



Office for Democratic Institutions and Human Rights

**REPUBLIC OF MONTENEGRO
FEDERAL REPUBLIC OF YUGOSLAVIA**

CASE STUDY ON VOTER REGISTER



Warsaw
30 May 2002

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OSCE/ODIHR CASE STUDY ON VOTER REGISTER
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I. EXECUTIVE SUMMARY

On 28 February 2002, the Socialist People's Party (SNP) of the Republic of Montenegro/Federal Republic of Yugoslavia submitted to the OSCE Office in Podgorica a list of 613 names, alleging that the individuals named on the list had voted in the April 2001 parliamentary elections in Montenegro and "whose names were later deleted from the voter register". While the SNP made no direct allegation of wrongful deletion of these names, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) undertook a thorough investigation of the matter in an attempt to exclude any insinuation of fraud.

The ODIHR investigation showed that the list of 613 deletions from the voter register is part of a legitimate procedure to update the voter register in the Podgorica municipality and no violations of the law were established.

The ODIHR investigation also revealed an overall improvement in the accuracy of the voter register. However, further effort is needed to improve the accuracy of the data on permanent residence maintained by the Ministry of Interior upon which the voter register is based.

The ODIHR is grateful for the excellent cooperation offered by the authorities of Montenegro during the course of the investigation.

II. BACKGROUND

In November 2001, the Socialist People's Party (SNP) submitted to representatives of the US Temporary Office in Podgorica a list of 613 names of voters registered in Podgorica, who "voted on 22 April 2001 and whose names were later deleted from the voter register". The SNP provided this list to the OSCE Office in Podgorica on 28 February 2002, with a cover letter No 106/02 stating the same. The SNP letter to the OSCE Office in Podgorica did not include any direct allegations of fraudulent or otherwise wrongful deletions.

In January 2002, the US Temporary Office in Podgorica asked the Center for Democratic Transition (CDT), a domestic NGO, to interview through door-to-door visits a 10% pseudo-random sample (total of 62 records) of the citizens whose names were on the SNP list, and to identify the reasons for the deletions. The results of the CDT study are the following:

- dead – 18 records (30.5%) deleted for valid reasons;
- moved to Serbia or elsewhere within Montenegro – 12 records (20.4%) deleted for valid reasons;
- not found - 13 records (22%) deleted for valid reasons;
- 13 records (22%) may have been deleted for no valid reason;

- 3 records (5.1%) no answer by respondent; and
- 3 records (5.1%) interviewer was not able to find the address.

The ODIHR also undertook an investigation of the SNP list in order to ascertain whether the deletions were accomplished in accordance with the legal framework. The ODIHR findings are described in the following sections.

In a letter addressed to SNP and dated 11 April 2002, the OSCE Office in Podgorica inquired about how the SNP had obtained information that the 613 voters, whose names were included on the list, had voted in the 2001 parliamentary election. On 17 April, the SNP responded that the information was obtained initially from supporters and later verified against hard copies of the voter lists from the April 2001 election. Xerox copies of pages from polling station voter lists, with some names marked as having voted, were attached to the SNP letter. In view of this, the ODIHR conducted no further research on whether the citizens named on the SNP list had indeed voted in April 2001. The ODIHR research focused on whether the alleged deletions were in fact done and, if so, whether they were done in accordance with the legal provisions.

III. OUTLINE OF VOTER REGISTRATION SYSTEM IN MONTENEGRO

Eligibility for inclusion in the voter register for municipal elections requires:¹

- (a) attained the age of 18;
- (b) “business capacity” (sound mental capacity);
- (c) permanent residence in Montenegro registered at some local branch of the Ministry of Interior (MI) at least 24 months before election day; and
- (d) permanent residence in the municipality registered at the local branch of the MI at least 12 months before election day.

The municipal authority of Podgorica is the only authorised agency that can amend the Municipal Voter Register (MVR) at issue in the SNP list of alleged deletions, provided that they possess paper evidence for the occurrence of a civil event. The data for the updates comes from two sources: (1) the municipal Civil Status Offices (CSOs) and (2) the local branch of the MI. The CSO maintains the books for civil events – births, deaths, marriages/divorces, and citizenship. The civil events are recorded in the civil status books of the municipality where the events occur.

The relevant MI department registers and de-registers citizens’ permanent residences and addresses; issues a unique civil registry number (JMBG) in the municipality of birth; provides evidence for citizenship based on date of first declared permanent residence in the Republic and issues ID cards by places of permanent residence. Citizens are obliged to report changes of permanent residence to the local branches of MI. When a citizen moves out of a municipality, he/she receives a document verifying this and has to present this document at his/her new municipality of permanent residence in order to be registered there

¹ Law on Election of Councillors and Representatives, Art.11.

within eight days after this change took place.² In such cases, he/she is also obliged to apply for a new ID card within 30 days after being registered.³

The Secretariat for Development (SD) maintains the Central Voter Register (CVR) in electronic form. However, the SD is prohibited to insert any changes in the CVR, but is expected to inform other relevant agencies of potential problems identified. The CVR is a merged compilation of the MVRs from all 21 municipalities in the Republic. The CVR enables the identification of potential duplicate records and other technical deficiencies across MVRs.

