing body, and on enhancing transparency of the auditing process for accredited observers. Some of the changes proposed in that version of the Draft Law raised new concerns that prompted new recommendations aimed at improving the Draft, including to lower the qualified majority for adoption of decisions by the auditing body, to require the Ministry in charge of public administration to report to the auditing body on its rectification of informed irregularities, and to oblige the auditing body to submit a report to the parliament after completing monitoring of the implementation of its recommendations. In all its Opinions, ODIHR encouraged the Serbian authorities to further consider the remaining recommendations in order to bring the Draft Law closer in line with international standards, OSCE Commitments, and good practice and reiterated its recommendation to subject the proposed amendments to inclusive, extensive, and effective consultations, including with civil society.

ODIHR conducted this assessment of the current updated Draft Law within its mandate to assist the OSCE participating States in the implementation of their OSCE commitments, in particular, related to the electoral process. ODIHR welcomes the readiness of the Serbian authorities to follow up on the electoral recommendations provided herein and stands ready to assist the

authorities of Serbia to further improve the electoral process.⁴ At the same time, ODIHR would like to take this opportunity to stress that the good faith funding, implementation and enforcement of the Draft Law following its adoption is key to improving the voter registration process and the integrity of the voter register, and to ensuring transparency and overall public trust in the electoral process. While the legislation itself largely falls in line with international standards, OSCE Commitments, and good practice, a failure to properly implement and enforce its provisions in good faith will serve to further erode public trust.

II. SCOPE OF THE OPINION

The Opinion does not constitute a full and comprehensive review of the entire legal and institutional framework regulating elections in Serbia. It focuses on the conformity of the Draft Law with international standards and good practice in electoral matters and highlights possible changes that might address concerns about the good faith implementation of the legislation. As such, this Opinion should be read in conjunction with the recommendations issued in previous ODIHR election observation reports and legal opinions and informal legal comments. In this connection, it must be stressed that the unaddressed pending ODIHR recommendations remain valid.⁵

In the interest of conciseness, in addition to reiterating the unaddressed recommendations, it focuses more on those provisions that could be strengthened to further safeguard good faith implementation and those that could benefit from minor technical adjustments. The ensuing legal analysis is based on international and regional human rights and rule of law standards, norms and recommendations, as well as relevant OSCE human dimension commitments. Moreover, in accordance with the Convention on the Elimination of All Forms of Discrimination against Women⁶ (hereinafter “CEDAW”) and the 2004 OSCE Action Plan for the Promotion of Gender Equality⁷ and commitments to mainstream gender into OSCE activities, programmes and projects, the Opinion integrates, as appropriate, a gender and diversity perspective.

This Opinion is based on an unofficial English translation of the Draft Law provided by National Assembly of the Republic of Serbia, which is attached to this document as an Annex. Errors from translation may result. Should the Opinion be translated in another language, the English version shall prevail.

In view of the above, ODIHR would like to stress that this Opinion does not prevent ODIHR from formulating additional written or oral recommendations or comments on respective subject matters in Serbia in the future.

⁴ In paragraph 25 of the 1999 Istanbul Document, OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations”.

⁵ See all previous ODIHR election-related [reports](#) on Serbia.

⁶ UN Convention on the Elimination of All Forms of Discrimination against Women (hereinafter “CEDAW”), adopted by General Assembly resolution 34/180 on 18 December 1979.

⁷ See [OSCE Action Plan for the Promotion of Gender Equality](#), adopted by Decision No. 14/04, MC.DEC/14/04 (2004), par 32.

III. LEGAL ANALYSIS AND RECOMMENDATIONS

1. COMPOSITION OF THE AUDIT COMMISSION

The proposed Article 22b of the LUVR in the current updated Draft Law does not include any changes to the proposed composition of the Audit Commission, despite ODIHR's reiterated recommendation to amend provisions on the composition of the Audit Commission to have a greater potential to increase public confidence in the audit and the actual and perceived independence of the audit.

ODIHR has consistently found that the current proposed composition does not provide for an Audit Commission that will be perceived as independent and garner public trust. ODIHR's repeated recommendation flowed, in part, from the fact that a separate Draft Law earlier proposed by CRTA suggested a different composition for the Audit Commission from that put forward in SNS's initial version of the Draft Law. Specifically, the CRTA draft had proposed nine members, with three nominated by each of the ruling party, opposition and civil society organizations, while the SNS draft had proposed ten members, out of which five would be nominated by the parliamentary majority, three from the opposition, and two by citizens groups. ODIHR's March 2025 Opinion noted that greater flexibility and balance would be ensured if the composition had a similar number of experts nominated by the government and opposition – as had been proposed by the CRTA – and that an increased number of civil society nominees would enhance public trust in the work of the Audit Commission and the actual and perceived independence of the audit(s).

Concerned civil society groups have also remained steadfast in their call for such a revised composition, specifically calling for an equal number of expert members to be nominated by each of the government, opposition, and civil society organizations to reflect the fact that the commission is essentially an independent, professional body, and not a political one.

ODIHR remains concerned that if the final composition of the Audit Commission does not provide for more balance, it may thwart the effective implementation of the auditing process. Additionally, the proposed composition may pose challenges in case eligible civil society associations as a whole decide not to put forward any nominees. Indeed, the current updated Draft Law does not effectively address the situations where only one or no candidates are nominated by civil society associations, potentially leaving the Audit Commission functioning in a limited capacity with only political representation which without balance in the political representation would undermine public trust in the auditing body and outcome. **ODIHR thus reiterates its recommendation to the Serbian authorities to engage in inclusive consultations between the government, opposition, and civil society prior to reaching agreement on the final composition to be proposed in the Draft Law, taking into account the benefits of having a composition with greater balance and impartiality.**

2. NOMINATING MEMBERS TO THE AUDIT COMMISSION

Positively, the latest revisions to draft Articles 22c, 22e, and 22f of the LUVR address most of ODIHR's previous recommendations concerning the process for nomination of members to the Audit Commission. In this respect, it incorporates the following changes:

- ❖ Harmonizes the rules applicable to nominations by the parliamentary majority and opposition groups;

- ❖ Ensures that the process for nominations by the parliamentary majority and opposition groups is fully regulated taking into account all possible scenarios;
- ❖ Obliges the relevant parliamentary committee to address a letter to each of the eligible civil society associations inviting them to each nominate a candidate;
- ❖ Requires the relevant parliamentary committee to provide a reasoned decision for determining that a candidate does not meet the established criteria for appointment;
- ❖ Clarifies the process to be conducted at a meeting of the relevant parliamentary committee in case more than two eligible civil society associations nominate candidates, including the rules of the voting system.

