



Office for Democratic Institutions and Human Rights

THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

**Assessment of Sharing Personal Information from the Public
Registers in the Process of Updating the Voter Register**

**OSCE/ODIHR Expert Visit
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THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

ASSESSMENT OF SHARING PERSONAL INFORMATION FROM THE PUBLIC REGISTERS IN THE PROCESS OF UPDATING THE VOTER REGISTER

I. INTRODUCTION AND ACKNOWLEDGMENTS

Following an invitation from the State Election Commission (SEC) of the former Yugoslav Republic of Macedonia to undertake an assessment on the manner in which personal information from citizen's registers is shared in the process of updating the voter register, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Expert Team (the Team) to Skopje from 16 to 19 September 2013. The OSCE/ODIHR Team included Mr. Zoran Đoković, OSCE/ODIHR Migration/Freedom of Movement Adviser and Mr. Nikolai Vulchanov, external expert.

This expert visit was organized in follow-up to recommendations from past OSCE/ODIHR Election Observation Missions (EOMs) and in an effort to assist the authorities and other relevant stakeholders with their implementation. The visit was in line with the commitment made by all OSCE participating States in the 1999 Charter for European Security, and reaffirmed at the 2002 Ministerial Conference in Porto, to follow up promptly on OSCE/ODIHR election assessments and recommendations.¹

The Team assessed the process of updating voters' data included in voter lists based on personal information, including official records of identity, vital life events and place of residence, kept in the civil, residency and other registers maintained by relevant state institutions. The Team reviewed the applicable regulatory framework and identified areas where improvements could be considered. With the aim of assessing the quality of information kept in the civil and residency registers and how it reflects on the accuracy of voter lists. The administrative framework for maintenance of the address register was also analyzed and finally, the Team looked at possible short- and long-term measures to enhance the efficiency of voters' personal data collection, its updating and sharing by and between state institutions.

The OSCE/ODIHR is grateful to the SEC for the invitation and the opportunity to contribute to its efforts aimed at increasing the accuracy of voter lists, as well as for SEC support in organizing the Team's visit and the availability of its staff for discussions. The OSCE/ODIHR wishes to express its appreciation to other institutions and individuals for their openness and availability to provide insight on the topics discussed during the visit (see list of interlocutors in an Annex 1). The support provided to the Team by the OSCE Mission to Skopje is also highly appreciated.

¹ Charter for European Security, Istanbul, 1999; <http://www.osce.org/mc/17502>;
Tenth Meeting of the Ministerial Council, Porto, 2002; <http://www.osce.org/mc/40521>

II. EXECUTIVE SUMMARY

Under the Electoral Code of “the former Yugoslav Republic of Macedonia” (the Electoral Code), the SEC is tasked with maintaining the voter register, from which voter lists are drawn, and with ensuring their accuracy. To date, the SEC has limited capacity to maintain the voter register and consequently, the voter register is maintained by the State Statistical Office (SSO). In addition, for the same reason, the SEC does not exercise sufficient quality control over the voter lists.

In updating the voter register, the SEC uses personal identity, vital life events and place of residence information provided by the institutions as defined under the Electoral Code. It appears that the SEC has yet to develop a sufficiently detailed methodology to assess the voter register for information that could help identify possible discrepancies in the voters’ data or potential abuse of voter registration procedures which require further action.

Under the Electoral Code, the SEC does not have sufficient legal authority to change the information in the voter register submitted by the relevant institutions. While the SEC’s inspection of the voter register may prompt the SEC to review certain information in the register, amendments are possible only if they are supported by legally valid personal information. Unless inaccurate information is a result of mistakes in the transfer process, all inaccuracies in the voter register and the voter lists are inherited from information submitted by relevant state institutions legally responsible for registering and maintaining it. Consequently, it is debatable whether the SEC should be the authority tasked with resolving such inaccuracies.

Voters’ personal data provided by the Ministry of Interior (MoI) are the main source of information used for the compilation of the voter register. In the process of updating information in the voter register, the MoI provides legally valid information with regard to voters’ identities and places of residence. The role of the MoI is underscored by the fact that only those citizens in possession of a valid ID issued by the MoI can be included in the voter lists. Therefore, the accuracy of information provided by the MoI directly affects the accuracy of voter lists.

It would appear that the MoI exercises limited control in ensuring that the information on a registered place of residence is up-to-date. Some voters may not reside at the places of residence where they are registered as a result of failing to report to the authorities the change of place of residence. While the mechanism for ensuring that citizens comply with the requirement for reporting the change of place of residence is based on fines, consideration should be given to developing sufficient incentives for citizens to report a change of place of residence in a timely manner to avoid a situation where the registration of residence is maintained even though occupancy rights may have ceased to exist.

