

Support to Electoral Reforms in the Western Balkans

OSCE/ODIHR

Informal Comments on the Draft Proposals on Amendments to the Unified Voter Register Law of the Republic of Serbia submitted by the Serbian Progressive Party and Center for Research, Transparency and Accountability

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(Updated on 4 February 2025 following new amendments to the Draft Laws)

List of Abbreviations

CRTA	Centre for Research, Transparency, and Accountability
CSO	Civil Society Organization
LUVR	Law on Unified Voter Register
MPALSG	Ministry of Public Administration and Local Self-Government
ODIHR	OSCE Office for Democratic Institutions and Human Rights
REC	Republic Electoral Commission
SNS	Serbian Progressive Party
UN	United Nations
UVR	Unified Voter Register

1. Introduction and Scope

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) prepared Informal Comments in response to two requests by the Working Group for Improvement of the Election Process (Working Group), as part of the Support to Electoral Reforms in the Western Balkans Project.

Initially, the Informal Comments assessed two proposed Draft amendments and submissions made by the Serbian Progressive Party (SNS - hereinafter Draft Law I) and Centre for Research, Transparency, and Accountability (CRTA - hereinafter Draft Law II) to the Law on Unified Voter Register (LUVR) submitted at the end of 2024. The Working Group requested ODIHR's legal opinion on these alternative drafts, however, following discussions and clarification that both drafts would undergo further developed before being submitted to parliament for consideration, it was determined that, at that juncture, Informal Comments would offer the most useful format for the Working Group. ODIHR remains committed to providing a formal legal review of the draft [LUVR or the final draft law amending the LUVR](#).

Following the submission of the ODIHR Informal Comments on 28 November 2024, SNS and CRTA amended their draft laws. However, the Working Group members did not reach agreement on a harmonized proposal. On 16 January, the Chairperson submitted the amended drafts to the Parliamentary Committee for Constitutional Matters. Subsequently, the Chairperson of the Working Group requested ODIHR to update its 2024 comments to reflect the newly proposed amendments. The ODIHR updates have now been incorporated into the original Informal Comments and appear highlighted throughout the text [for the consideration of the Serbian authorities](#).

It should be noted that any assessment based on translated documents may be affected by issues of interpretation resulting from translation and that these Informal Comments are only for internal use and not for public dissemination.

These Informal Comments do not constitute a full and comprehensive analysis of the entire electoral legal framework of the country but of the text of the Drafts submitted for review. They focus on the conformity of the Drafts with international standards and good practice in electoral matters and highlight the proposed changes that might address previous ODIHR election-related recommendations as well as those issues which remain unaddressed. Consequently, these Comments should be read in conjunction with the recommendations made by previous ODIHR election observation activities.¹

These Informal Comments are addressed to the Working Group and aim to assist the election reform efforts and the public consultation process, which should be broad and inclusive. It should consider all relevant stakeholders, including state institutions, election and regulatory bodies, political parties, media and civil society organizations (CSOs).

In view of the above, these Informal Comments will not prevent ODIHR from formulating additional written or oral recommendations or comments on the respective legal acts or related legislation pertaining to the conduct of elections in Serbia in the future.

¹ See all previous [ODIHR election-related reports on Serbia](#).

ODIHR welcomes the readiness of the Serbian authorities to follow up on electoral recommendations and stands ready to provide a formal review of the newly proposed election-related legislation that the Working Group will present to the Parliament, potentially jointly with the Council of Europe's Venice Commission, and to assist the authorities of Serbia to further improve the electoral process.²

2. Summary and Conclusions

The proposed amendments present provisions that aim to address two key ODIHR recommendations related to the transparency and accuracy of the Unified Voter Register (UVR).

Positively, both Drafts introduce articles that mandate the Ministry of Public Administration and Local Self-Government (MPALSG) to publish the voter lists for public scrutiny and detail the scope of personal data to be published while adding further provisions on Personal Data Protection. Draft Law I also further regulates the access of the political parties and other actors to the UVR.

Both Drafts propose establishing a commission to audit, verify and control voter registration data as an *ad-hoc* (Draft Law I) or permanent structure (Draft Law II). While there are some differences between the two Drafts (described below), both Drafts aim to address previous ODIHR recommendations related to voter registration. Specifically, the two Draft Laws cover the following aspects of previous ODIHR recommendations:

- Publishing partial data from voter lists for public scrutiny;
- Ensuring that the law specifies which voter data should be made available for public scrutiny and ensuring lawful access to this data;
- Facilitating the audit of the UVR by independent experts with the participation of various stakeholders, including political parties and civil society, while enabling access to the voter registration data;
- Periodic publishing of voter registration data, disaggregated by different types of updates, and the number of voters registered per municipality;
- Proposing some elements of a Civil Registry Audit (although a full Civil Registry Audit is not envisaged).

To have no obstacles in eventually implementing the amended law, it is recommended to give additional consideration to further harmonizing it with the Personal Data Protection laws and to introduce explicit provisions that would eliminate ambiguities about compliance with Personal Data Protection laws and thereby enable a greater understanding of the rights and obligations carried out by different actors accessing and scrutinizing voter registration data.

The two Draft Laws do not address the issue of active voting rights of citizens without permanent residence in Serbia. It is therefore recommended to consider this aspect during the consultations.

Overall, the proposed Drafts are in line with ODIHR's previous recommendations and, if implemented, provide a solid basis for addressing them. ODIHR, therefore, encourages the

² In paragraph 25 of the [1999 OSCE Istanbul Document](#), OSCE participating States committed themselves "to follow up promptly the ODIHR's election assessment and recommendations".

Working Group to assess these proposals for possible incorporation into the existing legal framework while considering additional aspects included in these Informal Comments.

3. Background and Context

The LUVR was adopted in 2009 and it regulates a single register of citizens of the Republic of Serbia who have the right to vote. The proposed draft amendments pertain mainly to Articles 2, 14 and 24 and Chapter 5 of the LUVR. They are related to ODIHR recommendations 7 and 13/2017; 6, 10 and 16/2020; 3 and 13 2022; 4/2023; and recommendations 3 and 4/2024 issued following the most recent local elections.

It is noted that the Working Group discussed the two sets of draft amendments, which partially overlap but also include some significant differences on certain issues, as reviewed by ODIHR in November 2024. The Working Group submitted to ODIHR separate amended versions of the Draft Laws from SNS and CRTA on 16 January 2025. While the second set of amendments address some of the recommendations outlined in the ODIHR Informal Comments on the initial drafts (see Sections 8 and 10 for details), ODIHR continues to recommend aligning the texts as some positive features are considered by either one of the Drafts (see detailed analysis below). ODIHR further recommends that this harmonization be conducted in a collegial and inclusive manner through a meaningful consultative process.

4. Main Relevant International Standards and Good Practices

The main relevant international standards and best practices related to the Drafts include:

- Paragraph 6 of the [1990 OSCE Copenhagen Document](#), which stipulates the free expression of the will of people through periodic and genuine elections and the respect for the rights of the citizens to take part in the governing of their country either directly or through freely chosen representatives and Paragraph 7 that underscores the universal and equal suffrage of the adult citizens.
- [International Covenant on Civil and Political Rights](#), Article 25 and General Comment 25, “[s]tate must take effective measures to ensure that all persons entitled to vote are able to exercise the right.”
- [International Convention on the Elimination of All Forms of Racial Discrimination](#), Article 5c, “States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, color, or national or ethnic origin, to equality before the law, notably in the enjoyment of the [...] political rights, in particular the right to participate in elections-to vote and to stand for election-on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service.”
- [Council of Europe Venice Commission’s Code of Good Practice in Electoral Matters](#) requires a) maintaining a permanent voter register and updating it regularly and continuously, b) publishing the voter list, and developing administrative procedures, subject to judicial control, to allow for corrections of the voter register.
- The United Nations (UN) [Resolution No. 45/95: Guidelines for the Regulation of Computerized Personnel Data Files](#).

