

COMPILATION OF ELECTORAL LEGISLATION

CHAPTER I CONDITIONS TO BE A VOTER

Art. 1

(Art. 1, Electoral Law No. 6/1996)

(Active Electorate)

1. All citizens who have reached the age of majority and who do not fall under any of the conditions referred to in Article 2, or for whom the period referred to in Article 3 has not expired, are voters.

Art. 2

(Art. 2, Electoral Law No. 6/1996,
as amended by Art. 1, Qualified Law No. 1/2007)

(Exclusion from the exercise of electoral rights)

1. The following persons are excluded from the exercise of electoral rights:
 - a) Persons disqualified for mental health reasons, as well as those for whom bankruptcy proceedings were opened, only for the duration thereof;
 - b) Persons convicted by a final judgment and for an intentional offence, who were sentenced to a measure involving deprivation of personal liberty or disqualification from public offices and political rights for a period longer than one year;
 - c) Persons convicted for offences against political rights;
 - d) Persons sentenced to disqualification from political rights.
2. The electoral rights of persons convicted under the provisions of paragraphs b), c), and d) are reinstated if the extinction of the offence occurred after the conviction, in the cases governed by Article 52, paragraph 2 of the Criminal Code, or if the extinction of the penalty occurred pursuant to Article 112 of the Criminal Code, excluding the case in Article 112, sub-paragraph 1).

Art. 3

(Art. 2, Electoral Law No. 6/1996)

(Interruption of original descent relationship)

1. San Marino citizens, whose original descent relationship, certified following a request of citizenship verification, was interrupted for more than a generation, shall be entered in the lists of voters after the expiry of a three-year period from the admission of the application, which shall be submitted in person to the Civil Registrar.

2. For the purposes referred to in the previous paragraph, 'interruption of original descent relationship for more than a generation' means that ancestors up to the first degree and collateral relatives up to the second degree were not registered in the lists of voters.

Art. 4

(Art. 4, Electoral Law No. 6/1996,
replaced by Art. 2, Qualified Law No. 1/2007)

(Polling areas)

1. Polling areas shall be established in the Townships of Città, Borgo Maggiore, Acquaviva, Chiesanuova, Domagnano, Faetano, Fiorentino, Montegiardino, Serravalle and in Dogana. The number of polling stations within each polling area,¹ as well as the establishment of a special polling station designated for homebound voters,² shall be decided by Delegated Decree, upon proposal of the Electoral Commission. Voters shall exercise their right to vote in the polling areas of their place of residence. Voters moving their residence to a different polling area shall exercise their right to vote in such area. Voters residing outside the territory of the Republic shall exercise their right to vote in one of the polling areas designated for voters residing abroad, which are established in the Townships of Città, Borgo Maggiore and Serravalle. The Electoral Commission shall decide the criteria governing the assignment of voters residing abroad to the designated polling areas.

2. No more than 700 and no less than 150 voters can be assigned to each polling area. No more than 1400 and no less than 300 voters can be assigned to each area designated for voters residing abroad. The number of voters to be assigned to each polling area can be amended by Delegated Decree, upon proposal of the Electoral Commission.

Art. 5

(Art 5, Electoral Law No. 6/1996 - concerning the organization of travels (to San Marino and back) for voters residing abroad paid by the State - has been repealed by Decree no. 122 of 24 September 1996)

CHAPTER II - COMPILATION OF THE LISTS OF VOTERS

Art. 6

(Art. 6, Electoral Law No. 6/1996 as integrated by Art. 7, Law No. 114/2000, which was repealed by Art. 13, Qualified Law No. 1/2008 and consequently reinstated in its original wording)

(Compilation of the lists of voters – Electoral Commission)

¹ Delegated Decree No. 166, 10 November 2015.

² Delegated Decree No. 117, 13 December 2007, partially modified by Delegated Decree 53/2009.

1. The lists of voters, one per polling area, shall be compiled by the Electoral Commission referred to in paragraph 3, broken down by gender and in alphabetical order. For each voter, the lists of voters shall indicate:
 - a) Surname, name and civil status;
 - b) Residence.
2. The lists of voters shall be authenticated, page by page, after the last registered voter, by the Civil Registrar-Head of the State Electoral Office. The authentication in the last page of the lists shall indicate the number of registered voters.
3. The lists of voters shall be compiled by a Commission composed of:
 - The Minister of Internal Affairs, who serves as President;
 - The Civil Registrar-Head of the State Electoral Office;
 - The Clerk of the Single Civil and Criminal Court;
 - The Head of the Directorate of Relations with San Marino Communities Abroad of the Department of Foreign Affairs;
 - Seven members appointed by the Great and General Council for the entire duration of the legislature.
4. The Electoral Commission, which makes decisions by majority vote, shall review and update the lists of voters every year and publish them by 31st January.
5. The lists of voters shall be published by the Judicial Officers of the Court, who shall deposit them with the State Electoral Office, post them in all polling areas and deposit them with the Ministry of Foreign Affairs. The latter shall then forward the lists of voters to consulates or diplomatic missions in countries where no consulates are present and to the offices of legally recognised Associations of San Marino citizens residing abroad.
6. During the operations referred to in paragraph 4, voters attaining the age of eighteen by the following 31 December shall also be registered in the lists of voters.