Voters that have a long-term residence or live permanently abroad are issued passports and included in the voter lists on the basis of their last known residence address in the country. The use of the last known address as the criterion for issuing passports to such citizens could be reviewed with a view to protecting their right to vote and to ensure that voter lists are not perceived by the public as inflated.

The Directorate for Keeping Personal Records (the Directorate) under the Ministry of Justice (MoJ) is responsible for the registration of legally valid personal information on identity and vital life events of citizens. However, in the process of updating information in the voter register, the role of the Directorate is limited to providing information on deceased voters which is communicated to the SEC through regular updates from the MoI and directly via SEC's regional offices.

While sharing of population and voter information between institutions overall works, it does so using different levels of technology including paper flow or the copying of a large array of data on compact disks, rather than having direct on-line access to the data maintained by other institutions.

In the short term, the SEC should develop a detailed set of queries to assess the accuracy of the voter register and to provide regular updates to the public on the changes made in the register. Such activities could serve to further enhance public confidence in the voter lists. The SEC should also run an inspection of the voter register to detect information which would require further follow-up by the authorities responsible for its maintenance and updating. This is particularly important with regard to information concerning the number of changes of place of residence in a given municipality or if unusually high numbers of people are registered as residing at the same address.

In the long term, it could be useful to assess the cost-effectiveness of maintaining a voter register in parallel to the registers of citizens maintained by the MoI or in the future by the Directorate under the MoJ. In this context, consideration could be given as to whether either of these two agencies which are legally responsible for the registration of personal information should also be responsible for the compilation of the voter lists on the basis of information they already have, and whether political consensus for such a decision could be reached. Alternatively, it might be necessary to fully develop the capacity of the SEC to assume responsibility for the maintenance of the voter register.

III. BACKGROUND

The quality of voter lists has been a long-standing issue. It has been commented upon in OSCE/ODIHR election observation reports and joint opinions of the OSCE/ODIHR and the Council of Europe's Commission for Democracy Through Law (the Venice Commission).² These documents underscored the need to review and audit voter lists with a view to increase their accuracy and enhance public confidence in the voter registration process. For the 2011 early parliamentary elections, the OSCE/ODIHR EOM Final Report highlighted that 1.82 million citizens, out of an estimated population of 2.05 million, were eligible to vote. The report further underlined that a difference between the number of registered voters and the estimated size of population led to "[...] *persistent doubts about the accuracy of the voter*

² Repeated OSCE/ODIHR and Venice Commission recommendations that a thorough voter list audit be undertaken remain to be acted upon. <http://www.osce.org/odihr/elections/fyrom/69936>.

lists [...]’ and recommended a “[...] thorough audit and revision of the voter lists [...] to focus on entries of deceased people and citizens residing abroad [...]”³

Following the 2011 parliamentary elections and on the basis of broad political agreement, the authorities introduced an interpretation of Article 41(4) of the Electoral Code⁴, whereby after 29 February 2012 the term “valid documents” would mean the issuance of a new personal identity card or travel document (international passport) with biometric features. To address recommendations from the OSCE/ODIHR EOM Final Report on the 2011 early parliamentary elections, in 2012, the government established a Working Group on Voter Lists tasked to review the voter lists and define policy actions aimed at increasing the accuracy of voter lists. The Working Group concentrated on monitoring the progress of the issuance of new identification documents and biometric passports since the possession of these documents determined voting right eligibility.

For the municipal elections held in March 2013, 1,743,403 voters were determined eligible to vote and included in the voter lists. Compared with the 2011 early parliamentary elections, some 119,000 people were removed from the voter lists as they did not possess a personal identity card or biometric passport. In its final report for these elections, the OSCE/ODIHR EOM reported that complaints regarding the accuracy of voter lists persisted while also taking note of enhanced public confidence in the accuracy of voter lists. The OSCE/ODIHR recommended that “[...] *Consideration should be given to conducting a review of the procedures for compiling and maintaining voter lists. Clear, coordinated, and transparent procedures would enhance accuracy of the voter lists and contribute to public confidence. [...].*”⁵

Based on Article 42 of the Electoral Code, registration of vital life events defining personal identity, such as birth, death and marriage or divorce, as well as the registration of permanent residence, is key to the compilation of accurate voter lists.⁶ Therefore, the Team focused on these procedures, with a view to assessing them in the context of the collection, updating and sharing of citizens’ personal data related to vital life events and permanent residence between institutions.

³ See the OSCE/ODIHR final report (page 20) at <http://www.osce.org/odihr/elections/FYROM/83666>.

⁴ Article 41(4) of the Electoral Code regulates that all citizens who are 18 years old and have residence on the territory of the state and who have a valid personal identity card or passport shall be registered in the voters list.