The [ODIHR Handbook for the Observation of Voter Registration](#) provides additional details and guidance on voter registration issues and its observation.

5. Definitions

- Data portability - allows data subjects to obtain data from a controller and reuse it.³
- Data privacy - protecting voter's information from unauthorized access, disclosure, or misuse. It ensures that individuals' privacy rights are respected and that their personal data is not exploited for purposes unrelated to the electoral process.⁴
- Machine-readable format - a file format designed for software applications to efficiently identify, recognize, and extract precise data, such as distinct statements of fact and their inherent structure.⁵
- Public scrutiny - public display of the voter list for the period specified in the law that allows the voters to check for inaccuracies and request corrections with relevant authorities.⁶
- Sensitive personal information - may include full address, contact details or unique personal identification number.⁷
- Voter education activities - targeted initiatives to inform citizens about their rights regarding the public display of voter registration data, voter list audit results, and data privacy.⁸
- Voter list - the set of entries of all eligible voters assigned to a specific polling station.⁹
- Voter register - set of records of all voters eligible to vote.¹⁰
- Voter register audit - provides the opportunity to understand the processes for establishing and updating voter registers and assess their accuracy.¹¹

6. Prior ODIHR Recommendations

A number of ODIHR recommendations issued following elections held after the adoption of the LUVR pertain, directly or indirectly, to the need to enhance public confidence in the accuracy of the voter lists. In summary, ODIHR repeatedly recommended that the authorities facilitate a comprehensive audit of the UVR and to an extent the civil register to improve voter list accuracy and enhance public confidence in the process. The audit should be undertaken by independent experts and involve relevant stakeholders, including representatives of relevant ministries, political parties and civil society. Additionally, to increase public confidence in the accuracy of voter lists, the MPALSG should publish voter registration data that is sufficiently detailed to allow for a meaningful verification of the accuracy of voter numbers.

Specifically, ODIHR recommended that:

1. Concerted efforts are required to address persistent issues with voter list accuracy. Consideration could be given to re-organizing voter lists in a more practical manner

³ [General Data Protection Regulation](#) (GDPR), Article 20.

⁴ See the paper Comparative Review of Practices and Regulations to Access Voter Registration Data in Some OSCE Participating States, provided by ODIHR to the Inter-Agency Working Group on Co-ordination and Follow-up of Implementation of Recommendations for the Improvement of the Electoral process of the Republic of Serbia, 5 April 2024, p.3.

⁵ See the [European Union's Directive \(EU\) 2019/1024](#).

⁶ [OSCE/ODIHR, Handbook for the Observation of Voter Registration](#), 2012, p. 34.

⁷ *Supra* Note 4, p. 3.

⁸ *Idem*, p. 4.

⁹ *Supra* Note 6, p. 13.

¹⁰ *Idem*, p. 13 -14.

¹¹ ACE Project, [Auditing of the Voter List](#).

- (ODIHR priority recommendation 7/2017). This was assessed as partially implemented in 2023.
2. To enhance public trust in the voter register, consideration could be given to publishing the partial data from voter lists for public scrutiny in line with the law and international good practice (ODIHR recommendation 13/2017). This was assessed as partially implemented in 2023.
 3. Voter lists should be made available for public scrutiny. The laws on the Unified Voter Register and on Personal Data Protection should be harmonized and should detail the scope of personal data of voters made public, and the secure and lawful access to these data (ODIHR priority recommendation 6/2020). This was assessed as partially implemented in 2023.
 4. To address concerns over the accuracy of voter lists, the authorities should conduct an audit of the Unified Voter Register as soon as practically possible (ODIHR priority recommendation 10/2020). This was assessed as not implemented in 2023.
 5. To increase the transparency of voter registration and confidence in the voter list, the authorities could consider periodical publishing of voter registration data, disaggregated by different types of updates, and the number of voters registered per municipality (ODIHR recommendation 16/2020). This was assessed as partially implemented in 2023.
 6. To address concerns over the accuracy of voter lists and increase public confidence, the authorities should facilitate the conduct of a full audit of the Unified Voter Register and the civil register as soon as practically possible, with the participation of relevant stakeholders, including political parties and civil society (ODIHR priority recommendation 3/2022). This was assessed as not implemented in 2023.
 7. To guarantee universal suffrage and prevent undue disenfranchisement or unequal treatment of voters, consideration should be given to introducing objective, reasonable and non-discriminatory procedures for inclusion in the voter lists of citizens without permanent residence and opportunities for these citizens to exercise their voting rights. (ODIHR recommendation 13/2022). This was assessed as not implemented in 2023.
 8. To address concerns over the accuracy of voter lists and increase public confidence, the relevant laws, regulations, and practices should be reconsidered to enable access to voter registration data and facilitate the conduct of a meaningful audit of the Unified Voter Register with the participation of relevant stakeholders, including political parties and civil society, in line with data protection standards (ODIHR priority recommendation 4/2023). This was assessed as not implemented in 2024.
 9. To improve voter list accuracy and enhance public trust, the authorities should facilitate a full audit of the Unified Voter Register and the civil register, undertaken by independent experts and with the participation of relevant stakeholders, including representatives of relevant ministries, political parties and civil society (ODIHR priority recommendation 3/2024). The implementation of this recommendation will be evaluated by the subsequent ODIHR election activity.
 10. To increase public confidence in the accuracy of voter lists, the Ministry of Public Administration and Local Self-Governance should publish voter registration data that are sufficiently detailed to allow for a meaningful verification of the accuracy of voter numbers (ODIHR priority recommendation 4/2024). The implementation of this recommendation will be evaluated by the subsequent ODIHR election activity.

These ODIHR recommendations stem from ODIHR's findings, *inter alia*, that:

1. "Various stakeholders considered voter lists inaccurate and problematic." (2017)

2. “Despite a longstanding ODIHR recommendation, voter lists were not displayed for public scrutiny. Moreover, election authorities are not legally required to publish the number of registered voters by municipality and precinct until two days before election day, which reduces transparency.” (2020)
3. “Widespread and longstanding concerns that the voter lists contain numerous entries of deceased persons and voters living abroad diminish the trust in the accuracy of voter lists.” (2020)
4. “In September 2019, the MPALSG established a working group, with the participation of civil society organizations, to conduct an audit of the UVR. However, this process was delayed, partly due to legal requirements on personal data privacy.” (2020)
5. “The MPALSG informed the ODIHR EOM that voters whose permanent addresses are deleted from the civil register are automatically removed from the UVR. According to the MPALSG, this procedure primarily affected some voters living abroad and those whose addresses were deregistered by the MoI (Ministry of Interior). In some cases, this may lead to voters being unduly disenfranchised, at odds with international standards.” (2022)
6. “On 18 November 2021, the government established an inter-party working group to scrutinize the UVR. In contrast with prior practice, civil society was not invited to participate in the working group.” (2022)
7. “Some members of the group [inter-party working group] informed the ODIHR EOM that the limited mandate of the entity did not provide a clear objective, timeframe, and conditions for meaningful scrutiny.” (2022)
8. “The voter registration data published by the MPALSG were inadequate for effective verification and scrutiny of the UVR.” (2024)
9. “Many ODIHR EOM interlocutors expressed a general lack of confidence in the accuracy of the UVR, based on allegations of deceased voters still recorded in the UVR and of voter migration during past electoral processes, as well as cases of voters included with a false address in the UVR.” (2024)
10. “The long-standing ODIHR recommendation to conduct an audit of the UVR has not been implemented prior to the elections, which the authorities attributed to legal restrictions on personal data privacy.” (2024)

7. Comments on Draft Law I

7.1 Proposed amendment to Chapter II Procedure for Keeping the Electoral Roll, Section 4 – Publicizing parts of the Electoral Roll

Draft Law I adds paragraphs 3, 4, and 5 to Article 14 which regulates the publication of electoral roll. The proposed Article 14.3 requires the MPALSG “to provide access to voter registration data on its website.” The data to be published should be disaggregated by polling stations in the territorial-administrative unit and include name and surname, name of one parent, the indication of whether the voter is entered in the voter list at a polling station on the grounds of their permanent or temporary residence, as well as information on the number of voters per household, i.e. address and apartment number. This proposal is positive as it clearly specifies which voter data are to be made available for public scrutiny. The proposed Article 14.4 provides access to this data by entering the unique citizen identification number and the identity card number, ensuring lawful access to these data. The proposed Article 14.5 ensures the periodic publication of voter registration data, desegregated by different types of updates.