Art. 7

(Art. 7, Electoral Law No. 6/1996)

(Complaints against registration in or exclusion from the lists of voters)

1. No later than 12:00 p.m. on 28 February, or on the following day if 28 February is a non-working day, all citizens, including non interested persons, may submit oral or written complaints to the Civil Registrar-Head of the State Electoral Office for the registration in or exclusion from the lists of voters or for the erroneous attribution to the polling station, as well as for the non-transcription of changes made to civil records. Oral complaints shall be recorded by the Civil Registrar-Head of the State Electoral Office.
2. Final decisions on complaints shall be taken by the Law Commissioner by 15 March.
3. Following the completion of the procedures described in the previous paragraphs, the lists of voters shall be declared final and can be amended only through the annual review referred to in Art. 6, paragraph 4.
4. Voters registered in the final approved lists of voters, who have attained the age of eighteen by the polling day, shall participate in the elections.

Art. 8

(Art. 8, Electoral Law No. 6/1996)

(Deletion from the lists of voters)

1. The Electoral Commission referred to in Article 6 shall also delete, at least once per year, voters who have met one of the criteria for incapacity referred to in Art. 2, or who have lost the citizenship requirement referred to in Art. 1. The Civil Registrar-Head of the State Electoral Office shall handle *ex officio* the cases of deletion for death.
2. The final lists of voters shall be kept for public scrutiny in the State Electoral Office, where they shall be stored.

CHAPTER III – POLLING STATION AND CALL OF THE ELECTIONS

Art. 9

(Art. 9, Electoral Law No. 6/1996, replaced by Art. 3, Qualified Law No. 1/2007)

(Composition and renewal of the Great and General Council)

1. The Great and General Council is composed of sixty members.
2. The Great and General Council is renewed in its entirety every five years, as well as if:
 - a) It loses thirty of its members, for any reason;
 - b) It does not approve the programme of government, or approves it thanks to the essential support of votes from Council members who were not elected as part of the list or coalition of lists declared winner of the elections in accordance with Art. 40;
 - c) It does not appoint the Ministers in accordance with Art. 1, paragraph 3, Qualified Law No. 184, 15 December 2005, or appoints them thanks to the essential support of votes from Council members who were not elected as part of the list or coalition of lists declared winner of the elections in accordance with Art. 40;
 - d) In the cases referred to in paragraph 2, the Captains Regent terminate the Great and General Council and call for new elections in accordance with Art. 3, Constitutional Law No. 185, 16 December 2005.

Art. 10

(Art. 10, Electoral Law No. 6/1996)

(Single Constituency – List system)

1. For the election of the Great and General Council, the electorate constitutes a single constituency.
2. Elections shall be conducted by a list system with proportional representation.

Art. 11

(Art. 11, Electoral Law No. 6/1996, as amended by Art. 4, Qualified Law No. 1/2007)

(Deadline to call elections)

1. The dissolution of the Great and General Council shall be established by Regency Decree and, through a public notice, the Captains Regent shall call for the elections of the Great and General Council. Elections shall be held not before the sixtieth day following the decree of dissolution.
2. Even after its dissolution, the Great and General Council shall be convened for the election of the Captains Regent in accordance with the terms envisaged by law, or by the Captains Regent on an exceptional basis.
3. An ad-hoc law shall discipline the publication and dissemination of the lists, as well as the regulation of the election campaign, in accordance with the principle of equality.

Art. 12

(Art. 12 Electoral Law No. 6/1996,
as amended by Art. 5, Qualified Law No. 1/2007)

(Deadline for the preparation of voting certificates)

1. By the thirtieth day following the publication of the notice calling for the elections, the Civil Registrar/Head of the State Electoral Office shall prepare the voting certificates for all persons registered in the lists of voters who have reached the age of eighteen before or on the election day.
2. The voting certificates shall be delivered to voters by the fifteenth day preceding the election day.
3. The voting certificate shall indicate, together with personal information of the voter, also the polling station to which the voter belongs, the address where the polling station is located, as well as the date and time of opening and closing of the polls. It shall also contain the counterfoil that will be removed by the Head of the Electoral Office at the polling station at the moment of voting.
4. The voting certificates shall be sent by registered post by the Judicial Officers of the Single Court.³

Art. 13

(Art. 13, Electoral Law No. 6/1996)

(Non-received or lost voting certificates)

1. Voters who have not received voting certificates by the deadline indicated in Art. 12,

³ Article 12, paragraph 4, has not been expressly abrogated, but Art. 17, paragraph 1 of Law No. 100 of 29 July 2013, states the following: "Administrative acts of all kinds, including those of fiscal nature and those imposing administrative sanctions, shall be notified by the Office that produced them, by registered letter with acknowledgement of receipt. This provision shall apply to electoral acts only with reference to the notification of voting certificates."