⁵ Please see the OSCE/ODIHR final report (page 24) at <http://www.osce.org/odihr/elections/103411>

⁶ Article 42 (1) of the Electoral Code regulates the duty of the State Election Commission to record, add and delete data in the voters list, based on data from birth registries, registries of residence and citizenship, other official records, and through direct inspection.

IV. ASSESSMENT FINDINGS

MAINTENANCE OF THE VOTER REGISTER

Voter registration is regulated in Articles 2, 5-6, 31 and 41 – 56. of the Electoral Code. The right to vote is granted to citizens who are 18 years old, reside in the constituency, or municipality, where the election takes place and have a valid personal identity card or passport. Citizens exercise their voting right at a polling station located within the area defined by the SEC and within which they have registered a place of residence. The Electoral Code does not specify a requirement that a voter should reside for a specific period of time ahead of Election Day within a given constituency in order to have the right to vote.

In line with Article 41(2) of the Electoral Code, the SEC is responsible to maintain the voter register from which voter lists are to be extracted. However, since the authority over voter registration was transferred from the MoJ to the SEC in 2009, the SEC still does not have appropriate resources to manage the voter register and to produce voter lists without external support. In accordance with Article 203 of the Electoral Code, until the SEC is technically ready to maintain a voter register without external support, it is maintained by the SSO. The Team was informed that with appropriate investment to expand the SEC's technical capacity, the SEC feels confident that it could maintain the voter register. At the same time, the Team was informed of an ongoing project implemented by the SEC aimed at computerizing its regional offices and providing them with online connection with the SEC. It appears however, that concrete projects and feasibility studies aimed at building the SEC's internal capacity to maintain voter register have not been yet developed.

While the SSO processes the information related to the voter register and extracts the voter lists, the SEC oversees the voter registration process and coordinates the activities on obtaining information from other institutions tasked with providing information to update the voter register. In terms of providing data for the update of the voter register, the SEC provides to the SSO three types of information: the first type of data relates to the information on the delineation of polling station areas defining which streets and addresses each polling station is comprised of. The second type of data relates to the information on deceased voters collected by the SEC's regional offices. The third type of data relates to information on changes of personal information in the voter register requested by voters via direct application to the SEC's regional offices. For the 2013 municipal elections the SEC, for the first time, printed the voter lists for each polling station were provided by the SSO.

The Electoral Code defines which legally valid personal information is used for updating the voter register and the authorities responsible for providing this information. With regard to the volume of information that each institution provides to the SSO to update the voter register, the MoI emerges as the most important provider of legally valid information. The data provided by the MoI is based on the register of issued personal identity cards and travel documents (with biometric features) which contains all information relevant for the identity of voters (name, surname, name of one parent), vital life events (date of birth, information of deceased voters) and the place of residence (address). Finally, the information provided by the MoI on issued personal identity cards and travel documents including on their validity directly determines who can be added to the voter lists. The MoI is responsible for submitting

the above mentioned information to the SEC twice a year on a regular basis and on the day following the day of the calling of the election.

Apart from the information received from the MoI, the SSO also receives information on deceased voters on a permanent basis. The information is collected by the SEC via its regional branches on the basis of the information on deceased voters submitted to the SEC regional branches by the regional registrar offices operating under the Directorate at the MoJ. The SEC regional offices also forward the information on the persons who submitted requests to update their information in the voter register after presenting a valid identification document.

It is noteworthy that under the existing SSO procedures for processing information in the voter register, whenever information received through regular MoI updates (information on deceased voters or other personal information) is different from existing information in the register, even if information has been received through regular updates from the SEC regional offices, the newly received information from the MoI prevails.

Information on streets in the databases of the MoI and the SSO are codified meaning that each physical address is represented as a unique code. Based on the street codes in their databases reference can be made to the existing and previous names of the street. Central to ensuring that both institutions operate with the most recent and valid information related to street names is the information provided by the Central Register responsible for verifying legally valid street names and their corresponding codes.

REGISTERS USED FOR UPDATING THE VOTER REGISTER

a) Registration of vital life events

Registration of vital life events such as birth, death, marriage, including other relevant identity information (name, surname, parents' names) is one of the basic sovereign prerogatives of states through which states register legally valid information pertaining to a person's identity and on the basis of which the state recognizes the identity of physical persons including their relationships with other persons.

The registration of vital life events and relevant identity information is regulated by the Law on Personal Records which defines the Directorate under the MoJ responsible for registering, storing and updating this information. Generally, the fundamental principle implemented by the law is that vital life events are registered in the respective register kept at the location where the event occurred, with exceptions detailed by the law. Vital life events are recorded, in two original paper copies. The 32 regional branches of the Directorate report on the registration to the central office on a regular basis and each of the 173 local offices report to the regional office twice per week.