Public access to UVR data promotes transparency, accountability, inclusiveness and trust in the electoral process by giving citizens and, to some extent, contestants and election observers, the possibility to verify its accuracy.¹² Currently, when voter lists are provided for public scrutiny, they only include the names and surnames of the voters, which does not allow for effective verification. Positively, Draft Law I requires a wider range of data to be published, including information on changes to the voter list, which would allow for more efficient public scrutiny. Table 1 (below) demonstrates the extent of the data available for public scrutiny under the current law and Draft Law I.

These amendments stipulated in Draft Law I are in line with previous ODIHR recommendations, specifically 13/2017, 6 and 16/2020, 4/2023 and 4/2024.¹³ These amendments also align with the Code of Good Practice in Electoral Matters of the Venice Commission, which provides that “electoral registers must be published.”¹⁴

Table 1: Overview of the proposed amendments in terms of the scope of data to be captured in the UVR and made available for public scrutiny

Entered in the electoral roll (current law and the proposed amendment)	Data shared for public scrutiny (current law)	Data shared for public scrutiny (Draft Law I)	Data that can be accessed by the nominator of the proclaimed electoral list and the Election Commission (Draft Law I)
<ul style="list-style-type: none"> - Name - Surname - Name of one of the voter’s parents - Voter’s unique citizen number - Data and Place of Birth - Gender - Place of Residence and address - Local Self-Government Unit in which the voter has his/her permanent residence/Foreign country with temporary residence/Temporary place of residence of the Internally Displaced Person (IDP) 	Not specified	<ul style="list-style-type: none"> - Name - Surname - Name of one of the voter’s parents - Indication whether the voter is entered in the voter list based on permanent or temporary residence disaggregated by polling station + number of voters per household 	All data <u>BUT</u> voter’s unique citizen number

7.2 Proposed amendment to Chapter IV: Special Rights of Participants in Elections – Right to Perusal and to Filing Request for Change in the Electoral Roll

¹² *Supra* Note 4, p. 2.

¹³ In summary, previous ODIHR recommendations suggested that in order to enhance public trust in the voter register, it should be made available for public scrutiny, in line with the international good practices. The law should detail the scope of personal data of voters to be made public and provide for a lawful access to these data. Periodic publication of voter registration data, disaggregated by different types of updates was recommended to increase the transparency of the voter register.

¹⁴ Section I.1.2.iii of the [Venice Commission Code of Good Practice in Electoral Matters](#).

Draft Law I proposes to amend the existing Article 21. The proposed amendment clarifies that the nominator of an electoral list proclaimed legally valid (political party, coalition or group of citizens) has the right to access all data on voters in the UVR, except for the unique citizen identification numbers. The nominators of electoral lists can do so through an authorized person and via a special module on the website requiring two-factor authentication. The nominator can also submit requests for changes in the UVR, which must be accompanied by the authorization of the voter concerned and appropriate evidence.

Positively, the proposed amendment allows for the verification by the electoral contestants and specifies which data they can access.¹⁵ At the same time, it is important to find the balance between reasonable public disclosure and the protection of personal data. The proposed amendment adds two safeguards to increase the transparency of the voter list while protecting personal data. These safeguards include anonymization and redaction of the unique personal identification number and access control through two-step verification.¹⁶ Furthermore, similarly to the proposed amendment to Article 14, access is possible only on the basis of a personal identification document and ID number. This is an important element to ensure data security. While these proposed amendments may not lead to the full harmonization of the LUVR with the Personal Data Protection laws as recommended by ODIHR in 2020, the introduction of data protection safeguards represents a positive step.

The Draft does not extend the possibility for verification to observers, and, in line with good practice, it is recommended to widen the scope of verification to include civil society organizations and citizen observer groups. In case this is regulated, the law should specify any criteria such organizations would need to comply with.

To further strengthen Personal Data Protection and prevent unauthorized use of the data, consideration could be given to maintaining the log of stakeholders accessing the voter registration data and requiring their consent with the policies regulating the use of the data. The amendment could provide that voter registration data can only be used for the purpose clearly stipulated in the law.¹⁷ The Draft could also explicitly outline the restrictions on the use of voter registration data.

7.3 Proposed amendment to Chapter V Supervision

¹⁵ OSCE commitments for democratic elections provide for voter lists to be accessible for verification by voters, electoral contestants and observers, subject to the protection of personal information. ODIHR [Existing Commitments for Democratic Elections in OSCE Participating States](#), p. 62: “Voter lists should be current, accurate, complete, easily accessible for inspection by qualified voters and – subject to the protection of personal information – possibly by others (such as election contestants and scientific researchers) with a legitimate reason to access them.... No matter what system is employed for creating and maintaining a voter list, it is necessary for the system to be transparent and open to verification by voters, political contestants, and election observers. While there are important privacy considerations, which may be weighted differently by different countries, access to the voter lists for verification exercises should be provided. In many countries, political contestants and election observers are not only allowed to inspect the voter lists but are provided copies of the list.”

¹⁶ *Supra* note 12, p.3.

¹⁷ The 1988 [UN Guidelines for the Regulation of Computerized Personal Data Files](#), Article 3a stipulate that “[all] the personal data collected and recorded remain relevant and adequate to the purpose specified.” Consideration may be given to including a declaration by the person or entity downloading the data, indicating that it will only be used for the verification purposes.

Draft Law I also introduces a new paragraph to Article 22. Proposed Article 22.3 allows standing members of the REC to supervise the updating of the UVR, which provides for similar access to the UVR as electoral contestants described in *Section 7.2* above. However, it appears to be an option available to the REC standing members rather than an obligation to do so; the article does not define the scope of the scrutiny or responsibility of the REC members in this process and which possible actions can further be taken after completion of scrutiny.

To further enhance the transparency of the electoral process, REC – in its extended composition – should be granted access to the process in a manner at least similar to electoral contestants.

Regulations for administrative bodies responsible for the oversight of the UVR vary across the OSCE participating States. Compilation and maintenance are often considered administrative duties and are carried out by the executive branch, while local government officials are generally responsible for compiling and updating voter lists, which are then provided to the election administration prior to an electoral event. The election administration not directly responsible for the voter register may be able to review the data and may be involved in deciding appeals related to voter lists in the immediate pre-election period. Providing access to the REC would improve co-ordination between the entities responsible for the supervision of the updating of the UVR. It is, however, critical that the legal framework also provides a clear division of responsibility among the institutions and individuals involved in voter registration.¹⁸

While the proposed amendment is in line with the OSCE commitments and with the practice within the OSCE region, it is further recommended that the law clearly defines the proposed supervisory role of the REC, especially in the view of responsibilities attributed to the MPALSG pursuant to the Law on Public Administration.

Furthermore, it is necessary to implement voter education and targeted initiatives informing citizens and stakeholders of their right to access and scrutinize the data - on one hand, and their rights regarding data protection safeguards - on the other.