However, the Opinion notes additional areas where these provisions can be strengthened, as follows:

- ❖ It is noted that in the case that there are no opposition groups in the National Assembly at the time of a nomination process, draft Article 22c proposes that the three members to be nominated by the opposition are all to be nominated by the parliamentary majority groups, rather than by the civil society associations. **In the interests of maintaining a balanced composition, it is recommended to consider in this scenario an increase in the number of civil society nominees rather than of parliamentary majority nominees, or to split the increase between the two groups.**
- ❖ Proposed Article 22c provides that a parliamentary group that is part of the parliamentary majority shall be deemed to be a parliamentary group whose Members of Parliament support the work of the Government. ODIHR notes that civil society organizations and opposition representatives opined that the changes do not make clear which parliamentary groups will be considered as government supporters or opposition, nor how it will be determined if there is any dispute about that. They noted that for example, a parliamentary collegium with all parliamentary groups may be necessary in order to determine these facts, as well as an anti-deadlock mechanism. While ODIHR finds the concepts of parliamentary majority and parliamentary opposition to be well established and commonly used in appointment mechanisms, in light of the concerns expressed, suggests elaborating this at least in the explanatory report.
- ❖ The new text added to the second paragraph of proposed Article 22e provides that the invitation letter for submission of nominations by the civil society associations is to be addressed to “the associations that were authorized by the Republic Electoral Commission to observe the last three electoral processes”. However, this wording is not fully consistent with the eligibility requirements established by proposed Article 22b which additionally requires that those organizations “have published at least three reports on the election observation findings.” **For clarity, it is recommended to harmonize the text of Article 22e with Article 22b.**
- ❖ The fourth paragraph of proposed Article 22f, which regulates the situation where only one civil society association nominates a candidate, obliges the relevant parliamentary committee to invite such association to submit a nomination for one additional candidate. The paragraph does not address a previous ODIHR recommendation to draft an alternative solution or additional measures that will reduce the risk that the two civil society members are nominated by the same association. In addition, the scenarios where only one or no candidates are ultimately nominated are not regulated. **The final text would be strengthened in this regard if it establishes alternative solutions or additional measures to address the above-noted concerns, as previously recommended by ODIHR.**

- ❖ Proposed Article 22f, which regulates consideration of the nominations, does not explicitly include an opportunity for challenging the decision of the relevant parliamentary committee on eligibility of each nominating civil society association and of the nominated candidates.⁸ Concerned civil society organizations and opposition representatives have pointed out that such possibility of appeal is especially important in light of the past situation of nominations to some other official institutions, such as the Regular Authority for Media (REM), some of which were considered by the respective parliamentary committee to be eligible, even if they were not, and vice versa. **Therefore, to safeguard the good faith implementation of the legislation, as a matter of due process, it is recommended to consider introducing an explicit opportunity to appeal the eligibility decisions for the civil society nominators and for the nominees to the Audit Commission.**
- ❖ Proposed Article 22g, which regulates the appointment of members of the Audit Commission, provides an expedited timeline for nominations and a four-month deadline for parliament to vote on regular appointments, including for the first-composed auditing commission. However, proposed Article 22j does not establish a separate expedited timeline for parliament's vote on nominees to fill vacant seats on the auditing commission due to resignations or early termination. **ODIHR reiterates its previous recommendation to establish expedited deadlines for parliamentary votes on the first composition of the commission and for the vote on nominees to replace terminated or dismissed members.** This is especially important due to the frequency of regular parliamentary sessions.

3. POWERS OF THE AUDIT COMMISSION

ODIHR notes several positive revisions to proposed Article 22k of the LUVR concerning the powers of the Audit Commission, as follows:

- ❖ Strengthening the powers of the Audit Commission by consolidating the nature of its requests for field control of voters based on the analysis of the voter register, for rectification of irregularities identified in the voter register, and for initiation of proceedings to determine responsibility for suspected violations of the law in connection with the voter register;⁹
- ❖ Obliging governmental bodies to formally adopt a decision on the Audit Commission's request for all data and information relevant to carrying out its mandate and establishing (in Article 25 of the LUVR) a monetary fine ranging from 25,000-250,000 dinars to be imposed on the responsible person in a governmental body who acts in contravention

⁸ ODIHR notes that civil society organizations and opposition representatives have also raised concerns about the lack of clarity as to how the relevant parliamentary committee will determine the eligibility of the civil society associations which are to be invited to submit nominees (or those that submit nominees on their own initiative), in accordance with the established eligibility criteria.

⁹ The drafters changed the term "initiate" to "submit a request for", with respect to the field control of voters based on the analysis of the voter register, rectification of irregularities identified in the voter register, and initiation of proceedings to determine responsibility for suspected violations of the law in connection with the voter register (points 8, 9 and 10 of proposed Article 22k of the LUVR). The drafters informed ODIHR that the latter term binds the authorities to consider the request, although does not oblige them to act upon it. ODIHR notes that civil society and opposition representatives call for such powers of the Audit Commission to have binding effect.

of the legal requirement to provide such requested data and information to the Audit Commission;¹⁰

- ❖ Introducing a right of the members of the Audit Commission to be present during the conduct of any field control of voters that it requests to be carried out by the ministry in charge of internal affairs and requiring the ministry in charge of public administration to inform the Audit Commission within 30 days on the actions taken in response to the Commission's request for rectification of irregularities identified in the voter register;
- ❖ Clarifying the list of powers of the Audit Commission by including consideration of citizens' remarks concerning matters falling within its competence (newly introduced in substance in proposed Article 22r), adoption of the report on the audit of the voter register, as well as special reports, in accordance with the law, and monitoring the implementation of recommendations put forward in its reports. The inclusion of the latter in the list of powers ensures that the Audit Commission will have access to the voter register also during the post-audit monitoring phase;¹¹

ODIHR finds the strengthening of the powers of the Commission to be a positive step and sees that when coupled with the public accountability that the requirements for a response from the respective authorities and for subsequent oversight of the implementation to be in line with good practices for voter register audits. Still, ODIHR notes that other national stakeholders still have serious reservations about the powers of the commission due to entrenched mistrust in the authorities that will remain responsible for implementing specific changes in the voter register.

Further, with regards to proposed Article 22k and the powers of the Audit Commission, ODIHR provides the following technical recommendation and a suggestion for safeguarding against bad-faith implementation:

- ❖ A provision in proposed Article 22o has been moved to Article 22k, which obliges the Audit Commission to adopt its Rules of Procedure regulating in more detail the organization and mode of its operation. However, in a technical omission, the transfer of this provision from one article to the other lost the text from Article 22o that the Rules of Procedure are to be adopted at the first session of each (newly-composed) Audit Commission. **It is thus recommended to either revert to the provision in Article 22o or insert in the new text in Article 22k that the rules are to be adopted in the first session of each (newly-composed) Audit Commission.**
- ❖ In discussions with national stakeholders, ODIHR learned that the 'field controls' may be massive exercises taking place in multiple locations around the country simultaneously. As a result, the members of the Audit Commission would need the right not only to be present but also to appoint representatives to be present at the field controls. **To give effect to this power of the Audit Commission, it is recommended to amend Article 22K to ensure that members of the Audit Commission not only have the right to be present but that this right extends to their delegated representatives.**

¹⁰ It is noted that the new Article 6 of the current updated Draft Law - which establishes the financial penalty - mistakenly refers to paragraph 3 of Article 22k; it should be paragraph 4. In addition, the Draft Law now includes two Article 6s which need to be renumbered.

