

Reforma Forum Recommendations - 29 November 2011

Repairing the voters list

One of the fundamental problems in the organizing free and fair elections is inaccuracies of the voters list. A fundamental prerequisite to have an acceptable voters list is that list should include only those who meet the requirements to vote, harmonized with the exact addresses of voters, which reduces the possibilities of fraud and avoids the need to have conditional voting. In addition to this, there is a need for coordination between central and local institutions and greater room to challenge voters' list.

- 1. General audit of the central civil registry.** Undertake a comprehensive audit that identifies mistakes, unsatisfactory procedures, degree of inaccuracy, how many are names of deceased persons, technical inaccuracies, how many live abroad, how many are with wrong addresses and other problems. Such a diagnosis would accurately inform for the public policies and decisions that need to be taken. If there are numerous inaccuracies, this justifies even more stringent measures to repair the list, i.e. a legal obligation for the citizens to appear within the year in the municipality to update their address.
- 2. Unified list of voter's data and integration of all databases.** Kosovo should have a unified and integrated list of civil registry out of which the voters list derives from. To create a unified registry, priority should be given to integrate the databases of civil status and civil registry of MIA before the 2013 elections and to define clearly the legal basis for this through subsidiary legislation of the Civil Registry Law.
- 3. In the case that databases cannot be integrated until 2013, eventually to conduct an active registration of voters.** If MIA cannot integrate databases and improve the civil registry until 2013, the CEC can conduct an active registration of voters (voters list containing only the names of those who register in the PSC to vote in the specified period). This option would be costly, but necessary to prevent violations and restore confidence in the electoral process. Therefore, authorities should focus on repairing the current list, but if there is no update, an active registration system however costly becomes reasonable. In this case, the CEC should increase human capacities for information technology to improve the irregularities and contradictory data on civil extract and transfer improvements to MIA. The active registration will at the same time repair large inaccuracies in the address.
- 4. To regulate and make it legally binding to update addresses and harmonize P-codes.** To make it a priority to adopt of the Law on the Address System and subsidiary legislation and initiate enforcement through specification of the addresses of citizens of Kosovo. All citizens should be obliged to verify and report any changes in their addresses at the same time, MIA to harmonize addresses of persons in the civil registry with accurate P-codes to facilitate accurate determination of the voting station and to correct the mistake made in 2008 where a P-code is given for whole municipality.
- 5. Effective relations between the municipalities and MIA.** Department of Civil Status (MIA) to continue improving coordination with local offices for civil registration and not to accept civil status reports without a copy of certificate as proof of birth or death of a person. For persons that report the death of their relatives and submit documents, it

often happens that the Municipality sends the report to MIA without attaching the certificate, resulting in removal of the name from the civil status registry and not the civil registry which is later used for elections. MIA's inspectorate to go to all municipalities in Kosovo to inspect whether all death certificates from the civil status registry are collected.

- 6. Exchanging information with other institutions.** Department of Civil Registry to cooperate with the Statistical Office, with Ministry of Labour and Social Welfare, and also with religious communities to collect information on deceased persons that are not registered. The cooperation between these institutions should be mandatory and sanctions should be foreseen for institutions do not respect them. Burial permits to be compared to the number of death certificates and records of the respective religious communities and if necessary to contact relatives in order to obtain certificates. The same cooperation could also collect the latest addresses of the persons and update the unified list. To explore the possibility that in addition to the burial permit, to provide the certificate of death with a simplified procedure than the current one. Religious communities should not perform the rite of burial without permission from the municipality.
- 7. Removal of names of deceased persons from the list.** MIA to find mechanisms to enforce sanctions deriving from the Law on Civil Registry for non-declaring the deaths. The municipality tax for the death certificate to be abolished as an incentive for reporting the deaths in a higher degree. MIA to conduct a campaign for the registration of deceased persons, improving the addresses and confirming the data of citizens in the civil register. To provide a grace period for reporting the deceased without a fine, and following this period serious penalties to be foreseen.
- 8. To clean the civil registry form citizens without the right to vote.** In the civil registry there are 400.000 names more than citizens who have documents of Kosovo. Because of the ease, many UNMIK documents were issued with a fast procedure with two witnesses. It is suspected that there are voters that received documents but are not at all Kosovars. An analysis should be conducted for this discrepancy and ways need to be found to remove non-Kosovars who received the UNMIK documents earlier. Displaced persons should be given every opportunity to vote and to facilitate the procedures for obtaining documents and for voting.
- 9. CEC to forward the data in the civil register at least until the integration of data bases from MIA is finished.** CEC to forward to civil registry records of changes of residence of voters during the period of voter's service. The polling station for a person may have been corrected for one election, but if this information is not updated in the civil registry, for next elections it will be set again in the wrong location. When the addresses are corrected and an integrated civil registry created, citizens, during the challenging period should be forced to change their data to the Municipal Civil Registry Office and not to the CEC. In this case, the CEC receives the initial extract of the civil register at the time of announcement of elections, and after completion of the service period of challenging the voters list and when people have improved their data in the municipality; the CEC takes the final extract of the civil registry.
- 10. Time and procedure to challenge the list to start from the date of announcement of elections.** To respect the standard of the Venice Commission that the list should be public and the guidelines of OSCE that voters have sufficient time to review the

information. Publication of the voters list to become public from the announcement of election date (4-6 months before election day) and up to 3 weeks before election day. Outside the electoral process, the MIA should publish some non-sensitive data not related to privacy, such as name, surname, birth date and place of residence to be public at all times by the civil registry. The CEC is obliged to make an adequate campaign to update the list.

11. Voting from the Diaspora. It is recommended and expected that the Electoral Working Group recommend that the Diaspora to be allowed to vote for the Assembly and eventually presidential elections if the law changes. For local elections is believed that Diaspora has no reason to vote and the interest is very low. This makes it imperative that the voters list is compiled in a manner that the voters who live inside and outside the country can be clearly distinguished.

12. To compile a list separate list of voters for diaspora. It is problematic that out of the large number of diaspora that we have only 5.000 of them vote by mail. Having in mind that a large number of diaspora appears on the voters list, while only a small number of them votes, then the possibilities for fraud and voting on behalf of others exist. To avoid such problems, we must find a sustainable solution. Diaspora should be allowed to vote through a special voters list. Another option is that a person from Diaspora to be highlighted with a shade or another clear sign on the voters list, but this does not eliminate the possibilities of voting on behalf of someone else. A solution must be found which does not remove the right to vote, but at the same time prevents voting on their behalf during regular voting.

Compiled by the Institute of Democracy for Development (D4D) (www.d4d-ks.org)