For example, provisions may be clearly established in the law regarding the prohibition of the use of voter lists for campaigning purposes.¹⁹ In some OSCE participating States, legal provisions may prescribe the specifics of voter education, especially, which information must be included and forms in which the voter education is to be provided (e.g. local languages).²⁰

7.4 Proposed amendment to Chapter VI Application of this Law to Presidential and Provincial/local elections

Draft Law 1 proposes a new Chapter VIa, Article 24a on Personal Data Protection under *Chapter VI – Application of this Law to Presidential and Provincial/local Elections*. The proposed Article stipulates that all persons entitled to access personal data in the UVR will handle the data in accordance with the law regulating the protection of personal data and exclusively for the purpose stipulated in the law.

To enhance the clarity of the Draft, consideration could be given to adding a new chapter or section titled “Personal Data Protection.”

¹⁸ *Supra* Note 16.

¹⁹ *Supra* Note 12.

²⁰ *Supra* Note 6.

ODIHR recommendation 6/2020 states that “the laws on Unified Voter Register and on Personal Data Protection should be harmonized and should detail the scope of personal data of voters made public.” Positively, the proposed amendments assessed in Sections 2.1-3 of these Comments clarify the scope of the data to be made available for public scrutiny. As indicated above, there are several safeguards introduced in Draft Law I to ensure the protection of personal data.

While the references to Personal Data Protection provide additional safeguards against the manipulation of the data and are therefore a positive step towards addressing ODIHR recommendation 6/2020, consideration could be given to adding explicit provisions that would eliminate ambiguities about compliance with Personal Data Protection laws and thereby enable greater understanding of the rights and obligations carried out by different actors accessing and scrutinizing voter registration data.

7.5 Proposed new Chapter/Articles to the Law on Unified Voter Register Regarding its Audit and Maintenance

Draft Law I introduces additional Articles (5-24) regarding the audit, maintenance, management and accuracy of the UVR. It is, however, unclear to which part of the LUVR these articles would be inserted. For the purpose of these Informal Comments, the articles would be analyzed as per the numbering stipulated in the Draft Law.

For clarity, it is recommended to either propose a new Chapter in LUVR or indicate where to insert the proposed articles.

ODIHR repeatedly recommended the conduct of an independent comprehensive audit to improve voter list accuracy and enhance public trust.²¹ Positively, Draft Law I refers to the full audit of the UVR by the specially appointed commission.

Draft Law Article 5 establishes a provisional commission for auditing, verifying and controlling the accuracy and updating of the UVR (hereinafter ‘The Commission’). In line with Draft Law Article 6, the role of this Commission is to audit the UVR within nine months from the appointment and submit a report with recommendations for improving the accuracy and updating the UVR to the National Assembly within 30 days of completion of the audit.

Article 7 of Draft Law I states which data are to be analyzed (see Table 2).

In addition to the data listed, consideration should be given to including additional areas of the audit process, such as analysis of the existing legal and regulatory framework, assessment of voter registration staff and training, equipment and databases, data security (premises, personnel, servers, interfaces) and public communication and voter education around the voter registration process.

To ensure the full and meaningful conduct of the audit of the UVR, in line with ODIHR Recommendation 3/2024, further consideration could be given to auditing both the voter and civil registers. In the cases where the voter registration process is based on the civil register –

²¹ See ODIHR recommendations 10/2020, 3/2022, 4/2023 and 3/2024.

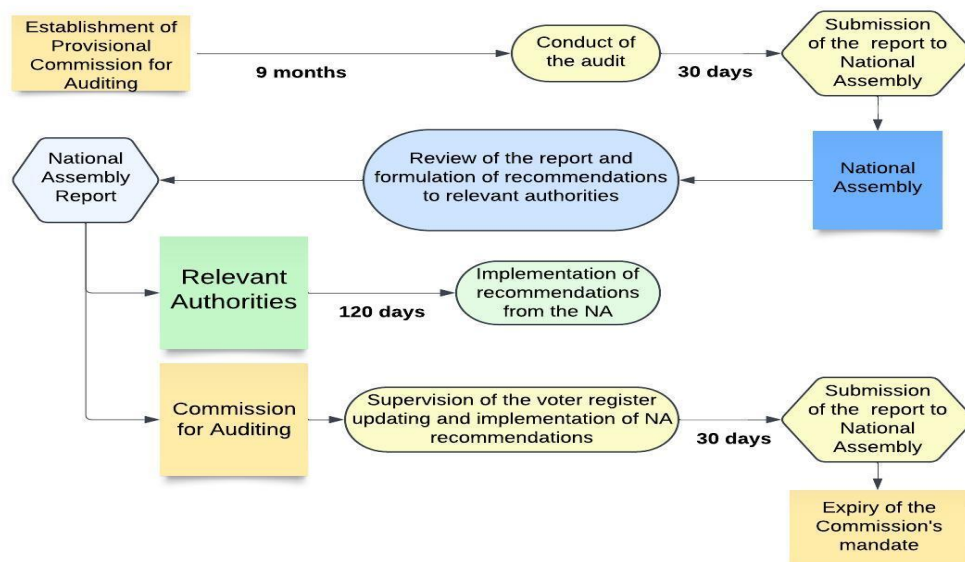
as in the case of Serbia, inaccuracies in the voter list may originate from the civil registry, which provides a rationale to audit both.

*While access to the voter registry database is regulated in the proposed amendment, consideration could be given to specifically detailing provisions regarding the Commission's access to the ICT application protocols and software to be able to assess the security of the data and collect full auditing metrics as well as the Commission's access to relevant civil registry data.*²²

Articles 8-10 of Draft Law I stipulate the timeline for the Commission to conduct its work (see Figure I below). After reviewing the report, the competent committees will define recommendations for improving the accuracy of the UVR and deliver them to the Commission and relevant authorities, who will act upon them within 120 days from the day of receipt. Subsequently, the Commission will, via the special module, supervise the updating of the voter registry and implementation of the recommendations of the competent committees of the national assembly (within 30 days from the report by the National Assembly). Through the special module, the Commission can access all the data in the UVR except for the unique identification number of the voter. These Articles provide a clear and reasonable timeline until the conclusion of the Commission's work.

Consideration should be given to the long-term UVR accuracy measures, which are critical to sustaining public trust. Once the ad-hoc audit is completed, consideration should be given to transition to the regular independent auditing procedures, with the frequency and scope clearly defined in the law and regulations. Consideration may be given to granting the Commission a permanent mandate to regularly audit the UVR, with frequency and scope clearly defined in the law and regulations.

Figure 1: Timeline of the work of the Commission



Article 11 provides for the membership of the Commission. According to Draft Law I, the Commission will include independent experts nominated by the National Assembly on the proposal from the key electoral stakeholders (main government and opposition parties in the

²² For further good practices on the audit process, consult the Comparative Review of Methodological Approaches for Conducting Voter Registration Data Audits, *Supra Note 25*.

Assembly and civil society). The relevant ministries are also included to participate in the work of the Commission (Article 22).²³ Selecting auditors within the state administration, designated on an ad hoc basis, is one of the ways suitable for conducting the voter register audit.²⁴ The modalities involving government, opposition and civil society in nominating the experts provides an adequate basis for an independent process acceptable to the stakeholders.

Article 12 details the required background of the members of the Commission. To ensure the Commission is competent to conduct a full audit it is important, however, to ensure that the audit team includes a combination of all required skills to assess all audit metrics (technological, methodological, communication, ICT, database and legal).²⁵ Articles 13 – 19 detail the nomination procedure. Draft Law I has sufficient details to ensure that competent experts with adequate skills and backgrounds are nominated for the Commission. The proposal to include international organizations and experts (Article 22.1) upon invitation of the Commission is positive as such presence may further help to increase public trust in the process and UVR.²⁶

On a technical note, the numbering of the paragraphs within Article 22 should be revised to ensure a clear presentation. As of now, Article 22 has paragraphs 1, 2, and 3 and again 1, 2 and 3. The modalities of participation for experts within each set of paragraphs differ and, therefore, consideration may be given to dividing the Article into two parts.