¹¹ ODIHR notes that civil society and opposition representatives call for the Audit Commission to be also empowered to collect and analyze data on violations of the right to protection of personal data in connection with the voter registration process and voter register.

4. AUDITING REPORTS AND MONITORING IMPLEMENTATION OF RECOMMENDATIONS

Revisions to proposed Articles 22l and 22m of the LUVR have clarified the nature and timing of the reports to be issued by the Audit Commission and expand on the monitoring of recommendations contained therein, with some changes in line with previous ODIHR recommendations. These are as follows:

- ❖ Clarifying that the Audit Report is to be submitted to the National Assembly every two years but not later than six months before the calling of regular elections for the President of the Republic (in addition to regular elections for Members of the Parliament);
- ❖ Clarifying that the Audit Report is to contain recommendations to the competent authorities and organizations for the improvement of the maintaining and updating of the voter register, with a precise specification of the authority or organization to which the recommendation relates;
- ❖ Introducing the concept of “special reports” which can be adopted by the Audit Commission during the conduct of the audit, containing recommendations to the competent authorities and organizations for improving the maintenance and updating of the voter register which must be followed up and reported on by the respective entities within 120 days;
- ❖ Establishing a 45-day deadline for the Audit Commission to review the reported actions of the competent authorities and organizations taken as a follow up to its recommendations and obliging the Commission to submit a report thereon to the National Assembly.

There is a remaining concern regarding the proposed provisions on the reports issued by the Audit Commission, as follows:

- ❖ The 120-day deadline for the competent authorities and organizations to follow up and report on the recommendations contained in the “special reports” is the same deadline established for following up and reporting on the recommendations included in the Audit Report issued following the conclusion of each audit. Bearing in mind that the recommendations contained in the special reports issued during the conduct of the auditing process are likely to concern urgent matters, the follow up by the relevant entities should be undertaken on an expedited basis. **It is thus recommended that the proposed 120-day deadline for implementation of recommendations contained in special reports be lowered, for instance, to 60 days.**

5. DECISION-MAKING BY THE AUDIT COMMISSION

In its 3 September Opinion, ODIHR raised concerns with the proposed increase of the required qualified majority for decision-making of the Audit Commission from two-thirds to 80 per cent of its members, noting that this may hinder the work of the Commission. In reiterating its recommendation on having a more balanced composition of the Audit Commission, to ensure that the Commission is able to function, ODIHR recommended to lower the proposed 80 per cent majority threshold for adopting decisions of the Audit Commission. **ODIHR takes note that the current updated Draft Law does not address this recommendation and reiterates it as such.**

It is noted that a newly-proposed paragraph in Article 22k clarifies which of the listed powers of the Audit Commission are to be exercised by formal decisions and which are not (the vast majority not). It is ODIHR's understanding that all other powers are powers of the Commission members that can be exercised independently. This new paragraph contributes to ensuring that the auditing process itself can be carried out efficiently and is not unduly burdened by requirements for formal decision-making on each and every aspect of the process.¹² However, **the inclusion of this provision should not be seen as a substitute for lowering the qualified majority threshold for the Audit Commission to adopt its decisions.**

6. MANNER OF WORKING OF THE AUDIT COMMISSION

Proposed Article 22p of the LUVR regulates the chairing of the Audit Commission. ODIHR understands from discussion with the drafters that the newly-proposed paragraph is intended to address a previous ODIHR recommendation to provide that the alternating pattern for the post of Chairperson of the Audit Commission among the three representative groups (ruling majority, opposition, and civil society) carryover each time the Audit Commission is recomposed. The new paragraph provides that the rotation of members in the function of Chairperson of the Commission shall continue according to the order determined by the first composition of the Commission (with the draft requiring the Chairperson of the first-composed Commission to be a member nominated by civil society associations). **To provide further clarity, it is recommended that the paragraph be slightly altered to explicitly provide that the rotating pattern continues across newly-composed commissions.**

Proposed Article 22q of the LUVR regulates the participants in the work of the Audit Commission. A newly-proposed paragraph in Article 22r which regulates transparency of the commission's work would better fit in Article 22q, as it obliges the Audit Commission to provide on its website a dedicated section through which citizens may submit remarks concerning matters within the Commission's competence. New provisions also oblige the Audit Commission to report on its handling of the submission in the final audit report. ODIHR notes that procedures for the handling of the citizen submissions will need to be elaborated in the Commission's rules of procedure. To ensure this is adequately addressed **it is suggested to explicitly require the elaboration of procedures for the handling of submissions in the text of the Draft Law.**

7. TRANSPARENCY OF THE WORK OF THE AUDIT COMMISSION

Positively, several revisions have been made to proposed Article 22r of the LUVR which regulates the transparency of the work of the Audit Commission, in line with previous ODIHR recommendations aimed at enhancing transparency of the auditing process. These are as follows:

- ❖ A newly-proposed second paragraph grants the right to observe the work (sessions) of the Audit Commission at any time for up to two representatives of each eligible civil

¹² The powers that are to be exercised by the adoption of separate decisions are the submission of requests for field control of voters based on the analysis of the voter register, submission of requests for rectification of irregularities identified in the voter register, initiation of proceedings to determine responsibility for suspected violations of the law in connection with the voter register, adoption of periodic reports on the status of the voter register, consideration of citizen's remarks concerning matters falling within the Commission's competence, and adoption of the report on the audit of the voter register and special reports.

society association which has submitted a request to observe and signed a data confidentiality protection statement as referred to in Article 22h;¹³

- ❖ A revision to the text in the third paragraph clarifies that during an election period, accredited election observers can observe the sessions of the Audit Commission, regardless of which level of electoral commission accredits the association to observe the election, thereby allowing such observation during all types of elections;¹⁴
- ❖ A newly-proposed fifth paragraph obliges the Audit Commission to specify in its Audit Reports the total number of citizens' remarks received, as well as the manner in which they were addressed. **To further increase transparency, it is recommended to also include in the Audit Reports an overview of the nature of the citizens' remarks;**
- ❖ A new transitional Article 14 provides that the website of the Audit Commission is to be established within 30 days following the date of entry into force of the amending law, thereby ensuring that key documents and information can be uploaded on a timely basis;

To further safeguard the good-faith implementation of the law, the amendments on the transparency of the work of the Audit Commission could also provide:

- ❖ **Further detail on the accreditation process for observing the work of the Audit Commission, including deadlines for consideration of requests to observe, as well as a right to appeal a decision to reject such a request.**
- ❖ **Explicitly provide how it is established that an association meets the requirement to be eligible to observe that it “pursue objectives in the field of elections”.**
- ❖ **To ensure legal certainty, it is recommended that the rules governing the accreditation of observers of the auditing process be included in the special act, rather than the rules of procedure as currently provided.**

8. CONDITIONS FOR THE AUDIT COMMISSION'S WORK

Two key revisions to proposed Article 22s of the LUVR which regulates the conditions for the work of the Audit Commission are in line with ODIHR's previous recommendation to stipulate clearly the funding mechanism for the Audit Commission and ensure that sufficient funds are available on time to complete its work in accordance with the law. The proposed article now provides that “the National Assembly shall provide the conditions necessary for the work of the Commission (staffing, premises and technical resources)” and that the Secretary General of the National Assembly shall ensure that the funds for the work of the Commission are provided from the budget of the Republic of Serbia.¹⁵ **To guarantee timely receipt of the funds, it is recommended to add the word “timely” before “work” in the first-mentioned provision.**

¹³ For clarity, it is recommended to revise the phrase “up to two representatives of association...” to “up to two representatives of each association...”.