A Republic-wide system for permanent residence, similar to the system for managing the voter registers (CVR and MVRs), is being developed by the MI both at municipal and Republic levels. Upon completion, foreseen by July 2002, the system will enable level, to match data at Republican level between the permanent residence and the voter register before the next national election due in the fall of 2002 for the President of the Republic. Such comparison is expected to further streamline the information needed for accurate voter registers.

Political parties are entitled to unimpeded access to the voter registration data at the MI local branch, at the municipalities, and at the SD. Municipal authorities are obligated to display the voter register for citizens' inspection. However, the practice is not uniform – at some municipalities the lists are displayed at the municipal offices, while in others in the so-called “local communities”.⁴

IV. RESEARCH METHODOLOGY

The ODIHR research included work with the following institutions:

- (a) Secretariat for Development;
- (b) Municipality of Podgorica; and
- (c) Ministry of Interior, local branch for Podgorica.

Upon a request from ODIHR, the SD provided the Republic wide list of all changes of the CVR for the 15 May 2002 *municipal* elections,⁵ including all deletions for the period from 22 April 2001 until 15 March 2002. Each voter's record changed in the above period includes the date and number of the decision taken by the municipal authority to introduce the respective change. Each such decision is an official document available at the municipality. Spot checks were conducted in Budva, Kotor and Podgorica to verify the existence and availability of such decisions. There was not a single case, when such a

² Law on Permanent and Temporary Residence of Citizens, Art.4.

³ Law on Identity Card, Art.10.

⁴ “Local community” is the literal translation of the local term *mjestna zajednica*, the smallest administrative area.

⁵ Any voter register for *municipal* elections in Montenegro is a subset of the respective voter register for Republic elections due to the additional requirement of at least 12 months of registered permanent residence in the municipality. The ODIHR requested and received the above-mentioned list for Podgorica and Herceg Novi for the purpose of this research, although elections were not held in these municipalities on 15 May 2002.

decision was not found immediately. According to municipal officials, citizens are informed about changes in their records via letters with return receipts.

The list of deletions, provided by the SD and of particular relevance to this study, is organised in four sections distinguished by the reason for the deletion, namely:

- (1) Death;
- (2) Change of permanent residence, from one municipality to another, within Montenegro;
- (3) Change of permanent residence, moving from Montenegro to Serbia; and
- (4) By force of law, including deletion of duplicate records, deletion of records for which there is no information in the MI municipal branch about the subject person or his/her permanent residence, etc..

For each entry of the SNP list of 613 deletions, the research included the following steps:

- (a) Find whether the deletion was reflected in the CVR and in which of the above mentioned four categories it falls. This step involved manual search to locate each record from the SNP list on the relevant section of the SD list of deletions. If an alleged deletion was not found on the SD list of deleted records, it was labelled “Not found” (column 6 of Table 1, below);
- (b) For deletions accomplished by force of law (column 5 of Table 1), check in the municipality of Podgorica the respective decision and identify the factual reason for the deletion. This step aimed to find a breakdown of the records deleted by force of law into more detailed categories;
- (c) For entries of the SNP list not found on the list of deletions (column 6 of Table 1), check in the municipality whether the record was in fact deleted or not and if deleted, identify the reason for deletion; and
- (d) For cases within the above two categories, when the information for deletion was provided by the MI, check the information available in the MI.

V. FINDINGS

The following was established after the completion of step (a) above:

Table 1: Initial breakdown of the SNP list by reason for deletion

	DELETED				Not found ⁶
	Death	Moved within MN	Moved to Serbia	By force of law	
613 records	242 39.48%	96 15.66%	58 9.46%	156 25.45%	61 9.95%

⁶ These records were not found on the SD list of deletions for the 15 May 2002 municipal elections.

Further research was conducted to identify the detailed reason for deletion of each record “by force of law” and to certify whether those “not found” on the SD list of deletions were in fact not deleted or if deleted, to identify the reason for the deletion.

The breakdown of the 61 records, “not found” on the SD list of deletions, column 6, Table 1, is given in Table 2:

Table 2: Breakdown, by reasons for deletion, of those records from the SNP list, which were “not found” on the SD list of deleted records

“Not found”	DELETED				Not deleted
	Death	Moved Within MN	Moved to Serbia	By force of law	
61	1	7	2	0	51

In Table 2, the records in column 2 and 3 and one of the two records in column 4, a total of nine records, were not included in the SD list of deletions, because they were not eligible to participate in the 15 May 2002 elections because of the residency requirement. The second record on column 4 (N 395 of the SNP list) in fact exists in the SD list of deletions, but it is the record of a woman who changed her address and family name on 13 August 2001, presumably due to marriage or divorce.

The breakdown of the 156 records in column 5, Table 1, deleted “by force of law”, is given in Table 3. Column 5 in Table 3 gives the *number of records deleted by the local branch of MI due to lack of information on the permanent residence of the respective voters*.