To further enhance transparency, Draft Law I could include the provision of plenary presentations, where details of the work of the Commission are regularly discussed with the wider group of stakeholders and the public. Such a provision would support the full involvement of the relevant stakeholders in the audit process, increase transparency and build public trust in its results.

The transparency of the audit and steps towards building public trust is ensured by the requirement to publish the work of the Commission on the National Assembly website and the provision requiring the Commission to initiate voter education regarding the voter lists and their updating (Article 23). The proposed amendment, therefore, is in line with the ODIHR recommendation. Regarding compliance with the Personal Data Protection laws, statistical data

²³ The proposed Commission comprises 10 members and 10 substitutes, out of which 8 members and their substitutes are appointed on the proposal of parliamentary groups (government and opposition) in the National Assembly and two members and their substitutes on the proposal of citizen groups, which were accredited to observe the last three elections and issued reports with their observations and findings. The member must be a citizen of and have permanent residence in Serbia, and hold a higher education in legal, mathematical, demographic or economic sciences. They cannot be a member of parliament or employee at the MPALSG. The amendment also details the nomination procedure, the timeline for nominations, and the term of office. The members are approved by the National Assembly through the public vote.

²⁴ *Supra Note 22, p. 7.*

²⁵ For more information on the identification of expertise to conduct a meaningful audit, consult the paper Comparative Review of Methodological Approaches for Conducting Voter Registration Data Audits, provided by ODIHR to the Inter-Agency Working Group on Co-ordination and Follow-up of Implementation of Recommendations for the Improvement of the Electoral process of the Republic of Serbia, 10 April 2024, p.7.

²⁶ The practice suggests that the involvement of the international team or international organization to conduct the audit provides for full independence of the audit from national authorities. However, such composition has a higher demand for inclusiveness, requires agreements between various national actors and is often politically complex and often subject to compromises. *See Supra Note 25, p. 9.* For that reason, a nationally-led team, with adequate consultative mechanisms inclusive participation in an audit, and international expertise, appears to be a comprehensive format.

that does not include personal, religious, or political affiliation information is permitted.²⁷ The right to information also remains a crucial point in favor of publishing audit reports. As such, the provision in Draft Law I has the potential to promote the credibility of the UVR audit.

Article 24 provides that the work of the Commission will be funded from the national budget of the Republic of Serbia, which underlines national ownership of the process.

It is important to stipulate clearly the funding mechanism and ensure that the funds are available on time for the Commission to complete its work in accordance with the law. The requirement for the Commission members to work pro-bono may need to be revisited, as it may affect the ability to find qualified and well-trained independent experts.

7.6 Conclusions

In summary, Draft Law I addresses some aspects included in the ODIHR Recommendations:

- Publishing partial data from voter lists for public scrutiny;
- Ensuring that the law specifies which voter data to be made available for public scrutiny and ensuring lawful access to this data;
- Audit of the UVR undertaken by independent experts and with the participation of various stakeholders, including opposition political parties and civil society;
- Periodic publication of voter registration data, disaggregated by different types of updates and the number of voters registered per municipality.

Additional consideration should be given to the following aspects:

- Introducing explicit provisions that would eliminate ambiguities about the compliance of the Draft with Personal Data Protection laws and enable a greater understanding of the rights and obligations carried out by different actors accessing and scrutinizing voter registration data;
- Conducting the voter registration audit together with an audit of the civil register, and adding additional areas to be audited;²⁸
- Introducing a permanent mechanism for the periodic audit of the UVR or mandating the Commission to conduct periodic audits.

8. Comments on Amended Draft Law I

The amendment to Draft Law I adds a requirement to the proposed Article 21 requesting the person accessing the data to sign a written data confidentiality protection statement and confirm that they are familiar with and will act in accordance with the laws governing Personal Data Protection.

Similarly, the new paragraph 4 in Article 22, requires members of REC entitled to supervise the updating of the Voter Register to sign a written statement.

²⁷ *Supra Note 25*, p. 22.

²⁸ Please refer to the paper Comparative Review of Methodological Approaches for Conducting Voter Registration Data Audits, provided by ODIHR to the Inter-Agency Working Group on Co-ordination and Follow-up of Implementation of Recommendations for the Improvement of the Electoral process of the Republic of Serbia, 10 April 2024 for additional areas to consider.

Article 24a states explicitly that the voters' personal data may not be used for political purposes. This addition is welcome as it addresses ODIHR's comment in Section 7.2 of these Informal Comments, further strengthening Personal Data Protection and regulating the authorized use of the data.

In the new paragraph 4 to Article 22, the right to supervise and update the UVR is extended from standing members of REC to all members of REC. As such, the amendment addresses previously submitted ODIHR comments to grant access to the process to the REC in its extended composition. The amended Draft Law I, however, still does not define the scope of the scrutiny or responsibility of the REC members in this process, and would therefore benefit from further revision.

Amended Article 7.1 of Draft Law I adds 'other records relevant for keeping the Voter Register' to the analysis. This amendment is positive as it allows for a more comprehensive audit of the voter registration mechanism and data. Furthermore, the amendment to Draft Law I adds Paragraphs 16 - 21 to Article 7, including additional areas for analysis. Those areas include analysis and comparison of civil registration books and other records relevant to keeping the Voter Registry, data kept by the state authority in charge of statistics and their comparison with civil records, analysis of voter registration staff, equipment (software and hardware), database security, and related laws and by-laws. The amendment also explicitly obliges the relevant state authorities to provide all data and information to the Commission. This amendment addresses previously submitted ODIHR comments to include additional areas of the auditing process. It addresses all areas explicitly mentioned in the recommendation, except communication and civic and voter education around the voter registration process. It also provides an opportunity to audit related features of the civil register, as recommended by ODIHR. While the amendment does not specifically detail the provisions regarding the Commission's access to ICT applications, it obliges authorities to give access to all needed aspects as per request by the Commission, including when auditing software, hardware and security databases. As such, the amendment appears sufficient to ensure adequate access by the Commission conducting the audit.

Adequate, timely, and sufficient voter education is critical for ensuring transparency and trust in the voter register.

Article 9 of the amendment to Draft Law I clarifies that the Commission will carry out the supervision of the voter register updating and implementation of its earlier recommendations as adopted by the National Assembly 'until the first next national elections are called and at least six months following the submission of the audit report.'

Article 10 clarifies that the work of the Commission should end no later than 2 March 2027. It adds that on the proposal of the newly elected National Assembly, a new Commission may be established to carry out a new audit of the Voter Register. The amended provision provides some clarifications to the length of the mandate while ensuring that the Commission will be able to assist the next elections and submit additional recommendations. At the same time, the hard deadline on its functioning provides clarity on the audit timeline. Article 10 further offers an option for subsequent auditing. The subsequent auditing would, however, depend on the newly elected National Assembly.

Consideration could be given to detailing the regular auditing procedures, its frequency and scope in the law.

Amendment to Article 11 Draft Law I also stipulates that the Commission members sign a written data confidentiality protection statement. This amendment is in line with the previous ODIHR recommendation to provide an additional layer of Personal Data Protection.

Amended Article 13 clarifies that the five largest parliamentary groups that 'belong to the parliamentary majority' and the three largest parliamentary groups that 'do not belong to the parliamentary majority' will each nominate one member and one substitute. There is no substantive change to the composition of the Commission as initially proposed in Draft Law I.

The Commission decides by two-third majority and, as per the amendment to Article 19 Draft Law I, a decision passes if voted by at least one member of each group - parliamentary majority, opposition parliamentary group and citizen groups. This amendment fully addresses an ODIHR recommendation to Draft Law I.

Article 20 amends the alternation of the Commission's President from one month to every three months. The first person to preside would be a member nominated by associations (citizen groups). This is a positive amendment as the longer term for the president will allow for continuity of the Commission's work. The first president being from an association adds an element of neutrality in the Commission's decision-making.