¹⁴ Despite a previous ODIHR recommendation, the same revision has not been made to the fourth paragraph of proposed Article 21 of the LUVR in order to clarify observers' access to the voter data contained in the voter register, which still refers only to observers accredited by the Republic Electoral Commission.

¹⁵ ODIHR notes that civil society and opposition representatives have suggested that an explanatory report is needed to outline in detail the steps needed to ensure sufficient budget and staff.

9. TRANSPARENCY OF THE VOTER REGISTER

The current updated Draft Law does not include substantive changes to Articles 2-3 which propose revisions to Articles 14 and 21 of the LUVR which regulate transparency and access to the UVR and voters' data contained therein and publication of certain information related to voter registration. There are no unaddressed ODIHR recommendations with respect to these provisions, but ODIHR notes that civil society and opposition representatives have suggested revised and clarified wording that could serve to safeguard the implementation of these provisions in good faith, as follows:

- ❖ As a measure to prevent voters from registering a new locality of residence solely for electoral purposes, the public display of the voter register could include data on whether a voter is newly registered in the respective municipality;
- ❖ Taking into account the apparent existence of non-residential addresses and non-existent addresses in the voter register, the proposed requirement to publicly display data on the number of registered “voters per household, i.e. address and apartment number” could be supplemented by a requirement to also disclose a list of all addresses used in the voter register;
- ❖ To prevent delay, establish a timely deadline following the voter register's closure (i.e. the day following) for the competent ministry to publish the data indicating whether the voter will vote in upcoming elections according to their place of permanent or temporary residence in the country, or place of residence abroad;
- ❖ In order to facilitate access to the voter register by citizens living abroad who may not have valid national identity cards, to allow voters the option to access the UVR using their international passport number;
- ❖ To ensure that the Republic Electoral Commission has effective access to the voter register and voter data in the register (with the exception of citizens' unique numbers), to allow for its direct access to the register and not limit access through a special module.

10. TRANSITIONAL PROVISIONS

A few revisions have been made to the transitional provisions in the current updated Draft Law in line with previous ODIHR recommendations, as follows:

- ❖ The deadline for the relevant parliamentary committee to initiate the procedure for nominating the first composition of the Audit Commission has been shortened from 45 days to 15 days following the date of entry into force of the amending law, thus allowing for a timelier start to the auditing process;
- ❖ The deadline for the Ministry in charge of internal affairs to submit to the Ministry in charge of public administration the data necessary for implementing the new provisions on display of the voter register for public scrutiny has been shortened from six to five months;

- ❖ The deadline for the Minister in charge of public administration to align the regulations for implementation of the LUVR with the provisions of the amending law has been shortened from six to five months;¹⁶

Regarding the transitional provisions, additional concerns remain as follows:

- ❖ The shortening of the two above-noted deadlines from six to five months still leaves protracted deadlines in place. In addition, the one-year postponement from the date of entry into force of the amending law for the proposed provisions relating to the display of the voter register for public scrutiny to enter into force has not been shortened in accordance with ODIHR's previous recommendation. **To ensure that the relevant amendments will be implemented without undue delay, it is recommended to consider (further) shortening the above-noted deadlines.**

To bring the Draft Law further in line with international standards, OSCE Commitments, and good practice, ODIHR encourages the Serbian authorities to address the outstanding recommendations from its previous opinions, in particular those regarding the composition and decision-making of the Audit Commission. Additionally, to enhance the clarity and legal certainty of the Draft Law and to ensure adequate safeguards are in place to prevent implementation in bad faith, ODIHR also encourages the authorities to consider the additional recommendations and suggestions put forward in this Opinion. It further reiterates its call to subject the proposed amendments to the LUVR to inclusive, extensive, and effective consultations, including with civil society.

[END OF TEXT]

¹⁶ ODIHR notes that civil society and opposition representatives have deemed both deadlines of five months unduly long.

CURRENT UPDATED DRAFT LAW
AMENDING
THE LAW ON THE UNIFIED VOTER REGISTER

Article 1

In the Law on the Unified Voter Register (Official Gazette of RS, nos. 104/09, 99/11 and 44/24), in Article 4, after paragraph 1, a new paragraph 2 shall be added, worded as follows:

“After the decision to call elections has been made, a voter already registered in the voter register who registers permanent residence in another local self-government unit or in another city municipality, shall be entered by the municipal or city administration competent for the area of the new place of residence into the part of the voter register corresponding to the new place of residence, provided that by election day, at the latest, a period of no less than six months has elapsed since the date of registration of the permanent residence in that local self-government unit or city municipality.”

Article 2

In Chapter II. PROCEDURE FOR MAINTAINING THE VOTER REGISTER the title of Section 4 and Article 14 shall be amended to read as follows:

"4. Display of the Voter Register for Public Scrutiny

Article 14

In order to display the voter register for public scrutiny, the ministry in charge of public administration affairs shall provide access to voter data on its website (name, name of one parent and surname), disaggregated by polling stations in the territory of a local self-government unit, as well as to the data on the number of voters per household, i.e. address and apartment number.

Upon the voter register's closure, the ministry in charge of public administration affairs shall also, in addition to the data referred to in paragraph 1 of this Article, publish on its website the information indicating whether the voter will vote in the upcoming elections according to their place of permanent residence or temporary residence in the country, or their place of residence abroad.

Access to the data referred to in paragraphs 1 and 2 of this Article shall be made possible by previously entering the data on the unique master citizen number and the identity card number of the person who is accessing the data on the website of the ministry in charge of public administration affairs.

The day following the calling of elections, the municipal or city administration in charge of updating the voter register within the territory of the local self-government unit shall display the relevant part of the Voter Register for that territory for public scrutiny. The display shall be announced through public media outlets and, if necessary, by other appropriate means. The citizens shall be informed that they may, until the closure of the voter register, request

from the municipal or city administration the issuance of decisions that serve as the basis for changes made to the voter register.

Until the voter register's closure, every seven days, the ministry in charge of public administration affairs shall publish on its website the number of voters disaggregated by local self-government units and the data on the number of changes to the parts of the voter register referring to each local self-government unit, as well as the legal grounds for those changes for the past seven days.