Most of the registers maintained by the Directorate are paper based. The Team was informed that the Directorate is in the process of procuring equipment which should allow for the electronic maintenance of the registers. To that end, the Directorate is undertaking a digitalization of existing paper records where some 20 per cent of approximately nine million

paper based records collected and updated since 1900 have already been entered into the electronic database. Once complete, the database will include all information from the existing books of birth, death and marriage. The intention of the Directorate is to complete this project by July 2015. The Directorate does not intend to scan and to include original acts establishing the occurrence of vital life events in the database; instead, the data from the records will be transferred to the electronic database using manual data entry. The Directorate also plans to cross check the information stored in the new database with the information on citizens stored in the database of the MoI.

The Directorate's regional branches provide a copy of the death certificate *ex-officio* to: (i) the birth register at the place of birth, (ii) the marriage register at the place of the marriage, (iii) the respective regional office of the MoI and (iv) the respective regional office of the SEC at the location of the registered permanent residence. Finally, the information is also communicated to the SSO for statistical purposes.

Although the Directorate is responsible for the registration of personal information pertaining to the identity of citizens, it does not provide this information directly to the SEC for the purpose of updating the voter register. Instead, this information is provided by the MoI which collects information on a person's identity in the process of issuing identification documents and biometric passports. As part of the document issuance process, the MoI copies relevant information on a person's identity from birth and marriage certificates issued by the Directorate.

The fact that the information on a voter's identity is obtained through an intermediate institution (MoI) and not from the institution legally responsible for its registration (the Directorate) could lead to discrepancies in relation to the updated identity information and the identity information as reported by the MoI. This possibility exists since the MoI will reflect the change of information on a person's identity only when this information is reported by the person in a certified format when requesting a new personal identity card or travel document. Such a data discrepancy is most likely to occur in cases when a person changes name or surname. Discrepancies in data related to other vital life events such as birth and death appear unlikely as the Directorate's regional branches communicate this information to the MoI *ex-officio*.

As the Directorate's regional branches communicate registered deaths *ex-officio*, this information reaches the SEC through three independent channels of communication. First, the Directorate communicates this information via the SEC regional offices. Second, the same information is also communicated to the MoI which provides this information to the SEC at the first scheduled update of the voter register. Third, the information is communicated directly to the SSO for statistical processing. Consequently the information directly communicated to the SEC has value in terms of updating the voter register only in the period after the last update from the MoI was received and until the voter lists are finalized immediately before elections. Every time the MoI submits information for updating of the voter register it already contains all information on deceased voters which was previously communicated to the SEC. The Team was informed that the SSO conducts detailed inspections on all data inconsistencies (i.e. deaths reported by the SEC regional offices but not reported by the MoI). It would appear that communication of registered deaths sent directly to the SSO is not used for the purpose of updating the voter register.

b) Registration of residence and issuance of a personal identity card and a travel documents with biometric features

In the context of voter registration, residence information is used to determine, on the basis of registered permanent residence, the polling station where the voting right can be exercised. For local elections, voters' residence addresses also determine the municipality in which a person may stand as a candidate and the municipality for which she/he has the right to vote. Further to the registered place of residence, a possession of a valid personal identity card or travel document determines the eligibility to vote.

The MoI is responsible for keeping and updating the records for registration and de-registration of permanent and/or temporary residence of citizens, the records on issued unique personal identity numbers and the records on issued personal identity cards and travel documents. With this comprehensive set of registers, the MoI is in possession of all personal information relevant for the identity, vital life events and place of residence of each citizen including the information on personal identity cards and passports issued to citizens including their validity.

It is noteworthy that in terms of legal authority to register personal information, the MoI is responsible only for the registration of place of residence, the unique personal identity number and the issuance of personal identity cards and travel documents. Registration of legally valid identity information and information on vital life events is the responsibility of the MoJ which maintains separate registers where this information is stored. In the process of registration of place of residence or the issuance of identity cards and/or travel documents, the information pertaining to one's identity is copied by the MoI from documentary evidence on the identity (such are birth and citizenship certificates) issued by the Directorate at the MoJ.

Residence registration and documents issuance for citizens residing within the country

The registration and deregistration of permanent and/or temporary residence of citizens is regulated by the Law on Registration of Permanent and Temporary Residence of Citizens. Article 2 of the law provides that: "*Permanent residence shall be a place where the citizen has settled with the intention to permanently live there and where (s)he has ensured him/herself an accommodation.*".