Amended article 24 revisits the remuneration of the Commission members and suggests a monthly compensation amounting to the average salary in the Republic of Serbia. This reflects ODIHR's earlier recommendation.

8.1 Conclusions

The amendment to Draft Law I addresses some of the key recommendations initially included in these Informal Comments, Section 7 - Comments on Draft Law I. This includes in particular:

- Further strengthening Personal Data Protection;
- Further enhancing transparency by granting access to REC members (as opposed to standing members only as stipulated in the initial draft);
- Obligating relevant institutions to provide required data to the Commission;
- Adding additional areas to the auditing process;
- Providing some prospects for the possible future audits;
- Reconsidering remuneration for the Commission members;
- Introducing a decision-making mechanism that requires at least one voter from each member group (government, opposition and citizen groups).

The initial recommendations that remained unaddressed include:

- Widening the scope of verification to include civil society organizations and observer groups;
- Clearly defining the proposed supervisory role of the REC, especially in the view of responsibilities attributed to the MPALSG pursuant to the Law on Public Administration;

- Adding public communication and voter education around the voter registration process among the areas to be audited;
- Further revisiting the long-term UVR accuracy measures;
- Considering plenary presentation to further enhance the Commission's transparency;
- Enhancing the clarity of the draft by either proposing new chapters in LUVR or indicating where to insert the proposed articles.

9. Comments on Draft Law II

9.1 Proposed amendment to Chapter I – General Provisions – Unified Electoral Roll

Draft Law II proposes a new Article 2a – “The Body Responsible for Auditing, Verifying and Controlling the Accuracy and Updating of the Voter Register (hereinafter “Commission”). The proposed Article stipulates that the National Assembly establishes a permanent Body Responsible for Auditing, Verifying and Controlling the Accuracy and Updating of the Voter Register. Setting up the Commission within Chapter 1 will grant it a statutory authority. The Assembly will delegate the authority to a statutory commission to enhance the efficiency of its work, to prevent it from being partisan, and to enhance transparency and accountability. Positively, the statutory commission will also have more power to access information in order to exercise its legal mandate. Setting up a statutory commission will also address the sustainability aspect raised in relation to Draft Law I.

9.2 Chapter II, Section 4 – Publicizing parts of the Electoral Roll

Similarly to Draft Law I, Draft Law II requires the MPALSG to provide access to voter registration data on its website and regulates the data to be published and how to access them. The data to be published and means of access are similar to Draft Law I (*see Table II*) and include name, surname, name of one of the voter's parents, indication of whether the voter is entered on the UVR based on temporary or permanent residence, polling station and number of voters per household. Draft Law II, additionally, proposes to publish data “on the total number of voters per municipality or city.”

Table 2: Overview of the proposed amendments in terms of the scope of data to be captured in the UVR and made available for public scrutiny

Entered in the electoral roll (current law and the proposed amendment)	Data shared for public scrutiny (current law)	Data shared for public scrutiny (Draft Law II)	Data that can be accessed by the nominator of the proclaimed electoral list and the Election Commission (Draft Law II)
<ul style="list-style-type: none"> - Name - Surname - Name of one of the voter's parents - Voter's unique citizen number - Data and Place of Birth - Gender 	Not specified	<ul style="list-style-type: none"> - Name - Surname - Name of one of the voter's parents - Indication whether the voter is entered in the voter list based on permanent or 	Not specified.

<ul style="list-style-type: none"> - Place of Residence and address - Local Self-Government Unit in which the voter has his/her permanent residence/Foreign country with temporary residence/Temporary place of residence of the Internally Displaced Person (IDP) 		<ul style="list-style-type: none"> temporary residence disaggregated by polling station + number of voters per household - Total number of voters in municipality or city 	
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This wording positively allows for analysis of trends in the voter registry. Such trends are important for audits of the voter registers but also in assessing accuracy and detecting possible irregularities, hence contributing to the accuracy and trust in the UVR. The data can be accessed by citizens entering their unique identification number and a valid identity card or passport number.

In addition, new Article 14a of Draft Law II requires the data to be published on the MPALSG website in a machine-readable form. The additional wording “in a machine-readable form” satisfies the issue of data portability.²⁹

To ensure a sufficient level of Personal Data Protection while allowing for data portability, consideration should be given to the principle of the purpose specification, e.g. provide legal guarantees to ensure that the information is used for the purpose intended: to present voter registration to the citizens. The Draft could further regulate any restrictions on the use of the data.³⁰ Consideration could be also given to the requirement of signing a legal disclaimer or statement specifying the scope of rights and obligations that may be exercised and enforced by parties.

The municipal and city administration, in addition to changes in the UVR (required by both Drafts), must also regularly (every seven days) publish the number of voters in its territory. Unlike Draft Law I, which explicitly states, “upon the UVR’s closure,” Draft Law II does not specify the period when the voters will have access to the UVR but is clear on the additional data to be published after the voter registration closure. Access to the UVR throughout the electoral cycle is positive, as access should generally be permitted both during the regular maintenance of the civil and voter registers and during the pre-electoral period. It, however, needs to be clearly regulated in the law.

It is recommended to specify clearly whether the access is available in the specific periods only or at any given time throughout the electoral cycle.³¹

Draft Law II does not provide further details regarding the access of electoral contestants to the UVR. The verification by voters, electoral contestants and observers is critical for transparency. Consideration should be given to explicitly regulating this aspect as well while

²⁹ In line with 2003 [ODIHR Existing Commitments for Democratic Elections in OSCE Participating States](#), the system should be transparent and open to verification by voters, political contestants and election observers, while respecting privacy considerations.

³⁰ *Supra* Note 17.

³¹ *Supra* Note 20, p. 7-8.

taking into consideration Personal Data Protection.³² Draft Law I provides a solid basis by adding more transparency and guidance to the UVR access by election contestants.³³

Personal Data Protection

Draft Law II adds wording on Personal Data Protection in a new Article 14b, in Chapter II, Section 4 of the UVR. The proposal is similar in wording to the proposal provided in Draft Law I (see Section 7.4 of these Informal Comments for analysis).

9.3 The Commission for auditing, verifying, and controlling the accuracy and updating of the UVR

As Draft Law I, Draft Law II provides for the establishment of the Commission for Auditing, Verifying, and Controlling the Accuracy and Updating of the Voter Register (*hereinafter “the Commission”*). As analyzed in Section 9.1, Draft Law II gives the Commission a permanent status. While there is similar wording for many parts of the two amendments, the wording in Draft Law II is legally more comprehensive. It clearly states that the Chapter on the establishment of the Commission will be added after Chapter V as a new Chapter Va. Draft Law II also appears clearer on the ordering and numbering of the Chapters and the logical order of the Chapters.³⁴

In line with Draft Law II, Article 22a sets up the Commission as a legal entity and an independent and autonomous body with the public authority to conduct an audit and control the accuracy of the UVR. The Commission reports to the National Assembly. As mentioned above, attributing the Commission a legal status will facilitate access to information. At the same time, an independent and autonomous body has a high potential to increase trust in the UVR.

As recommended above, consideration could be given to a permanent mechanism for the periodic audit of the UVR or mandating the Commission to conduct periodic audits.

The provision of Draft Law II is in line with this recommendation as it makes the Commission permanent.³⁵

Articles 22b of Draft Law II regulates the composition and appointments of the Commission. The proposed Commission comprises nine members and their substitutes, out of which six members and their substitutes are appointed on the proposal of parliamentary groups (government and opposition) in the National Assembly and three members and their substitutes on the proposal of citizen groups, which were accredited to observe the last three elections and issued reports with their observations and findings.³⁶ Membership requirements and qualifications are similar to the Draft Law I. The Assembly votes on the members.

³² In line with ODIHR Existing Commitments for Democratic Elections - subject to the protection of personal information – the voter lists should be accessible for inspection by qualified voters. *Supra Note 29*.