The manner of displaying for public scrutiny the part of the voter register maintained for the territory of a local self-government unit shall be more closely regulated by the Minister in charge of public administration affairs."

Article 3

Article 21 shall be amended to read as follows:

"Article 21

Members and substitute members of the Republic Electoral Commission shall have the right to access the voter register and all the voter data in the voter register, except for the unique master citizen number, via a special module on the website of the ministry in charge of public administration affairs, which is accessed by logging in using a two-factor authentication.

Members and/or substitute members of the Republic Electoral Commission, through the Secretary of the Republic Electoral Commission, shall be entitled to submit remarks regarding the accuracy and up-to-dateness of the voter register to the ministry in charge of public administration affairs, which shall provide its response to the Republic Electoral Commission within 15 days following the date of receiving the remark.

By way of derogation from paragraph 2 of this Article, during the election period, the deadline for the response of the ministry in charge of public administration affairs to the remark submitted by a member or substitute member of the Republic Electoral Commission, as referred to in paragraph 2 of this Article, shall be five days following the date of receiving the remark.

Following the call for elections, the right to access all voter data contained in the voter register, except for the unique master citizen number, shall also be granted to an association authorised by the Republic Electoral Commission, in compliance with the law regulating the election of Members of Parliament, to observe the elections (domestic observers), through a person it has authorised for this purpose. The access shall be provided via a special module on the website of the ministry in charge of public administration affairs, which is to be accessed by logging in using a two-factor authentication.

Once a proclaimed electoral list becomes legally valid, the right referred to in paragraph 4 of this Article shall also be granted to the nominator of the proclaimed electoral list, in the manner in which that right is exercised by domestic observers.

The nominator of the proclaimed electoral list shall also have the right to submit a request to the competent authority for making a change to the voter register, which must be accompanied by the authorisation of the voter to whom the request pertains, as well as the relevant supporting evidence.

The right referred to in paragraphs 1, 4 and 5 of this Article may only be exercised upon signing a written data confidentiality protection statement certifying that the person accessing the data is familiar with the obligation that when accessing voter register data they must act in accordance with the law and solely for the purpose of exercising the powers entrusted to them by this Law.

The form of the statement referred to in paragraph 7 of this Article shall be prescribed by the Minister in charge of public administration affairs and shall be an integral part of regulations envisaged for the enforcement of this Law.”.

Article 4

After Chapter V, a new Chapter Va and Articles 22a to 22s shall be added, worded as follows:

“Va VOTER REGISTER AUDIT

Definition and competences

Article 22a

Voter Register audit shall be a procedure for analysing and assessing the quality, accuracy, reliability and efficiency of maintaining and updating of the Voter Register.

Voter Register audit shall be carried out by the Commission for Auditing, Verifying and Controlling the Accuracy and Up-to-Dateness of the Voter Register (hereinafter: the Commission).

Composition of the Commission

Article 22b

The Commission shall be an autonomous and independent body composed of ten members and their substitutes, appointed by the National Assembly.

Eight members of the Commission and their substitutes shall be nominated by parliamentary groups in the National Assembly, while two members of the Commission and their substitutes shall be nominated by associations that have been authorised, in compliance with the Law regulating the election of Members of Parliament, by the Republic Electoral Commission to observe at least three election procedures and that have published at least three reports on the election observation findings.

Competence for Nominating Members and Substitute Members of the Commission

Article 22c

Five largest parliamentary groups in the National Assembly that are part of the parliamentary majority shall nominate five members and five substitute members of the Commission, each group nominating one member and one substitute member of the Commission.

A parliamentary group that is part of the parliamentary majority shall be deemed to be a parliamentary group whose Members of Parliament support the work of the Government.

If, at the time of nominating members of the Commission, there is only one parliamentary group in the National Assembly that constitutes the parliamentary majority, this parliamentary group shall have the right to nominate all five members and five substitute members of the Commission.

If, at the time of nominating members of the Commission, there are more than one but fewer than five parliamentary groups in the National Assembly that constitute the parliamentary majority, each of these parliamentary groups shall have the right to nominate one member and one substitute member of the Commission, while the largest parliamentary group shall have the right to nominate the remaining members and substitute members of the Commission.

Three largest opposition parliamentary groups in the National Assembly (parliamentary groups that are not part of the parliamentary majority) shall each nominate one member and one substitute member of the Commission.

If, at the time of nominating members of the Commission, only two opposition parliamentary groups exist in the National Assembly, the larger opposition parliamentary group shall have the right to nominate two members and two substitute members of the Commission, while the smaller parliamentary group shall have the right to nominate one member and one substitute member of the Commission.

If, at the time of nominating members of the Commission, there is only one opposition parliamentary group in the National Assembly, it shall have the right to nominate all three members and three substitute members of the Commission.

If, at the time of nominating members of the Commission, there are no opposition parliamentary groups in the National Assembly, these three members and three substitute members of the Commission shall be nominated by the parliamentary groups of the parliamentary majority, applying *mutatis mutandis* the rules set out in paragraphs 2–4 of this Article.

An interested association that meets the requirement set out in Article 22b of this Law (hereinafter: the association) shall submit a nomination of one member and one substitute member of the Commission.

Requirements for Appointment to the Commission

Article 22d

A person may be nominated as a member or a substitute member of the Commission only if:

1) He/she is a citizen of the Republic of Serbia and has permanent residence in the territory of the Republic of Serbia;

2) He/she holds a higher education degree in legal, mathematical, demographic, information or economic sciences or social and statistical and other related scientific fields and has at least five years of professional experience in the relevant field.

A person who is a Member of Parliament, a member or substitute member of the Republic Electoral Commission, or who is employed, elected, appointed, or assigned in the ministry in charge of public administration affairs, the ministry in charge of internal affairs, or a municipal or city administrative body, as well as a person who has been convicted by a final judgment of a criminal offence and sentenced to an unsuspended term of imprisonment of not less than six months, may not be nominated or appointed as a member or substitute member of the Commission.

Nomination of Candidates for Members and Substitute Members of the Commission

Article 22e

The procedure for nominating candidates for members and substitute members of the Commission shall be conducted by the National Assembly committee competent for administration (hereinafter: the competent committee).

The procedure for nominating candidates for members and substitute members of the new composition of the Commission shall be initiated no later than six months before the expiry of the term of office of the appointed members and substitute members of the Commission, by the Chairperson of the competent committee sending a letter to the parliamentary groups, while a public call shall be published on the website of the National Assembly to interested associations, for the submission of candidate nominations for members and substitute members of the Commission. In addition, the Chairperson of the competent committee shall address a letter to the associations that were authorised by the Republic Electoral Commission to observe the last three electoral processes, inviting them to submit nominations of candidates for members and substitute members of the Commission.

Nominations of candidates for members and substitute members of the Commission shall be submitted to the competent committee within 15 days following the date of receiving the letter from the Chairperson of the competent committee referred to in paragraph 2 of this Article, or following the date of publication of the public call.