Citizens who have the intention to permanently reside in the state including those temporarily residing abroad are obliged under the law to register permanent residence and to report a change of permanent residence. When changing permanent residence persons are required to de-register from the 'old' permanent residence and register the 'new' residence within eight days. Within a further 15 days, the MoI should adopt a decision related to the reported change of permanent residence. Failure by the MoI to adopt a (positive or negative) decision with regard to the reported request for a change of residence, leads to the submitter having the

right to invoke a lengthy appeal administrative procedure.⁷ Children's permanent residence is registered, at birth⁸ and with any subsequent change of residence of their parents. Failure to register residence in accordance with the legal framework is sanctioned by a fine in the range of EUR 100 and EUR 500, in line with Article 16 of the Law on Registration of Permanent and Temporary Residence of Citizens. To complete residency registration, citizens have to submit documentary evidence proving the right to reside at a given property.⁹

There are several issues that affect the accuracy of registered information in relation to the place of permanent residence. As the registration of a place of residence, as well as the change of a place of residence, is made upon a citizen's request, the accuracy of permanent residence information depends on timely reporting by citizens about where they actually reside. However, once citizens complete registration of place of residence, it appears that the MoI exercises limited control in determining if over time they continue to reside at the registered place of residence and if the legal grounds on the basis of which residency was registered have ceased to exist.¹⁰

The law envisages that a person failing to report an accurate place of residence will be sanctioned. However, the MoI has no mechanism to establish if the person no longer meets the requirement to maintain his or her registered residence at a reported location. While the law envisages a detailed procedure for appealing a decision of the MoI on the registration of a place of residence, such a procedure can be invoked only by the applicant. At the same time, new owner(s) cannot invoke the procedure for terminating the registration of a place of residence, if they have acquired a property where a person maintains a registered place of residence or property owner(s) have terminated a lease contract with a person with a registered residence at the property.

Registration of permanent residence is closely linked with the issuance of personal identity cards and travel documents since if the person changes residence he or she also should change the identity document. Registration of a change of place of residence for the owners of personal identity cards and travel documents means that these would also have to be changed as the residence address is printed on both documents. Considering that obtaining new identity documents could be a lengthy process, citizens may decide to delay their reporting on a change of residence.

⁷ In accordance with Article 3-b of the Law on Registering Permanent and Temporary Residence of Citizens.

⁸ This appears to be an implication from the Decree, point 24.

⁹ In accordance with Article 2 of the Law on Registering Permanent and Temporary Residence of Citizens; the documentary evidence required is defined by an internal MoI regulation. Citizens are also required to report their temporary residence if different from the place of permanent residence but these procedures were not assessed since the temporary residence is not reflected in the voter lists.

¹⁰ For instance, it is possible that the person has sold the property or has canceled the lease contract but maintains registration of place of residence at that location.

Registration of and documents issuance to citizens residing abroad

Citizens who reside abroad and who apply for a new travel document or to replace it must *inter alia* provide information on their permanent residence in the former Yugoslav Republic of Macedonia¹¹ despite the fact, that a citizen may have no intention to live at the declared permanent residence. While the address of a citizen's permanent residence would generally indicate a link between the individual and a location in-country where he or she would exercise his or her legal rights and deliver his or her responsibilities, the situation for citizens living abroad may be different. This is particularly valid for the diaspora and their successors who are generally permanent residents abroad and quite often might also be citizens of the country where they reside.

In accordance with Article 12 of the Guidelines on the Manner of Issuance of Passports and Collective Passports for the Citizens of the Republic Of Macedonia and the Procedure for Issuance of Visas for those Passports, citizens who for any reasons remain residing abroad and who do not want to or cannot register residence on the territory of the state, shall submit the request for issuance of travel document to the Ministry of Interior according to the place of their last residence". However in practice, this provision may result in persons registered at a place of residence (address) where they are no longer entitled to reside. For instance, property at the address of a lastly registered residence may no longer even exist or may have changed the owner. Over time the issue is compounded by the fact that descendants of the person residing abroad would also have their residence registered at the last residence of their parents.

Citizens who live abroad and have a permanent residence in the state are included in the voter lists according to their last registered permanent residence and are marked on the lists by an asterisk. Citizens who move abroad and intend to live there for more than three months should report their intention either to MoI regional offices, border check points or consular offices abroad. In all cases, reports are submitted to the MoI. Representatives of the Ministry of Foreign Affairs informed the Team that they encounter difficulties with establishing deaths of citizens abroad especially for those citizens who permanently resettled abroad and who have no property in the former Yugoslav Republic of Macedonia.

c) Address register

Permanent and temporary residence is registered at a specific address, including the name of the municipality and the town or village, the name of the street and the house number. There is a database for the administrative division of the country maintained by the Central Register, which provides for a unique digital code for each street in towns and villages where there is an established system of streets. There is no unique digital code for house numbers, although it would appear that the Central Register is currently developing this feature; however the unique digital code for house numbers does not include the unique street code.

¹¹ This requirement is in accordance with Article 26 of the Law on Travel Documents of Citizens of "the former Yugoslav Republic of Macedonia".