Therefore, in the light of the above-mentioned provision, voting certificates are no longer handed by the Judicial Officers of the Single Court, but directly by registered letter with acknowledgement of receipt by the State Electoral Office.

paragraph 2, can personally collect them, starting from the tenth day preceding the election day and until the closing of the polls, at the State Electoral Office. The latter shall remain open every day, including non-working ones, from 9:00 a.m. to 7:00 p.m., and on election day, for the entire duration of the polls. The delivery of certificates shall be recorded in a dedicated register.

2. If the voting certificate has been lost or has become unusable, the voter can obtain a duplicate by personally requesting it to the State Electoral Office, which shall record the delivery in a dedicated register. The duplicate shall include a special counterfoil indicating that the certificate is a duplicate.

CHAPTER IV PROCEDURES PRECEDING THE VOTE

Art. 14

(Art. 14, Electoral Law No. 6/1996, replaced by Art. 6, Qualified Law No. 1/2007, subsequently amended by Art. 1 and 2, Qualified Law No. 1/2008)

(Submission of lists of candidates and possibility of coalition among them)

1. Lists of candidates shall be supported by at least ninety voters, and registered no later than 12:00 a.m. on the fortieth day preceding the election day at the Vital Statistics Office - Population and Electoral Services, which issues a receipt.
2. Signatures of voters supporting the lists, recorded in a single document or in separate ones, shall be authenticated by a public notary or by the Civil Registrar.
3. Voters cannot endorse more than one list of candidates and candidates of one list cannot endorse their own list or other lists, under penalty of annulment of signatures. Offenders shall be punished with a pecuniary sanction of EUR 500.00, which shall be applied by the Electoral Commission.
4. The declaration of submission of a list of candidates shall also indicate one delegate and one alternate delegate, authorised to receive notifications and to decide on replacements according to Art. 16, to participate in the operations of the Central [Electoral] Office, and to designate, no later than 12:00 a.m. on the third day preceding the election day, one representative and one alternate representative of the list in each polling station. The same incompatibilities referred to in Art. 23, paragraph 2 shall also apply to the representatives of the list.
5. Together with the list, a sample logo of the list, printed or illustrated, shall also be submitted. Lists that are not part of a coalition shall enclose the government programme.
6. Political forces that are known to use a particular symbol shall submit their lists with a sample logo reproducing such symbol. The lists of candidates cannot reproduce in their logos symbols and/or names that are known to be used by other lists.
7. If two or more political forces want to form an electoral coalition, their legal representatives, or representatives expressly designated by the lists, shall undersign with notarised signature a specific declaration containing the explicit commitment to form together a government majority for the entire legislature, and containing, even as an annex, the name of the coalition, the coalition logo (if any) and the government programme.
8. The document for the presentation of the list forming part of a coalition shall explicitly

mention the declaration referred to in the previous paragraph, including all possible annexes. Therefore, the signing of the list by its supporters and the acceptance of the candidacy by the candidates shall represent the expression of consent to the forming of the coalition and to its government programme.

9. The declaration referred to in paragraph 7, including all possible annexes, shall be deposited according to the procedures referred to in paragraph 1.

Art. 15

(Art. 15, Electoral Law No. 6/1996,
as amended by Art. 7, Qualified Law No. 1/2007, and by Art. 3, Qualified Law No. 1/2008)

(Rules on the composition of lists)

1. Each list shall include a number of candidates no higher than sixty and no lower than twelve. No list shall include more than two thirds of candidates belonging to the same gender; when necessary, the number shall be rounded down. Each list shall indicate the surname, name, place and date of birth, residence or domicile in the Republic of the candidate.
2. No candidate can be registered in more than one list. If the same individual is registered as candidate in more than one list, all his/her candidatures shall be considered void, and the individual will not be allowed to stand as candidate in any other list participating in the same elections.
3. Candidatures shall be valid if accepted by candidates through a signed declaration, authenticated by a public notary or by the Civil Registrar. The declaration shall be submitted by the deadline referred to in Art. 14, paragraph 1, together with a copy of the candidates' tax return relating to the tax period preceding the elections, as well as their declaration of any other income and shareholding in companies.⁴

Art. 16

(Art. 16, Electoral Law No. 6/1996,
as amended by Art. 8, Qualified Law No. 1/2007)

(Tasks of the Electoral Commission)

1. By the thirtieth day preceding the election day, the Electoral Commission referred to in Art. 6 shall:
 - Verify the list of candidates and any declaration of participation in a coalition;
 - Check the logos of lists and coalitions, rejecting those that are identical or that could easily be confused with other logos already submitted or with symbols of political forces to which those submitting the list do not belong. Moreover, it shall invite the delegates referred to in Art. 14, paragraph 4, to replace the rejected logos within 24 hours, under penalty of exclusion of the list or coalition of lists from the elections.
 - Remove from the lists the candidates for whom the declaration of acceptance and/or

⁴ According to the combined provisions of Art. 1 and Art. 4 of Qualified Law No. 2/2015, candidates in general elections shall render, upon submission of candidature, under their own civil and criminal liability, a declaration of non-membership, neither current nor past, in secret associations.

the documentation referred to in Art. 15, paragraph 3, is missing.