The nominations of candidates shall contain:

- 1) candidate's name and surname;
- 2) candidate's date and place of birth;
- 3) candidate's residential address, telephone number and e-mail address;
- 4) candidate's data on educational background;
- 5) candidate's data on work experience;
- 6) name and surname and signature of the authorized person submitting the candidate's nomination.

The candidate's nomination shall be accompanied by:

- 1) candidate's written consent to accept the nomination of member of the Commission, containing their name, surname and the unique master citizen number;

2) candidate's statement that there are no obstacles for the appointment to the Commission referred to in Article 22d, paragraph 2 of this Law;

3) a document on a read ID card with a microcontroller (chip), or a photocopy of the candidate's ID card without a microcontroller;

4) proof of candidate's higher education qualifications;

5) proof of candidate's professional work experience.

If a candidate who has previously been appointed to the Commission is being nominated, information and proof of the candidate's higher education qualifications and professional work experience do not need to be submitted along with the nomination.

Along with the candidate's nomination, the associations shall also submit proof of fulfilment of the requirements referred to in Article 22b, paragraph 2 of this Law.

Consideration of Nominations for Members and Substitute Members of the Commission

Article 22f

The competent committee shall, within 15 days following the expiry of the deadline for nominating candidates for members and substitute members of the Commission, consider the submitted nominations and examine whether the nominations have been submitted by authorized nominators and whether the candidates for members and substitute members of the Commission meet the requirements for the appointment to the Commission.

The competent committee shall not consider the nomination that was not submitted by an authorized nominator within the meaning of Articles 22b and 22c of this Law, and it shall inform the concerned nominator thereon in writing.

If an opposition parliamentary group authorized to nominate candidates fails to submit a nomination of candidates for a member and a substitute member of the Commission, the competent committee shall address in writing the next opposition parliamentary group that is, according to its size, entitled to nominate a candidate to the Commission, requesting that this parliamentary group submit nominations for one candidate for a member and one candidate for a substitute member of the Commission within 15 days following the date of receiving the request.

If a nomination is received in a timely manner from only one association, the competent committee shall address that association in writing, inviting it to submit a nomination of one additional candidate for member and one candidate for substitute member of the Commission within 15 days following the date of receiving the invitation.

If nominations are received in due time from more than two associations, the final nominations of two candidates each for members and substitute members of the Commission shall be determined at a meeting organised by the secretariat of the competent committee.

If, at the meeting of the associations referred to in paragraph 5 of this Article, no agreement is reached on two candidates each for members and substitute members of the Commission, voting shall be conducted with the participation of representatives of the associations present. Each association shall have the right to vote for two candidates for member and two candidates for substitute member of the Commission. The two candidates for

member and the two candidates for substitute member of the Commission who receive the highest number of votes shall constitute the final nomination of members and substitute members of the Commission. If, as a result of an equal number of votes, the nomination of one or both members or substitute members of the Commission cannot be determined by voting, the matter shall be decided by drawing lots among the candidates who received an equal number of votes. The drawing of lots shall be conducted by the secretariat of the competent committee.

If the competent committee establishes that any of the nominated candidates for a member or substitute member of the Commission does not meet the requirements for appointment to the Commission referred to in Article 22d of this Law, it shall deliver to the nominator of that candidate a reasoned notification, inviting them to submit a new nomination within 15 days following the date of receiving the notification.

List of Candidates for Members and Substitute Members of the Commission

Article 22g

The competent committee shall make a list of ten candidates for members and ten candidates for substitute members of the Commission (hereinafter: List of Candidates), and submit it to the National Assembly for consideration and adoption.

The National Assembly shall vote on the List of Candidates at its very next sitting within the regular session, and no later than four months following the date of submission of the List of Candidates.

The National Assembly shall vote on the List of Candidates in its entirety.

If the required majority of Members of Parliament does not vote in favour of approving the List of Candidates, the procedure for nominating candidates for members and substitute members of the Commission shall be repeated within 15 days following the date of the conclusion of the National Assembly's session at which the vote on the List of Candidates was held.

Personal Data Protection Statement

Article 22h

Once appointed, members and substitute members of the Commission shall sign a written data confidentiality protection statement certifying that they are familiar with the obligation that when accessing personal data while carrying out the Commission's tasks they must act in accordance with the law governing personal data protection and solely for the purpose of exercising the powers entrusted to them by this Law.

The form of the statement referred to in paragraph 1 of this Article shall be prescribed by the Secretary General of the National Assembly.

Term of Office of Members and Substitute Members of the Commission

Article 22i

A member and a substitute member of the Commission shall be appointed for a period of five years.

The same person may not be appointed to the Commission more than twice.

The term of office of members and substitute members of the Commission shall commence on the date of the adoption of the decision on their appointment, but not before the expiry of five years from the appointment of the previous composition of the Commission.

Before the expiry of the term of office, the term of office of a member and a substitute member of the Commission may cease by force of law, and the National Assembly shall *ex officio* terminate one's term of office:

- 1) in case of death;
- 2) if they are disfranchised;
- 3) if they have been sentenced to a period of incarceration of at least 6 months, by a final court decision;
- 4) if they have been deprived of their legal capacity.

The National Assembly shall relieve a member or a substitute member of the Commission of their duties:

- 1) if they submit a resignation;
- 2) if it is established that they do not meet the conditions for membership in the Commission as prescribed by this Law;
- 3) if they fail to attend the Commission's sessions for more than six months.

A member or a substitute member of the Commission shall submit their resignation in writing to the Speaker of the National Assembly, and the resigning person's signature must be certified in accordance with the law regulating the certification of signatures.

Filling a Vacant Seat in the Commission

Article 22j

A new member and/or a substitute member of the Commission shall be nominated by the authorized nominator who nominated the member or substitute member of the Commission whose term of office has ended by force of law or who has been relieved of duties, within 15 days following the date the National Assembly adopts the decision establishing the termination of the term of office by force of law or relieving the Commission member or substitute member of their duties.

Provisions of Articles 22d - 22g of this Law shall apply to the procedure for appointing a new member and/or substitute member to the Commission, accordingly.

By way of derogation from Article 22i, paragraph 1 of this Law, the term of office of a member or substitute member of the Commission appointed in place of a member or substitute member whose term of office has ended by force of law or as a result of relief of duties shall last until the expiry of the term of office of the member or substitute member in whose place he or she was appointed.

If less than six months remain from the date the National Assembly adopted the decision establishing the termination of the term of office by force of law or relieving a member or substitute member of the Commission of their duties until the expiry of the term of office of the appointed members and substitute members of the Commission, the process for appointing

a new member or substitute member of the Commission shall not commence in accordance with the provisions of this Article.