The change of street names is under the authority of municipal councils. A change of a street name affects the validity of personal identity documents and may have consequences for the processing of voter lists. The Team was informed of isolated cases whereby street names on voters' IDs differed from those printed on the voter lists. There appeared to be a solution in place which provided that both the 'old' street name (as provided for on the personal identity document) and the 'new' street name were included in the voter lists. Since the new documents have been introduced relatively recently, the difference between official street names and the street names printed on identity cards/passports appears limited to date, but with time one could expect that the discrepancy of official street names *vis à vis* those printed on identity cards/travel documents is likely to increase.

d) Sharing of Information between State Institutions

The Team was under the impression that while sharing of population and voter information between institutions is taking place, it does so using different levels of technology including paper flow or copying a large array of data on compact disks, rather than having direct access to data of other institutions. The unique personal identification number is used as the sole criteria for matching personal records from different databases in the process of updating personal information in the voter register and to ensure integrity of personal information in the databases. The unique personal identification number is also used as a unique identifier in updating information received in paper format. Collection of biometric data stored in the MoI database ensures that each person has only one personal record to which a unique identification number is assigned and it safeguards against the creation of several records with its corresponding unique personal identification number which belongs to the same person.

A government project on the interoperability of data between electronic databases maintained by the authorities is underway. Its main goal is to eliminate possibilities for duplication of activities of different institutions in data registration and to ensure direct access to up-to-date data by different institutions. It is not clear when this project will yield practical results with regard to the registration of citizens and voters. Both the MoI and the Ministry of Information Society and Administration in charge of the data interoperability project indicated that the information technology platform used by the MoI, the institution in charge of the largest amount of population and voter registration related data, was outdated and that in order to increase data interoperability the information technology of the MoI should be upgraded. The SSO and the SEC are considered for inclusion in the data interoperability project during its second phase.

e) Authority for changing information in the voter lists

The SEC has the authority to oversee the accuracy of information in the voter register. Article 42 (1) of the Electoral Code provides that SEC has the official duty to record, add and delete data in the Voters List, based on data from the books for registration of vital life events, registries of residence and citizenship, other official records, and through direct inspection. This provision determines that the SEC makes amendments to the voter lists on the basis of

official records and it also gives the authority to the SEC to make amendments through direct inspection. What direct inspection entails is not entirely clear.

The SEC appears to be operating on the premise that the recording and inclusion of additions to and deletions in the voter lists should only be done on the basis of legally valid information from civil and residency registration books. While some SEC members acknowledged the responsibility of the SEC to amend the voter register through direct inspection, it seems that no procedures for such an inspection exist. The Team was informed however, that often in the process of updating voter registration, and in instances where there is a discrepancy in information received from different institutions, the correct information is determined through direct inspection. It is unlikely that the SEC can be granted the authority to amend any data in the register through direct inspection, such as door-to-door visits, without ensuring that data is legally valid. However, a precise legal clarification on this specific provision is lacking.

The Team came to the conclusion that the SEC conducts a limited inspection of the voter lists and that not all options have been tried to exercise queries into the voter register database which could highlight potential issues with voter registration such as an unusual number of newly registered residences in certain areas in the run-up to elections or an unusually high number of residents registered at a specific address. In the situation where the voter register is solely based on legally valid records in the civil and residence register, the information in the voter register will be as accurate as the information in the civil and residence registers. Therefore the accuracy of voter lists is directly linked to the accuracy of civil and residence registers where the inspection of voter lists represents *de facto* inspection of the work done by the institutions which have provided the data. In such circumstances, the SEC could go as far as highlighting possible issues related to the data it had received for the update of the voter register, but at the same time it cannot be held accountable for inaccurate information in the voter lists as long as it fully corresponds with data received by the relevant institutions.

V. ENHANCING COLLECTION AND SHARING OF THE INFORMATION IN THE FUTURE

Overall, the legal framework includes all pieces of legislation necessary to maintain an accurate record of vital life events, residence, personal identity cards and travel documents. The authorities might consider updating sublegal acts in order to further improve the registration of permanent residence for citizens. Requirements for the issuance of travel documents for the citizens permanently residing abroad could benefit from further review.

Possible improvements could be considered in the short-to-medium and the longer term. Activities in the short term should aim at immediate efforts to restore public confidence, while in the long term, decisions should be made based on a broad political agreement to establish a transparent system of registration that will be implemented systematically and enjoys public trust and respect.

POSSIBLE SHORT TERM ACTIVITIES

As a confidence building measure for the public with a view to enhancing the transparency of voter registration, the SEC could design a set of queries to analyze the voter register as it stands after the 2013 municipal elections. The analysis could be based on a set of queries searching the voter register for possible groups of multiple records. The queries could be run on a regular basis by the SSO on behalf of the SEC. The starting point in designing such a set could be Annex 2 (Possible Queries to Identify Potential Groups of Multiple Records) of this Report, which should not be considered as an exhaustive example.

