



**Parliament of Montenegro
Section for Research, Analysis, Library and Documentation**

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EU standards in the field of election process

-short information-

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Foreword

A country is entitled, i.e. free to choose the electoral system it wants to implement. However, this does not mean that each electoral system or practice chosen by a country is deemed acceptable. The freedom of every country when choosing the electoral system is not unlimited, since it must be implemented in accordance with the minimum standards stipulated. The minimum standards are based on the primary sources, i.e. international documents, including Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, European Convention for the Protection of Human Rights and Fundamental Freedoms, Charter of Paris for a New Europe-CSCE¹ Summit 1990 and Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE.²

In addition to human rights and the rule of law, democracy is also one of the three pillars of Europe's constitutional heritage and the Council of Europe. Democracy is inconceivable without elections held in accordance with certain principles granting them the democratic status. These principles represent a special aspect of Europe's constitutional heritage that can legitimately be called "Europe's electoral heritage".

In fulfilling its task of promoting democracy through law, from the moment of its creation, the European Commission for Democracy through Law (Venice Commission) has been facing the greatest challenge so far - holding free and fair elections. Opinions given by the Venice Commission are founded on the European electoral heritage and standards recognized in Europe. The task of the Commission is to prepare guidelines and studies, and thereof define more precisely Europe's electoral heritage. In addition, its task is to prepare comparative studies on actual, and sometimes even pressing issues related to the electoral process in different countries. In this regard, the Venice Commission adopted the Code of Good Practice in Electoral Matters³ in October 2002. The Code defines the fundamental standards of Europe's electoral heritage, approved not only by the Venice Commission, but also by Parliamentary Assembly, Congress⁴ and the Committee of Ministers of the Council of Europe, along with the solemn declaration adopted at the ministerial level.⁵

This document provides a short overview of standards and best practices of EU member states and beyond, concerning financing of electoral campaign, exercising the general right to vote and identification of voters in a polling station during elections.

The complete document in Montenegrin language can be found at:

http://www.skupstina.me/images/dokumenti/biblioteka-istravanje/standardi_evropske_unije_u_oblasti_izbornog_procesa.pdf

¹ Conference for Security and Co-operation in Europe (CSCE) was the initial name of the Organization of Security and Cooperation in Europe (OSCE)

² Guidelines for Reviewing a Legal Framework for Elections OSCE/ODHIR , 2001; <http://www.osce.org/sr/odihr/elections/13960>

³ Code of Good Practice in Electoral Matters: Guidelines and Explanatory report, Venice Commission, 2002, (Doc. CDL-AD (2002)023 rev); <http://www.venice.coe.int/webforms/documents/CDL-AD%282002%29023rev.aspx>

⁴ The Congress of the Council of Europe known as the Congress of Local and Regional Authorities of Europe is a Council of Europe consultative body, which consists of local and regional authorities of 47 Member States of the Council of Europe.

⁵ Electoral Law, Venice Commission, 2013, (Doc. CDL-EL(2013)006), <http://www.venice.coe.int/WebForms/documents/?pdf=CDL-EL%282013%29006-e>