- Eliminate the lists which are not signed by the required number of voters, or which violate the rules referred to in Art. 15, paragraph 1, or which do not meet the legal requirements for the submission.
- Eliminate the coalitions which do not meet the requirements, allowing only individual lists that would have composed the coalition to participate.
- Determine by drawing lots the numbering of lists and coalitions. The delegates of the lists, duly convened, shall have the right to monitor the draw.
- Reduce the number of candidates down to the prescribed limit, by eliminating those beyond number sixty.
- Immediately notify delegates in person of the irregularities detected and the decisions adopted through a judicial officer of the Single Court.

Art. 17

(Art. 17, Electoral Law No. 6/1996, amended by Art. 2, Law No. 35/1997, subsequently replaced by Art. 9, Qualified Law No. 1/2007, and further amended by Art. 1, Qualified Law No. 3/2016)

(Ballot papers)

1. Voting shall be by single State ballot paper.
2. Ballot papers shall be made of solid paper, of the same kind, and provided by the State Electoral Office according to the sample described in the annexes to this law. The Electoral Commission, keeping into account the number of lists and coalitions, can vary the size, format and the elements as necessary.
3. Ballot papers shall bear the logos of lists as well as the name and logos (if any) of coalitions, as follows:
 - a) At the top, from left to right, there shall be the name and the logo (if any) of each coalition or list which is not part of a coalition, priority being given to coalitions over lists which are not part of a coalition, according to the numbering determined by the draw;
 - b) Beneath each coalition, from top to bottom, there shall be the logos of the lists belonging to the coalition, according to the numbering determined by the draw.
4. If the number of coalitions and lists not part of a coalition is even, in the central part of the ballot paper there shall be a horizontal line where the voter may indicate the preferred candidate. The possible logo and name of the coalition, as well as the logos of the lists that belong to the coalition, shall be in separate boxes (Annex A1). If the number of coalitions and lists not part of a coalition is odd, in the lower central part of the ballot paper there shall be a horizontal line, where the voter may indicate the preferred candidate. The possible logo and name of the coalition, as well as the logos of lists that belong to the coalition, shall be in separate boxes (Annex A2).
5. In case of a second round, and without prejudice to the provisions of this⁵ paragraph, the order on the ballot paper from left to right of coalitions and lists that are not part of a coalition shall be determined by a draw.
6. If two coalitions of lists obtain the first and second highest number of votes in the first round, the ballot papers for the second round, as provided for in Art. 40, shall show in two separate boxes the name and possible logo of the coalition, in the upper box,

⁵ To be read as "following".

and the logos of lists belonging to the coalition, in the lower box (Annex B1). If a list that is not part of a coalition obtains in the first round the first and/or the second highest number of votes, the ballot paper shall show the logo of this list, framed in a separate box (Annexes B2, B3). The name and logo of the list or the name and possible logo of the coalition of lists that obtained the first and second highest number of votes in the first round, shall be displayed in the left and right part of the ballot paper, respectively.

CHAPTER V

THE MEMBERS OF THE GREAT AND GENERAL COUNCIL

Art. 18

(Art. 18, Law No. 6/1996)

(Requirements for being elected)

1. In addition to the conditions to be a voter referred to in Art. 1 and 2 of this law, the following requirements shall have to be met to be elected:
 - Having reached the age of 21 by the election day;
 - Having domicile in the territory of the Republic;
 - Not being a member of the Gendarmerie, Civil Police and Uniformed Unit of the Fortress Guard;
 - Not being diplomatic agent in accordance with Law No. 105, 16 September 1993;
 - Not being diplomatic or consular agent in accordance with Law No. 13, 19 April 1979;
 - Not being diplomatic and/or consular agent of a foreign State, including honorary assignments;
 - Not holding the position of magistrate and procuratore del fisco.⁶

Art. 18 BIS

(New article introduced by Art. 10, Qualified Law No. 1/2007)

(Incompatibilities of elected Council Members)

1. The legal representatives and/or those having been elected within the governing bodies of Trade Unions and within the executive committee of the San Marino National Olympic Committee cannot be members of the Great and General Council. This also

⁶ Article 4 of Qualified Law No. 55/2003 stipulates: “*The members of the Guarantors' Panel, whether full members of alternates, **shall not** hold posts or in any case carry out activities within political or trade union associations, **stand for general or administrative elections**, carry out commercial or industrial activities, hold the position of company director or auditor, both in the territory of the Republic and abroad*”.