Commission's Powers

Article 22k

For the purpose of auditing the voter register, the Commission shall be authorised to do the following:

1) analyse data in the voter register, as well as civil registers and records of citizens' permanent and temporary residence (hereinafter: other records relevant to maintaining the Voter Register) at the level of personal data (name, name of one parent, surname, place and address of permanent residence);

2) analyse the legal validity of decisions on the grounds of which changes have been made to the voter register;

3) analyse/monitor statistical parameters of voter register variation;

4) analyse the process of updating and authorising changes to the voter register;

5) analyse data on the conducted supervisory inspections and on the measures proposed or ordered within the supervisory inspection procedure over the implementation of the regulations governing the voter register;

6) analyse data from the report of the ministry in charge of internal affairs, on the movement of the population and their alignment with the data in the voter register;

7) analyse the reports on the actions of the Ministry of Interior's staff in charge of citizens' affairs (approval of permanent residence and temporary residence of citizens);

8) submit request for field control of voters, to be carried out by the ministry in charge of internal affairs, based on the analysis of the voter register;

9) submit to the ministry in charge of public administration affairs a request for the rectification of irregularities identified in the voter register;

10) submit request for initiating the proceedings to determine responsibility if, in the process of establishing facts about the management and accuracy of the Voter Registry, it finds grounds to suspect that a violation of the law has occurred, by reporting the violation of the law to competent authorities;

11) gather data from competent authorities on statistical trends in the voter register, permanent residence, temporary residence, passivation and other relevant data related to the voter register;

12) adopt periodic reports on the status of the voter register;

13) initiate a voter education campaign on updating the voter register in cooperation with public media services, the ministry in charge of public administration affairs and the Republic Electoral Commission;

14) initiate cooperation between relevant institutions for the purpose of efficiently implementing measures to improve the integrity of the voter register;

15) analyse and compare other records relevant to the maintenance of the voter register;

16) analyse the actions and powers of the staff maintaining the voter register, as well as the training they undergo;

17) analyse the equipment (software and hardware) at the level of specifications and the security of the equipment used by the staff to maintain other records relevant to maintaining the voter register;

18) analyse the security of databases based on technical descriptions (premises, servers) and other records relevant to maintaining the voter register;

19) analyse the legal framework governing the manner of maintaining the voter register and other records relevant to maintaining the voter register;

20) analyse data kept by the state authority in charge of statistics and by other public authorities in charge of statistics and compare them to the data in other records relevant to maintaining the voter register, as well as to the data in the voter register;

21) conduct other analyses necessary to establish the degree of integrity of the voter register updating process;

22) consider citizens' remarks concerning matters falling within the Commission's competence;

23) monitor the implementation of recommendations from the Audit Report and the Special Report, in accordance with this Law;

24) adopt the report on the audit of the Voter Register, as well as special reports, in accordance with this Law.

The Commission shall not adopt separate decisions for the exercise of the powers referred to in paragraph 1, items 1)–7), 11), 13)–21) and 23).

In carrying out the powers referred to in paragraph 1 of this Article, members of the Commission shall have the right to access all voter data in the voter register, except for the unique master citizen number, via a special module on the website of the ministry in charge of public administration affairs, which is accessed by logging in using a two-factor authentication.

All state administration authorities, authorities of territorial autonomy and local self-government units shall decide on the Commission's request and provide the Commission, upon its request, with all data and information relevant to maintaining the voter register and making changes thereto, relating to the verification of the accuracy of entries or changes made to the voter register.

A member or substitute member of the Commission shall have the right to be present during the field control referred to in paragraph 1, item 8) of this Article.

The ministry in charge of public administration affairs shall inform the Commission on the actions taken in response to the Commission's request referred to in paragraph 1, item 9) of this Article within 30 days of receipt of the Commission's request.

The Commission shall adopt its Rules of Procedure, regulating in more detail the organisation and mode of its operation.

The voter register's audit procedure shall be regulated in more detail by a special act of the Commission.

Report on the Voter Register's Audit and Special Reports

Article 22l

The Commission shall submit a report on the conducted audit of the Voter Register to the National Assembly every two years, and no later than six months before the deadline for calling regular elections for Members of Parliament or regular elections for the President of the Republic (hereinafter: Audit Report).

The Audit Report shall contain recommendations to the competent authorities and organisations for the improvement of the maintaining and updating of the Voter Register, with a precise specification of the authority or organisation to which each recommendation relates.

The authorities and organisations to which the recommendations in the Audit Report pertain shall follow up on the recommendations and submit a report to the Commission on the measures taken within 120 days following the date of receiving the Audit Report.

During the audit, the Commission may adopt special reports containing recommendations to the competent authorities and organisations for improving the maintenance and updating of the Voter Register (hereinafter: Special Report).

The authority or organisation to which the recommendations in the Special Report pertain shall follow up on the recommendations and submit a report to the Commission on the measures taken within 120 days following the date of receiving the Special Report.

The Special Report shall constitute an integral part of the Audit Report.

Monitoring the Implementation of Recommendations and Reporting to the National Assembly

Article 22m

The Commission shall monitor the implementation of recommendations and consider the reports on measures taken in response to the recommendations submitted by the competent authorities and organisations.

Within 45 days following the expiry of the deadline for submission of the report by a competent authority or organisation on the measures taken as a follow-up on the recommendations contained in the Audit Report or Special Report, the Commission shall review the actions of that authority or organisation taken as a follow-up on the recommendations and submit a report thereon to the National Assembly.

A representative of the competent authority or organization to which the recommendations pertain shall attend the sitting of the Commission at which the implementation of the recommendations is considered.

Decision-Making by the Commission

Article 22n

For a decision of the Commission to be adopted, at least eight members of the Commission must vote in favour, provided that the decision is supported by at least one member nominated by the parliamentary groups in the National Assembly that are part of the parliamentary majority, at least one member nominated by the opposition parliamentary groups in the National Assembly, and at least one member nominated by associations.

A substitute member of the Commission shall replace a Commission member in the event of their absence, termination of office by force of law or relief of duties, until a new Commission member is appointed.

A substitute member of the Commission shall have the right to vote in the absence of the Commission member they are replacing.

A substitute member of the Commission shall have the same rights and duties as the Commission member they are replacing.

The First Session of the Commission

Article 22o

The first session of the Commission shall be convened by the Speaker of the National Assembly within 30 days following the date of appointment of members and substitute members of the Commission.

At its first session, the Commission shall:

- 1) elect three Commission members, one of whom has been nominated by the parliamentary groups that are part of the parliamentary majority, one nominated by the opposition parliamentary groups and one nominated by associations, who shall rotate annually in performing the function of the Chairperson of the Commission;
- 2) adopt the Commission's Work Plan.

Chairperson of the Commission

Article 22p

The Chairperson of the Commission shall convene Commission's sessions, chair the sessions, ensure order at the sessions, as well as the implementation of the Commission's Work Plan, and sign acts passed by the Commission.

In the event that the Chairperson of the Commission is absent or otherwise unable to chair a session of the Commission, the session shall be chaired by the substitute member of the Commission who was nominated by the same authorized nominator as the Chairperson.