³³ See Section 7.2 of these Informal Comments.

³⁴ The order of the Chapters in Draft Law II (Articles 22a – 22n) is: Commission’s status, election to the Commission, the nomination of Candidates for members and substitute members to the Commission, the first session of the Commission, scope of work, members without decision-making rights, observers, reports to national assembly, publicity of Commission’s work and conditions of Commission’s work.

³⁵ *Supra Note 22, p. 3*. See the Ace Project, [What is Electoral Cycle?](#)

³⁶ Three largest Government parliamentary groups and three opposition groups shall each nominate one member and one substitute.

There is a minor difference between the composition of the Commission between Draft Laws I and II (*see Table 2*). Both proposals allow for an inclusive and possibly independent Commission, involving both the government and the opposition. Draft Law II could provide for greater impartiality and balance as it includes a similar number of experts nominated by the government and the opposition. The engagement of reputable civil society stakeholders in election reform processes has proven to enhance public trust in those processes. Draft Law II provides for greater representation and a larger role in decision-making for civil society, hence, the model recommended by Draft Law II has greater potential to enhance confidence in the work of the proposed Commission. At the same time, the *de facto* veto authority given to civil society in Draft Law II has the potential to block the work of the Commission even where the decisions otherwise have broad support among opposition and government parties and may warrant reconsideration.

Table 3: Proposed members of the Commission and the voting procedure as proposed in Draft Law I and Draft Law II

	Draft Law I	Draft Law II
Total number of members and substitutes	10 + 10	9 + 9
No. of members proposed by largest government parliamentary groups:	5 + 5	3 + 3
No. of members proposed by largest opposition parliamentary groups:	3 + 3	3 + 3
No. of members proposed by citizen groups (by mutual agreement)	2 + 2	3 + 3
Decision-making	2/3 majority of all members (7 votes)	Majority vote (5 votes) but two must be members proposed by citizen groups
President	Alternates for a month	From among the members proposed by citizen groups

Consideration could be given to introducing a decision-making mechanism that would require at least one vote from each member group (government, opposition and civil society).

The parties allowed to join the work of the Commission without decision-making rights are similar to Draft Law I. Draft Law II also provides for the participation of observers in its work, which is a positive element that would further increase the transparency of the process. Both Draft Laws provide adequate grounds for an independent Commission, including most of its decision-making aspects, which - in both cases - have sufficient safeguards to prevent unilateral decision-making. For the Commission to inspire trust, the final composition and decision-making requirements should be based on inclusive consultations between the government, opposition, civil society and other relevant actors.

In Article 22h, Draft Law II provides for the scope of work similar to Draft Law I, with several additional responsibilities and privileges. These include:

- a. analyze the data contained in the civil registry, which are relevant to the voter registration;

- b. analyze the information security of the voter registration software;
- c. initiate the adoption of amendments to regulations and give an opinion on draft laws and regulations governing issues within the Commission's scope of work;
- d. conduct an integrity analysis of the voter registry updating process.

Broadening further the areas for the Commission to analyze and audit is a positive aspect. Table 3 below provides a comparison between audit areas considered in the ODIHR Comparative Review of Methodological Approaches for Conducting Voter Registration Data Audits.³⁷

It is recommended to include as many areas as possible to ensure a comprehensive audit. The areas to be particularly considered include the legal framework, a broader range of statistical data, voter registration staff, recruitment and training, equipment (software/hardware) for civil and voter registration, security of the equipment and databases and Personal Data Protection.

Table 4: Comparison – Aspects to be covered by the Commission / audit

Recommended areas to audit / verify	Areas to audit and verify (as stipulated in the Scope of Work of the Commission, Draft Law I	Areas to audit and verify (as stipulated in the Scope of Work of the Commission, Draft Law II
Legal framework	-	Not explicitly stated but the Commission is mandated to “initiate the adoption of amendments to regulations and give an opinion on draft laws and regulations governing issues within the Commission's scope of work”.
Internal procedures / Implementation of the legal framework	Legal validity of decisions leading to changes in the Voter Register. Process of updating and authorizing changes in the Voter Register. Data on the conducted supervisory inspections and the proposed or ordered measures within the supervisory inspection procedure over the implementation of the regulations governing the Unified Voter Register. Facts about the management and accuracy of the Voter Registry, shall find grounds for suspicion that a violation of the law has occurred by reporting the violation of the	Legal validity of decisions leading to changes in the Voter Register. Process of updating and authorizing changes in the Voter Register. Data on the conducted supervisory inspections and the proposed or ordered measures within the supervisory inspection procedure over the implementation of the regulations governing the Unified Voter Register. Data of the ministry in charge of internal affairs on permanent or temporary residence of citizens, the legal grounds on which the residence has been registered

³⁷ *Supra* Note 22.

	law to the competent authorities.	or deregistered and the compliance of this data with the data in the Voter Register. Actions related to approvals of permanent and temporary evidence. Facts about the management and accuracy of the Voter Registry, it shall find grounds for suspicion that a violation of the law has occurred by reporting the violation of the law to the competent authorities.
Field reporting (qualitative and quantitative)	Field control of voters (based on UVR analysis) is to be carried out by the Ministry of Internal Affairs / initiated by the Commission.	Field control of voters (based on UVR analysis) is to be initiated, coordinated and supervised by the Commission.
ODIHR recommendations, surveys, parliamentary reports	-	-
Analysis of inclusiveness (VR data evolution, age groups and distribution of electoral population, differences in registration (time, locations))	Statistical parameters of Voter Register variation.	Statistical trends in the UVR.
Turnout and evolution	-	-
Comparison with census projection	Statistical parameters of voter registration variation.	Statistical parameters of voter registration variation.
VR process		Conduct integrity analysis of the voter registry updating process.
VR Data Analysis (inaccuracies, duplicates, address and residence)	Voter Register data at the level of personal data (name, father's name, surname, place and address of permanent residence).	Analyze data from the voter register (no specification).
Population movements	MPALSG data on population movements and its reflection in the UVR.	-
Voter registration staff and training	-	-
Analysis of VR equipment	-	-
Public communication around VR	-	-

VR audit data security (premises, personnel, servers, interfaces)	-	Information security of the voter registration software.
Civil Register	No analysis of the full data but an analysis of actions related to the approval of permanent residence and temporary residence of citizens and following the statistical trends in the Voter Registry, permanent residence, and temporary residence.	Analyze the data contained in the civil registry, which are relevant to voter registration.
Personal Data Protection	-	-
Other	Conduct other analyses necessary to determine the degree of integrity of the Voter Registry updating process.	Conduct other analyses necessary to determine the degree of integrity of the Voter Registry updating process.

Draft Law II mandates the Commission to adopt a Legal Act to regulate the manner of audit, verification and control of accuracy.

It is recommended to include all areas subjected to the audit in the proposed amendments. Such provisions would give the Commission a stronger mandate and, therefore, facilitate access to data.

Furthermore, Draft Law II, in the same Article 22h.19, mandates other institutions to provide the Commission with access to their records. This important aspect will allow the Commission to obtain the documents in line with the law. As such, it has the potential to address previous challenges with moving forward with the audit due to the lack of access to the necessary materials.

The requirement stipulated in Article 22h.13 to publish annual and period reports of the work of the Commission and on the accuracy of the UVR is positive in ensuring the transparency of the process and improving public trust.

In accordance with the proposed Article 22l, the Commission will report annually (end of February) to the National Assembly. The timeline for the Assembly to consider and act on the report is similar to the timeline stipulated in Draft Law I and appears reasonable. In addition, Draft Law II proposes that the representatives of the Commission will be invited to the Assembly proceedings when the report is discussed, and the conclusions and recommendations are passed by the majority vote in the parliament. The participation of a Commission member in the proceedings of the Assembly is positive as this will allow space for interpreting the technical aspects of the recommendations.