According to the combined provisions of Art. 1 and Art. 4 of Qualified Law No. 2/2015, candidates in general elections shall render, upon submission of candidature, under their own civil and criminal liability, a declaration of non-membership, neither current nor past, in secret associations. Article 3, paragraph 2 of the same Law, states that “Membership in associations referred to in article 2 above shall entail removal from the office held or impossibility to take the public offices mentioned in article 1 above”. Paragraph 1 of the same Article provides that “Membership in one of the aforementioned associations referred to in article 2 above shall constitute in itself a breach of the oath of allegiance to the Republic or impossibility to validly swear an oath of allegiance to the Republic or otherwise impossibility to perform the functions entrusted in the exclusive interest of the Republic”.

applies to presidents and secretaries general of professional associations, members of administrative and supervisory bodies of the Central Bank, of public entities and state corporations, as well as to presidents of banking foundations and sports federations. Likewise, executives and/or legal representatives sitting on the Boards of Directors of banks and financial institutions cannot be members of the Great and General Council, as referred to in Law No. 165 of 17 November 2005 and subsequent amendments and integrations.

2. Elected candidates who are incompatible for one of the reasons in the previous paragraph shall inform the Captains Regent, before the oath, of their will to opt for the mandate as Council Member and they shall eliminate the reasons for incompatibility within the following three months, under penalty of removal from office.⁷

Art. 19

(Art. 19, Law No. 6/1996, and Art. 2, Law No. 97/2002)

*(Additional incompatibilities of elected Council Members
and disqualification from office)*

1. First-degree lineal descendants or those who are related by marriage or are in a de facto partnership cannot be Council Members at the same time.
2. In case of election for the same legislature, the candidate who obtained the highest number of votes shall be elected.
3. The offices of the Head of the Township Council and of member of Township Council are incompatible with the post of Council Member, in accordance with Law No. 22, 24 February 1994, Art. 9, paragraphs 3 and 4, as amended by Law No. 97, 10 October 2002, Art. 2.⁸ If a Head of the Township Council or a member of the Township Council is elected as Council Member, and if a Council Member is elected as Head of the Township Council or as member of the Township Council, they shall choose one of the two offices within 15 days from the most recent election. They shall communicate their choice in written to the Institutional Secretariat and to the Office of the Township Councils. Lack of communication within the deadline above entails the removal from the office held before the most recent election.⁹
4. In accordance with Art. 12, Law No. 21, 11 March 1981, the disqualification from the office of Council Member shall take place in the following cases:

⁷ See previous note, No. 6.

⁸ Law No. 97, 10 October 2002, has been abrogated by Law No. 127, 27 September 2013.

⁹ Paragraph 3 of Art. 19 of Electoral Law No. 6/1996, read: *"In compliance with the last paragraph of Article 9 of Law No. 22, 24 February 1994, those running for the office of Head of Township Council or Member of the Township Council shall be automatically removed from the office of Member of the Great and General Council"*.

Paragraph 3 and 4 of Article 9 of Law No. 22/1994 have been amended by Art. 2 of Law No.97, 10 October 2002 as follows: *"The office of Head of the Township Council and of Member of the Township Council shall be incompatible with the office of Member of the Great and General Council."*

If a Head of the Township Council or a member of the Township Council is elected as Council Member, and if a Council Member is elected as Head of the Township Council or as member of the Township Council, they shall be obliged to choose one of the two offices within 15 days from the most recent election, via written communication to the Institutional Secretariat and to the Office of the Township Council. Lack of communication within the deadline above shall entail the removal from the office held before the most recent election".

Therefore, the text of paragraph 3 of Article 19, as in this note, acknowledges the amendments above, even in the absence of an ad-hoc provision expressly transposing them.

- a) Council Members who cease to meet the requirements for being elected.
- b) Council Members who do not participate in sittings for more than three consecutive months, without having requested and obtained the waiver from the Great and General Council, with the exception of cases of force majeure.

Art. 20

(Art. 20, Law No. 6/1996, and Art. 18, Law No. 170/2005)

(Election campaign expenses)

1. Each list participating in the election campaign is subject to a maximum expenditure limit, valid for both the list and its candidates. Such limit shall not exceed 100% of the contribution to which the largest Parliamentary Group¹⁰ is entitled, which equals the amount registered in the budget law of the year of general elections, calculated in proportion to the number of candidates belonging to the list.

Art. 21

(Art. 21, Law No. 6/1996, as amended by Art. 11, Qualified Law No. 1/2007, and by Art. 4, Qualified Law No. 1/2008)

(Replacement of elected candidates)

1. Council Members who, for any reason, cease to hold office before the end of their 5-year term, shall be replaced by the candidates of the same list who have obtained the following highest number of votes.
2. If there is no remaining candidate in the same list, candidates with the highest individual number of votes within the same coalition shall be elected. If the list does not belong to a coalition, the posts shall remain vacant.