Table 3: Breakdown, by reasons for deletion, of those records of the SNP list that were deleted “by force of law”

“By force of law”	DELETED				Not deleted
	Death	Moved within MN	Moved to Serbia	Statement ⁷ of MI	
156	1	2	0	140	13

According to municipal officials, three records in columns 2 and 3, Table 3, were included in the category “by force of law” due to “technical mistakes”.

The final result of the breakdown of all records of the SNP list into “deleted” and “not deleted”, and those “deleted” - into categories corresponding to detailed reasons for the deletions is given in Table 4.⁸

⁷ MI has informed the municipal authorities, in writing, that in the relevant MI department there is no information about the person’s permanent residence.

⁸ The figures in Table 4 are as of 15 March 2002. Changes introduced in the MVR of Podgorica after this date may not have been reflected.

Table 4: Final breakdown of the SNP list by reasons for deletion

	DELETED				Not deleted
	Death	Moved within MN	Moved to Serbia	Statement of MI	
613 records	244 39.97%	105 16.96%	60 9.79%	140 22.84%	64 10.44%

In at least 18 cases of those labelled as “Not deleted”, column 6, Table 4, the individual had been removed from the voter register. However, after the deletion of the respective record from the MVR, the voter had appealed the decision and had been reinstated on the MVR.

The last step of the ODIHR investigation, research in the Ministry of Interior branch in Podgorica, step (d), comprised:

- A check on a limited number of arbitrarily selected deletions, corresponding to columns 3 and 4, Table 4, whether statements of the citizens, who moved out of Podgorica, were in place; and
- A study of a sample of 36 records selected randomly among the 140 records of column 5, Table 4.

This last step established that:

- In all cases when citizens declared that they were leaving Podgorica for another municipality, either within Montenegro or to Serbia, their statements were properly archived in the MI, Podgorica; and
- No additional information was found for any of the 36 records deleted due to lack of information on their permanent residence in the MI.

VI. CONCLUSIONS

Thus, while the SNP made no direct allegation of wrongful deletion of these names, the ODIHR undertook a thorough investigation of the matter in an attempt to exclude any insinuation of fraud. The investigation showed that the deletions were part of a legitimate procedure to update the voter register in Podgorica and no violations of the law were established.

The municipal offices have the documentation required by law to amend the voter list. The documentation is kept in an orderly manner and is accessible. The Secretariat for Development is equipped with relatively modern technology and staffed with qualified personnel. The SD’s maintenance of the CVR is highly professional, proof of which is the significant decrease of errors in the CVR. The relevant departments of the Ministry of Interior also maintain the required documentation and have the necessary professional standards.

The 140 cases (22.84%, column 5, Table 4) of the SNP list representing deletions from the voter list due to lack of evidence at the Ministry of Interior for permanent residence (place and date registration) of the respective citizens are noteworthy. Citizens are obligated to report to the authorities their permanent residence.⁹ However, when citizens fail to report and the MI has no record on their permanent residence, the MI can initiate the deletion of their records from the voter register.¹⁰ Even in these cases, citizens have the opportunity to verify their voter registration twice per year or before each election and initiate corrections of their data on the voter register and MI records through appeals and the filing of the required information.

Thus, the ODIHR finds the voter registers in Montenegro generally accurate and continuing to improve. While this assessment does not indicate that the voter registers are perfect or error free, the remaining small number of errors are well within acceptable parameters for credible elections, and any remaining error can be corrected through relatively simple appeals to the appropriate administrative and judicial authorities.

In the framework of this research, all institutions in Montenegro cooperated fully with ODIHR. Information and clarifications were provided without delay, regardless of the occasional difficult conditions under which they operate. The ODIHR is grateful for this cooperation.

ABOUT THE OSCE OFFICE FOR DEMOCRATIC INSTITUTIONS AND HUMAN RIGHTS (ODIHR)

The Office for Democratic Institutions and Human Rights (ODIHR) is the OSCE's main 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 Document).

The ODIHR, based in Warsaw, Poland, was created in 1990 as the Office for Free Elections under the Charter of Paris. In 1992, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 80 staff.

The ODIHR is the lead agency in Europe in the field of **election** observation. It co-ordinates and organizes the deployment of thousands of observers every year to assess whether elections in the OSCE area are in line with national legislation and international standards. Its unique methodology provides an in-depth insight into all elements of an electoral process. Through assistance projects, the ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include the following six thematic areas: rule of law, civil society, freedom of movement, gender equality, trafficking in human beings and freedom of religion. The ODIHR implements more than 100 targeted assistance programs, seeking both to facilitate and enhance State compliance with OSCE commitments and to develop democratic structures.

⁹ Law on Permanent and Temporary Residence of Citizens, Art.3.

¹⁰ Law on Permanent and Temporary Residence of Citizens, Art.10.

The ODIHR **monitors** participating States' compliance with OSCE human dimension commitments. It also organizes several meetings every year to review the implementation of OSCE human dimension commitments by participating States.

The 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. The Office also acts as a clearing-house for the exchange of information on Roma and Sinti issues among national and international actors.

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

More information is available on the ODIHR [website](#), which also contains a comprehensive library of reports and other documents, including all previous election reports and election law analyses published by the ODIHR.