Similarly to Draft Law I, the work of the Commission will be public (Article 22m), and the funds provided from the budget of the Republic of Serbia (Article 22n). The members are not compensated for their work. As per earlier analysis, the compensation of the members of the Commission could be reconsidered to ensure that experts with adequate skills can be found and they are motivated.

Transitional provisions: The first report to the National Assembly on the audit, verification and control of the accuracy and updating of the UVR will be submitted to the National Assembly no later than one year from the date of its establishment. The Commission will be established within 15 days from the date of entry into force of Draft Law II. The transitional provisions provide an adequate framework for the work of the Commission.

It is recommended that the Commission completes its work timely ahead of the next elections, to provide sufficient time to address its findings while warranting that the trust in UVR is improved. In case of early elections, consideration could be given to temporary or special arrangements, in line with the findings of the Commission.

9.4 Conclusions

Overall, Draft Law II, similarly to Draft Law I, takes into consideration the previous ODIHR recommendations on conducting independent audits to improve voter list accuracy and enhance public trust. There is no unified approach towards setting up the audit institutions across the OSCE participating States, and the auditors may be designated either ad hoc or permanently.³⁸ Nevertheless, the transition to the regular audit established in the law, as stipulated in Draft Law II, would increase the sustainability of the UVR maintenance process and might help the authorities maintain public trust beyond a one-off audit. Therefore, Draft Law II positively provides for the frequency of the audit, verification and control of the data.

Similarly to Draft Law I, the membership includes independent experts nominated by government and opposition parties in the National Assembly and citizen groups. Draft Law II provides more space for the citizen groups, which may further enhance the actual and perceived independence of the audit. In line with ODIHR recommendations, Draft Law II provides for the participation of relevant stakeholders and additionally allows for the participation of observers. The transparency of the audit and steps towards building public trust are ensured by the requirement to publish the work of the Commission on the National Assembly website and the provision requiring the Commission to initiate voter education regarding the voter lists and their updating.

Similarly to Draft Law I, the amendment details the required backgrounds of the audit commission members (similar wording) and provisions for possible support by international experts. The combination of the right competencies is important for the meaningful conduct of the audit, and the participation of international experts may further help to increase trust in the process and UVR. Draft Law II, therefore, takes multiple steps towards addressing ODIHR recommendations.

Positively, Draft Law II furthermore gives a permanent status to the Commission. It established access to the necessary records of other institutions and a mandate to analyze the data contained in the civil registry and the security of voter registry software. These elements, if implemented, set a solid ground for the meaningful conduct of the audit.

In summary, Draft Law II addresses some aspects included in the ODIHR recommendations:

- Publishing partial data from voter lists for public scrutiny in line with the law and best practices;

³⁸ *Supra* Note 28.

- Ensuring that the law specifies which voter data to be made available for public scrutiny and ensuring lawful access to these data;
- Auditing of the UVR undertaken by independent experts, with the participation of various stakeholders, including political parties and civil society;
- Periodic publishing of voter registration data, disaggregated by different types of updates and the number of voters registered per municipality;
- Proposing some elements of the Civil Registry Audit (although not a full Civil Registry Audit is envisaged).

Additional consideration should be given to the following aspects:

- Introducing explicit provisions that would eliminate ambiguities about the compliance of the draft law with Personal Data Protection laws and thereby enable a greater understanding of the rights and obligations carried out by different actors accessing and scrutinizing voter registration data;
- Adding additional areas of UVR and civil register to be audited.³⁹

10. Comments on Amended Draft Law II

The amendment to Article 14b - Personal Data Protection of Draft Law II requires the persons accessing the voter register to sign a confidentiality and protection statement, in line with the ODIHR recommendation in Section 9.2 Chapter II, Section 4 - Publicizing parts of the Electoral Roll.

Article 22h of the amendment to Draft Law II adds additional areas for audit, including analyzing and comparing civil records, analyzing procedures for employing, hiring and training the voter registration staff, equipment (hardware and software, as well as database security of civil records relevant to the voter registration, legal framework, and the data kept by the state authority in charge of statistics. The amendment reflects the ODIHR recommendation to add as many areas as possible into the audit framework.

Adequate, timely, and sufficient voter education is critical for ensuring transparency and trust in the voter roll.

Amendment to Article 22i changes the proposed decision-making from a simple to a two-third majority, with the requirement that at least two members nominated by each group (government, opposition and citizen groups) vote in favor. While this amendment makes the decision-making mechanism more balanced, the requirement to have two members of each group voting in favour to adopt the decision may block the Commission's decision-making process.

ODIHR re-iterates its previous recommendation to consider a decision-making mechanism that would require at least one vote from each member group.

10.1 Conclusions

³⁹ Please see the paper Comparative Review of Methodological Approaches for Conducting Voter Registration Data Audits, *Supra Note 28*, for additional areas to consider.

Amendment to Draft Law II introduces three amendments that reflect some of the ODIHR initial recommendations listed in Section 9 of these Informal Comments:

- Further strengthening Personal Data Protection and expanding areas to be audited;
- The two-third majority decision-making harmonizes it with Draft Law I. However, the requirement of two votes from each group in favour may compromise the decision-making of the Commission.

The initial recommendations that remained unaddressed include:

- Stipulating clear timelines when the voter register can be accessed;
- Introducing a more specific timeline of the Commission's work in relation to the next elections, to ensure that there is sufficient time to address its findings and that the trust in UVR is improved. Consideration could be given to temporary or special arrangements in line with the findings of the Commission;
- Reconsidering of remuneration of the Commission members.

11. General Conclusions on Amended Draft Laws I and II

- While the amendment to Draft Law I addressed most of the comments provided in these Informal Comments, Draft Law II remains more legally comprehensive - appears clearer in terms of ordering and numbering the chapters.
- Draft Law II also grants the Commission a permanent status. Amendment to the Draft Law I now opens space for future audits, however, that will be at the discretion of the National Assembly. ODIHR recommended considering a permanent mechanism for periodic audit of the UVR.
- The amendments did not propose any changes to the composition of the Commission - which differs in both drafts (see Table 3). ODIHR does not have a recommendation on the composition of the Commission *per se* and suggests that the **relevant Serbian authorities** consider a composition that has a greater potential to increase the public confidence in Serbia, **as provided by Draft II**.
- The decision-making has been harmonized in both drafts to a two-third majority vote. ODIHR reiterates its recommendation to introduce a decision-making mechanism that would require at least one vote from each member group (government, opposition and citizen groups). This recommendation is now explicitly reflected in Draft Law I. Draft Law II requires two votes from each group. **While this may increase the public confidence in the process as the auditing process and voting should be independent, it has a higher potential to block the decision-making process of the Commission.**
- Draft Law II provides for the participation of observers in the Commission work - which reflects an ODIHR recommendation not addressed in Draft Law I.
- Both amendments expanded the areas for the audit. ODIHR recommends harmonizing these in line with Table 4 of these Informal Comments. Nevertheless, it is noted that both draft laws now provide for a comprehensive audit.
- Draft Law I is now clearer on the timeline of the audit in relation to the upcoming national elections.
- Both Draft Laws now include an additional layer of personal data protection by requiring signing a statement before accessing the data. None of the amendments added a provision on eliminating ambiguities about the compliance of the draft laws with

Personal Data Protections to enable a greater understanding of the rights and obligations carried out by different actors accessing and scrutinizing voter registration data.

- The explicit provision stipulated in the amendment to Draft Law I obliges the state institutions and authorities to provide all requested information to the Commission - a provision that addresses the concerns over the availability of the data for audit purposes. The Draft Law I, however, could consider clarifying the supervisory obligations of the REC to eliminate ambiguities around responsibilities by different institutions during the audit and its follow-up.
- Draft Law I now proposes remuneration for the members of the Commission, considering a previous ODIHR recommendation; this is not addressed in Draft Law II.