CHAPTER VI VOTING PROCEDURES

Art. 22

(Art. 22, Law No. 6/1996,
as amended by Art. 1, Qualified Law No. 1/2016)

(Polling areas)

¹⁰ Law No. 170, 23 November 2005 envisages that State funding shall be provided to parties and political movements that submitted a list of candidates for the last elections and are represented in the Great and General Council. Therefore, the reference made to the "largest Council Group" is no longer valid. Article 20 is to be read as follows: "Each list participating in the election campaign is subject to a maximum expenditure limit, valid for both the list and its candidates. Such limit shall not exceed 100% of the contribution to which the largest Parliamentary Group¹⁰ is entitled, which equals the amount registered in the budget law of the year of general elections, calculated in proportion to the number of candidates belonging to the list."

1. Polling areas shall be established in the Townships of Città di San Marino, Borgo Maggiore, Serravalle, Acquaviva, Chiesanuova, Domagnano, Faetano, Fiorentino, Montegiardino.
2. For electoral purposes, Dogana shall be considered as a polling area. Voters resident in Falciano shall fall within the polling area of Dogana.
3. Voters who are hospitalised in the State Hospital or in the Rest Home or in other public or private facilities permanently hosting elderly persons, which have entered into an agreement with the Social Security Institute, shall be entitled to vote in the special polling station at the State Hospital.
4. The special polling station referred to in paragraph 3 belongs to the first polling station of Borgo Maggiore, where all voting operations following the closing of the poll shall take place.
5. Voters referred to in paragraph 3 shall be allowed to vote upon presentation of the hospitalisation certificate. The Chairperson shall write in the report the surname, name and polling area where each voter is registered.

Art. 23

(Art. 23, Law No. 6/1996, replaced by Art. 12, Qualified Law No. 1/2007,
and amended by Art. 2, Qualified Law No. 1/2016)

(Polling station Chairpersons and scrutineers)

1. Voters registered in the lists of voters, holding a university degree or a high school diploma, who are interested in serving as Chairperson or as scrutineer of a polling station shall inform the State Electoral Office of their availability. Such availability shall be revocable.
2. The Electoral Commission shall draw by lot the Chairpersons and the scrutineers of the polling stations from among those who expressed their availability to serve in these capacities by 31 December of the year preceding the election day.
3. The Chairpersons of polling stations shall be drawn by lot from among those who have already served as scrutineer or Chairperson of polling stations in the past.
4. The following persons shall be excluded from the position of polling station Chairperson and scrutineer:
 - Members of the Congress of State;
 - Outgoing Members of the Great and General Council;
 - Candidates running for upcoming elections;
 - Members of the Electoral Commission;
 - Magistrates and Court's Registrars;
 - Heads of the Township Council and Members of the Township Councils;
 - List delegate and alternate list delegate as referred to in Art. 14, paragraph 4.
5. In case of claims against the composition of the list of Chairpersons and scrutineers of polling stations, the procedures referred to in Art. 7 shall apply.
6. With regard to the draw referred to in paragraph 8, on the sixtieth day preceding the election day, the Vital Statistics Office - Population and Electoral Services shall submit to the Labour Office the lists of polling station Chairpersons and scrutineers as composed in accordance with paragraphs 1 and 2 above. Within ten days following receipt of the lists, the Labour Office shall notify the Vital Statistics Office - Population and Electoral Services of the names of the polling station Chairpersons and scrutineers who are registered in the unemployment lists and who have not been employed for

- at least 180 consecutive days prior to the date of notification of the lists.
7. On the basis of the information received by the Labour Office, the Vital Statistics Office - Population and Electoral Services shall make a list of polling station Chairpersons and scrutineers for whom the registration in the unemployment list has been certified according to paragraph 6. The persons in this list shall have priority in the draw referred to in paragraph 8.
 8. The Electoral Commission, by the twentieth day preceding the election day, shall carry out a draw in order to:
 - a) Appoint the Chairpersons of polling stations, also arranging for possible replacements in case of impediment;
 - b) Appoint two scrutineers per polling station, also arranging for possible replacements in case of impediment.
 9. The appointment as polling station Chairperson and scrutineer shall be notified to the persons involved by the Judicial Officer of the Court, at least 72 hours after the end of the session of the Electoral Commission.
 10. The Electoral Commission shall sanction with a fine of EUR 250.00 the voter appointed as polling station Chairperson or scrutineer who does not present himself/herself without justification.