The rotation of members of the Commission, elected in accordance with Article 22o, paragraph 2, item 1) of this Law, for the performance of the function of Chairperson of the Commission shall continue according to the order determined by the first composition of the Commission.

Participants in the Work of the Commission

Article 22q

The following shall participate in the Commission's work without the right to vote:

- 1) three representatives of the ministry in charge of public administration affairs;
- 2) one representative of the ministry in charge of internal affairs;
- 3) one representative of the Commissioner for Information of Public Importance and Personal Data Protection.

The authorities referred to in paragraph 1 of this Article shall appoint their representatives within 15 days following the date of receiving the Commission's written request.

At the invitation of the Commission, the following may also participate in its work without the right to vote:

- 1) representatives of international organizations and experts with the expertise in the field from the Commission's scope of work;
- 2) civil servants with an expertise in the field from the Commission's scope of work, employed with state administration authorities and the authorities of autonomous provinces and/or authorities of local self-government units, assigned by the head of the authority that employs these persons.

The invited persons referred to in paragraph 3 of this Article shall make available to the Commission all the information necessary for exercising Commission's powers prescribed by this Law.

Members and substitute members of the Republic Electoral Commission shall have the right to submit remarks to the Commission about the voter register's accuracy and up-to-dateness, in line with their right to access the voter register.

The Commission shall provide the Republic Electoral Commission with its response to the remarks of members and substitute members of the Republic Electoral Commission, within 30 days following the date of receipt of the remarks.

When the Commission considers remarks submitted to it by a member of a substitute member of the Republic Electoral Commission in compliance with paragraph 5 of this Article, the member or the substitute member of the Republic Electoral Commission who submitted the remarks shall be invited to this session of the Commission.

Transparency of Commission's Work

Article 22r

The work of the Commission shall be public.

The transparency of the Commission's work shall be ensured by publishing the following on the Commission's website: convocations of Commission sessions, general acts of the Commission, reports submitted by the Commission to the National Assembly, special reports, the Work Plan, minutes of the Commission's sessions, and other information within the scope of the Commission's work that is of public interest.

Up to two representatives of association registered in the Republic of Serbia, whose objectives are pursued in the field of elections and which have submitted a request to observe the work of the Commission, may attend Commission sessions in the capacity of observers, provided they sign a data confidentiality protection statement referred to in Article 22h of this Law. The procedure for submitting a request to observe the work of the Commission shall be regulated by the Rules of Procedure of the Commission.

During the elections, sessions of the Commission may also be attended by representatives of associations that, in accordance with the law governing the election of Members of Parliament, have been authorised to observe the elections.

The Commission shall provide on its website a dedicated section through which citizens may submit remarks concerning matters within the Commission's competence.

The Commission shall specify in the Audit Report the total number of citizens' remarks received, as well as the manner in which they were addressed.

Conditions for the Commission's Work

Article 22s

The National Assembly shall provide the conditions necessary for the work of the Commission (staffing, premises and technical resources).

The Commission shall have a Secretary and a Deputy Secretary appointed by the Secretary-General of the National Assembly from among the employees of the National Assembly Service.

Only a person with a higher education degree in the field of legal sciences may be appointed as Secretary or Deputy Secretary of the Commission.

For the purpose of conducting the audit of the voter register, the Commission may engage experts with a higher education degree in mathematical, demographic, information or economic sciences or in social - statistical and other related scientific fields.

The funds for the work of the Commission shall be provided from the budget of the Republic of Serbia, which shall be ensured by the Secretary General of the National Assembly.

Members and substitute members of the Commission shall be entitled to a monthly remuneration for their work in the Commission, in the amount of one and a half times the average net salary, excluding taxes and contributions, paid in the Republic of Serbia according to the latest data published by the state authority in charge of statistics.

Members and substitute members of the Commission shall be entitled to reimbursement of expenses incurred in connection with their work in the Commission in accordance with the regulations governing allowances and other remunerations of elected and appointed officials in public authorities.

Experts engaged by the Commission in accordance with paragraph 4 of this Article shall be entitled to monetary compensation, the amount of which shall be determined by the committee of the National Assembly competent for administrative and budgetary affairs.

Article 5

After Chapter VI, Chapter VIa and Article 24a shall be added, worded as follows:

“VIa PERSONAL DATA PROTECTION

Obligations Regarding the Protection of Personal Data

Article 24a

All persons who are entitled to access personal data in the voter register on any grounds provided for in this Law shall handle that data in accordance with the law regulating the protection of personal data and solely for the purpose of exercising the powers entrusted to them by this Law.

Personal data of voters accessed in the voter register must not be used for political purposes, for conducting election campaigns or otherwise misused.”.

Article 6

In Article 25, after paragraph 1, a new paragraph 2 shall be added, worded as follows:

“A monetary fine ranging from 25,000 to 250,000 dinars shall be imposed on the responsible person in a state administration authority, territorial autonomy, or local self-government unit who acts in contravention of Article 22k, paragraph 3 of this Law.’.

Article 6

The competent committee shall initiate the procedure for nominating the first composition of the Commission in accordance with the provisions of this Law within 15 days following the date of entry into force of this Law.

Article 7

The first composition of the Commission appointed in accordance with the provisions of this Law shall carry out the first audit of the voter register within nine months from the date of appointment of Commission’s members and substitute members and submit the Audit Report to the National Assembly.

Article 8

Three members of the first composition of the Commission who are elected as Chairpersons of the Commission at the first session of the Commission, in accordance with the provisions of this Law, shall rotate in the position of the Commission Chairperson every three months until the expiration of the deadline referred to in Article 7 of this Law.

The first Chairperson of the initial composition of the Commission shall be the member of the Commission nominated by an association.

Article 9

The National Assembly shall relieve of duty a member or a substitute member of the first composition of the Commission who fails to attend Commission sessions for more than three months.

Article 10

The Ministry in charge of internal affairs shall submit to the Ministry in charge of public administration affairs the data necessary for carrying out tasks referred to in Article 2 of this Law, within five six months following the date of entry into force of this Law.

Article 11

The Minister in charge of public administration affairs shall align the regulations envisaged for implementation of the Law on the Unified Voter Register with the provisions of this Law within five six months following the date of entry into force of this Law.

The Minister in charge of public administration affairs shall prescribe the form of the statement referred to in Article 3 of this Law within 30 days following the date of entry into force of this Law.

Article 12

The form of the statement referred to in Article 4 of this Law (Article 22h) shall be prescribed by the Secretary-General of the National Assembly within 30 days following the date of entry into force of this Law.

Article 13

The act referred to in Article 4 of this Law (Article 22k) shall be adopted by the Commission within 30 days following the date of appointment of members and substitute members of the Commission in the procedure initiated pursuant to Article 6 of this Law.

Article 14

The Commission's website shall be established within 30 days following the date of entry into force of this Law.

Article 15

This Law shall enter into force on the eighth day following the date of its publication in the Official Gazette of the Republic of Serbia, except for Article 2 that shall apply one year following the date of entry into force of this Law.