In addition, the SEC could also design an information sheet to provide, on a regular basis, statistical information for each municipality on the numbers of newly issued personal identity cards and travel documents, new registrations and de-registrations of permanent residence, and other facts relevant to the compilation of accurate voter lists. Consideration could also be given to regulate, by an internal SEC regulation that such queries are run on a regular basis and made public. During the period of public scrutiny of the voter lists, the queries could be run and the results be made public on a daily basis.

Bearing in mind that such an analysis would imply inspecting the work of other institutions which are providing data in the voter registration process, consideration should be given to phasing out the requirement that the SEC inspects and is held accountable for data accuracy and to transfer this responsibility to those institutions which are responsible for providing data for updating the voter lists.

Consideration should also be given to reviewing the existing body of legal and sub-legal acts relevant to the registration of vital life events, citizenship, and permanent residence with a view to updating outdated regulations, and assessing possibilities for further harmonization of the legal framework, by taking into account the current technologies for maintaining the respective registers. In addition, this review could also confirm that there is no duplication of efforts in transferring the information from the relevant institutions to the SEC.¹²

Legal and practical arrangements should be made to ensure that citizens comply with the requirement to report a change of residence. To this end consideration should be given to promoting incentives for reporting a change of residence and not to rely exclusively on sanctions. To ensure that a registered place of residence is correct, property owners should be provided with a mechanism to challenge the registration of a place of residence at their property if a person no longer lives at their property or if the property lease contract has expired.

In terms of communicating information on deceased voters, consideration should be given to conveying this information by the Directorate directly to the SSO considering that such a channel of communication already exists. Since the Directorate transmits this information to the MoI as well, to streamline the process of communicating information on deceased voters the regional branches of the Directorate should inform on deceased voters directly to the SSO

¹² While a measure of duplication could be considered as double checking, it remains redundant.

only in the period after elections were called, starting from the most recent voter register update received by the MoI until the cut-off date for the closing of the voter lists.

Consideration should be given to establishing specific arrangements to inform all institutions involved in the compilation of voter lists in a timely manner, *ex officio*, about changing names as a result of marriage or divorce, so that voter lists include both the 'old' and the 'new' name.

A change of residence implies a change of personal identity documents which may deter people to report a change of residence; as a result such persons will be on the voter lists in locations where they do not *de facto* live. Personal identity cards or travel documents should be used to only establish people's identities and the address should not necessarily be viewed as identity data.

Consideration could be given to removing the requirement that voters who live permanently abroad and exercise their rights and responsibilities where they live declare an address of permanent residence within the former Yugoslav Republic of Macedonia. They should rather only declare the location of family origin as a proof for the link to their country of origin.

POSSIBLE ACTIVITIES IN THE LONG TERM

In the long term the Electoral Code postulates that the SEC should build its internal capacity to process the voter register to maintain voter list information. To that end, the SEC should work on developing technical terms of reference for the implementation of such a system which should include appropriate human resources and define annual running costs before moving forward with the implementation. The implementation of such a system could be assessed in terms of cost effectiveness of running a voter register parallel to other registers of citizens and in particular compared to the existing register maintained by the MoI or a future civil register that is yet to be established by the Directorate.

To ensure an accurate allocation of voters to their nearest polling station, consideration should be given to upgrading the database for streets and addresses maintained by the Central Register and to transform it into an address register by introducing unique digital codes at the level of house, entrance and apartment numbers. This approach would further enhance the establishment of a unique link between the identity of a person and its geographic location. As a consequence, the residence register would be built on the civil register which includes the identity data of all resident citizens and on the address register which would include all existing addresses.

Consideration could be given to prioritizing the inclusion of the SSO and the SEC in the data interoperability project, which currently plays an important role in the compilation of the voter lists.

It could also be considered in the future to assess the cost-effectiveness of maintaining a voter register in parallel to the registers of citizens maintained by the MoI or by the Directorate under the MoJ. In this context, consideration could be given as to whether either of these two agencies legally responsible for the registration of personal information should also be

responsible for the compilation of voter lists on the basis of information they already have, and whether political consensus for such a decision could be reached. Such an assessment should take into account ongoing improvements in the management of personal information through the project on the establishment of electronic civil register, the creation of the technical conditions for the interoperability of digital information stored in the databases of relevant institutions, and the fact that the SEC does not have the authority to change personal information in the voter register which contradicts legally valid information.

Alternatively, it would be necessary to fully develop the capacity of the SEC to assume responsibility for the maintenance of the voter register.