Art. 24

(Art. 24, Law No. 6/1996,
as amended by Art. 13, Qualified Law No. 1/2007)

(Responsibilities of the Chairpersons of polling stations on election day)

1. Early in the morning on election day, the Chairpersons of the polling stations shall go to the designated institutional location to receive from the Electoral Commission the electoral material, including one copy of the list of voters entitled to vote in his/her polling station. The Electoral Commission shall have crossed out from such list the names of the registered persons who have not reached the age of eighteen by the [election] day. The Chairperson shall also receive the State ballot papers, an appropriate number of indelible pencils, as well as the list of polling station scrutineers and designated representatives of the lists of candidates.
2. The quantity of ballot papers to be delivered shall be equal to the number of voters increased by one tenth.
3. Ballot papers shall carry the dry stamp of the Ministry of Internal Affairs.

Art. 25

(Art. 25, Law No. 6/1996)

(Establishment of the polling station)

1. At 6:00 a.m., the Chairperson shall establish the polling station by requesting the scrutineers to participate and inviting representatives of the lists of candidates to follow the operations.
2. Upon designation of the Chairperson, one of the two scrutineers shall act as deputy Chairperson and the other as office secretary.
3. If one or both scrutineers are absent or if they have not been designated, the

Chairperson shall ask the voters present, provided that their number is not lower than ten, to designate the replacement(s) of the missing scrutineer(s), by roll-call and majority vote.

4. If the number of voters present is lower than ten, the Chairperson shall replace the missing scrutineer by calling, alternately, the oldest and the youngest voter present and meeting the requirements referred to in Art. 23, paragraphs 6 and 7.¹¹

Art. 26

(Art. 26, Law No. 6/1996)

(Presence of representatives of the lists of candidates in polling stations)

1. The representatives of the lists of candidates admitted shall have the right to follow all operations carried out in the polling station.
2. The Chairperson can ask a representative to leave the polling station in case he/she interferes with or disturbs in any way the regular and smooth running of the elections.

Art. 27

(Art. 27, Law No. 6/1996,
as amended by Art. 14, Qualified Law No. 1/2007)

(Signing of ballot papers and opening of the poll)

1. Once the polling station has been established, the Chairperson, with the cooperation of the scrutineers, after having verified the number of registered voters, shall sign the ballot papers on their back side.
2. The number of signed ballot papers shall be entered in the report.
3. During the operations described in paragraphs 1 and 2, no one can leave the room.
4. At the end, the Chairperson shall declare the opening of the poll.

Art. 28

(Art. 28, Law No. 6/1996)

(Exercise of the right to vote by polling station staff)

1. The Chairperson, the scrutineers and the representatives of the lists of candidates can vote in the polling station where they serve, even if not registered in that polling area.
2. Voters in charge of security services can vote in the polling station where they serve.
3. The Chairperson shall record in the report the surname, name and polling station where the persons above are registered.

¹¹ To be read as "paragraphs 5 and 6".

Art. 29

(Art. 29, Law No. 6/1996)

(Presence of polling station staff)

1. At least two out of three polling stations staff shall be constantly present during electoral operations.
2. If the Chairperson leaves the polling station, the deputy Chairperson shall undertake his/her duties. If the secretary leaves the polling station, the deputy Chairperson shall undertake his/her duties.

Art. 30

(Art. 30, Law No. 6/1996)

(Tasks of polling stations)

1. The polling stations shall comply with the established poll hours; take note of submitted complaints; decide in the first instance on complaints concerning the regularity of ballot papers; allocate votes to candidates; attach invalid, blank and disputed ballot papers to the report, as well as written complaints and any other document concerning the operations.

Art. 31

(Art. 31, Law No. 6/1996)

(Persons admitted to the polling stations)

1. Except from voters referred to in Art. 28 and Electoral Commission members, no one can enter the voting room and take part in the voting operations without possessing the voting certificate of registration in the list of voters of the polling station in question.

Art. 32

(Art. 32, Law No. 6/1996)

(Posting of list of voters registered in the polling station)

1. During voting operations, the list of voters resident in the polling area jurisdiction or registered in the polling station, extracted from a copy of the list of voters entitled to vote in the polling station, shall be posted in the voting room. A notice indicating the number of preference votes admitted shall also be posted.

Art. 33

(Art. 33, Law No. 6/1996, replaced by Art. 15, Qualified Law No. 1/2007,
and amended by Art. 3, Qualified Law No. 1/2016)

(Voting procedure)