ANNEX 1 – LIST OF MEETINGS

STATE AUTHORITIES

State Election Commission (SEC)

Mr. Boris Kondarko, President
Mr. Subhi Jakup Jakupi, Vice-President
Mr. Sašo Srecev, Member
Ms. Aneta Stefanovska, Member
Ms. Violeta Duma, Member
Mr. Vlatko Sajkoski, Member
Mr. Bedredin Ibraimi, Member
Ms. Biljana Stojanovska, Secretary General
Mr. Rasim Mustafa, Deputy Secretary General
Mr. Blagoja Stojkovski – State Advisor, Voters List sector.
Mr. Vlado Vasiljevski – Head of the IT sector
Mr. Aleksandar Sofronijoski – Head of Unit for Voter Lists
Ms. Neda Dzockova – Advisor in the Sector for Voter Lists

State Statistical Office (SSO)

Ms. Blagica Novkovska, Director of SSO
Ms. Nermina Gjurgjevic, Advisor for Preparation and Update of Voter Lists
Ms. Mira Deleva, Head of Unit for IT processing of the Voter Lists
Mr. Goran Kirandziski, Unit for Defining the Territorial Distribution of the Polling Stations

SEC Branch Office in Chair

Mr. Izeir Neziri, Head of the SEC branch office in Chair

Ministry of Internal Affairs

Ms. Nadica Velevska, Sector for Administrative and Supervisory Issues

Directorate for Keeping Personal Records under the Ministry of Justice

Mr. Ashim Zekirovski, Director
Ms. Katerina Bitrovska, Spokesperson
Mr. Aco Novevski, Head of the Branch Office Skopje

Ministry of Information Society and Administration

Mr. Igor Crvenov, Sector for Interoperability

Ministry of Foreign Affairs

Mr. Zvonimir Popović, Director for Consular Affairs

Central Register

Mr. Andrea Popovski, Head of the Maintenance of Registers Sector
Ms. Ana Trajceva, Advisor and authorized person for maintenance of Address Register
Ms. Gajtana Kasapova Sotirovska, Head of IT Solutions

POLITICAL PARTY REPRESENTATIVES

Democratic Union for Integration (DUI)

Mr. Abdilqim Ademi, Minister of Environment and Physical Planning

Democratic Party of Albanians (DPA)

Mr. Bekim Fazliu, Member of the Parliament

Social Democratic Union of Macedonia (SDSM)

Mr. Damjan Manchevski, Deputy President

Ms. Renata Treneska – Deskoska, PhD, Member of the Executive Board

Internal Macedonian Revolutionary Organization – Democratic Party for Macedonian National Unity (VMRO-DPMNE)

Mr. Ilija Ilijovski, Member of the Working Group on Update of the Voters List

CIVIL SOCIETY

NGO MOST

Ms. Rosana Aleksoska,

Mr. Zlatko Dimitrioski

Annex 2

Possible Queries to Identify Potential Groups of Multiple Records

Search for records, for which the following fields coincide:

1. The unique personal identification number (UPIN) is the same but other personal information is either the same or different;
2. Name, family name, mother (or father) name, and year of birth;
3. Name, family name, mother (or father) name, and day of birth;
4. Name, family name, mother (or father) name, and month of birth;
5. Name, family name, mother (or father) name, but the date of birth differs in one digit;
6. Name, mother (or father) name, , date of birth, but the family name differs in one letter and has the same number of letters (maximum length of the family name is M letters);¹³
7. Family name, mother (or father) name, , date of birth, but the name differs in one letter and has the same number of letters (maximum length of the name is N letters);
8. Name, family name, , date of birth, but the mother (or father) name differs in one letter and has the same number of letters (maximum length of the name is N letters);
9. Name, mother (or father) name, and date of birth, but the family name differs and the gender is female.

Note 1. Queries 6-8 can be repeated allowing more than one letter difference.

Note 2. Special queries may be designed to identify possible groups of multiple records to eliminate the twins.

Note 3. Special queries can be designed to check for possible cases of persons with more than one UPIN or persons with same UPIN, in particular elderly individuals.

Note 4. In case that further data from registry books can be used, the above set of queries can be amended accordingly.

¹³ The value of M and N (below) should be determined in advance on the basis of statistics for names and/or family names in the particular language.

ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (OSCE/ODIHR) is the OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

The OSCE/ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 130 staff.

The OSCE/ODIHR is the lead agency in Europe in the field of election observation. Every year, it coordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE Commitments, other international standards for democratic elections and national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, the OSCE/ODIHR helps participating States to improve their electoral framework.

The Office's democratization activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. The OSCE/ODIHR implements a number of targeted assistance programs annually, seeking to develop democratic structures.

The OSCE/ODIHR also assists participating States' in fulfilling their obligations to promote and protect human rights and fundamental freedoms consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas including human rights in the fight against terrorism, enhancing the human rights protection of trafficked persons, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of tolerance and non-discrimination, the OSCE/ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. The OSCE/ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

The OSCE/ODIHR provides advice to participating States on their policies on Roma and Sinti. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website (www.osce.org/odihr).