1. Once the poll is open, voters shall be admitted to vote by order of arrival.
2. The identity of the voter shall always be verified.
3. The voter shall submit an identification document with photo, even if expired, received from any authorised office of the Republic.
4. The voter can be allowed to vote also if devoid of identification document, if the Chairperson or one of the scrutineers knows him/her personally and confirm his/her identity by adding his/her signature in the identification column.
5. If no member of the polling station staff can confirm the identity of the voter, two voters, registered in one of the polling stations belonging to the same Township and known to the polling station, can certify his/her identity by adding their signatures in the identification column. In this case, the Chairperson shall warn the voters that, in case of false declaration, they will be subject to sanctions envisaged by the Criminal Code. For voters registered in the polling area of Dogana, their identification can be confirmed by two voters registered in the same polling area.
6. After establishing the identity of the voter, the Chairperson shall detach the counterfoil from the voting certificate proving his/her eligibility to vote, which shall be kept in the ad-hoc parcel. Then, the Chairperson shall hand one folded ballot paper and an indelible pencil to the voter.
7. Subject to the exception set out in Article 35, paragraph 2, the voter shall enter a special separate place in the same room alone, where, after having cast his/her vote in accordance with Article 36, he/she shall fold the ballot paper along the lines.
8. The Chairperson shall provide instructions for the above mentioned operations, without making any example. The Chairperson shall also explain, in every case, how the preference vote is to be cast and the maximum number of preference votes allowed.
9. After the voting, the voter shall hand the folded ballot paper and the pencil to the Chairperson.
10. The Chairperson shall verify that the ballot paper has been folded. If not, the Chairperson shall request the voter to fold it, making sure that he/she returns to the special separate place. Having verified the conformity of the ballot paper by examining the signature and stamp, the Chairperson shall place the ballot paper in the ballot box, which is visible to all and placed on the table of the polling station. A member of the polling station staff shall certify that the voter has expressed his/her vote by adding his/her signature next to the voter's name in the appropriate column of the list mentioned above.
11. Ballot papers lacking the stamp and the signature can not be placed in the ballot box and voters who have presented such ballot papers can no longer vote. The ballot papers above shall immediately be signed by the Chairperson and by a scrutineer and attached to the report. The report shall also specifically mention the voters who, having received the ballot paper, have not returned it.

Art. 33 BIS
(New article introduced by Art. 15, Qualified Law No. 1/2008)

(Prohibition to use cameras and mobile phones in polling booths)

1. During general elections or referenda, it shall be forbidden to bring into the polling booths mobile phones or other devices able to take pictures or videos, otherwise the vote shall be considered invalid.
2. The Chairperson of the polling station shall request the voter, when submitting his/her identification document and voting certificate, to drop off any device referred to in paragraph 1 in his/her possession.
3. Devices dropped off by the voter shall be guarded by the Chairperson of the polling station and returned to the voter after he/she has cast his/her vote.
4. The violation of the prohibition referred to in paragraph 1 shall be punished with first-degree imprisonment and third-degree disqualification from political rights.

Art. 34
(Art. 34, Law No. 6/1996)

(Security at the polling stations)

1. The Chairperson of the polling station shall be responsible for the security in the voting room.
2. The officers in charge of security cannot enter the voting room, unless requested by the Chairperson. Officers shall stay close to the voting room at the disposal of the Chairperson.

Art. 35
(Art. 35, Law No. 6/1996)

(Prohibition of proxy voting. Voting of disabled people)

1. Voters cannot vote by proxy.
2. In exceptional cases, voters who are blind, who had their hands amputated, who are paralysed, or are affected by an equally severe disability, can vote with the assistance of another voter, member of his/her family or voluntarily chosen. In any case, the assistant shall be registered in one polling station.
3. No voter can assist more than one voter. The Chairperson, in any case, shall indicate on the voting certificate of the assistant that he/she has already fulfilled this role.
4. The Chairperson shall verify that the voter holds a medical certificate attesting the disability, and that he/she freely chose the assistant and knows his/her personal details. The Chairperson shall also record in the specific section of the report the exceptional voting procedure, by indicating the reason, the personal information of the doctor who certified the disability, and the surname and name of the assistant.
5. The medical certificate shall be issued by a doctor of the Social Security Institute, or approved by the Head of the Hospital and Specialist Service, and shall be attached to the report.
6. Certificates issued by doctors who stand as candidates for the on-going elections shall

not be valid.

Art. 36

(Art. 36, Law No. 6/1996, first replaced by Art. 1, Law No. 35/1997, subsequently replaced by Art. 16, Qualified Law No. 1/2007, and amended by Art. 2, Qualified Law No. 3/2016)

(Voting procedures)

1. To express the vote for the list, the voter shall put a sign by indelible pencil on the logo of the chosen list, or in the square that contains the logo. The vote for the list shall also be valid if the ballot contains an additional sign, put on the possible logo or on the name of the coalition, in any case within the square that contains them. If the ballot paper contains only one sign, put on the possible logo or on the name of the coalition, or in any case within the square that contains them, the vote shall be included in the number of votes of the coalition as referred to in Art. 40, paragraph 6.
2. The voter can express one preference for one single candidate belonging to the chosen list.
3. To express the preferential vote, the voter shall write by indelible pencil the name and surname, or the surname only, or the list number, or both, of the chosen candidate, on the designated line printed on the ballot paper.
4. In case of identical surname, the name and surname should be both indicated, as well as the date of birth, if necessary.
5. If the candidate has two surnames, only one can be indicated. Both surnames are needed where confusion among candidates is possible.
6. Preferences expressed without the clarity necessary to distinguish the candidate from all other candidates shall be considered invalid.
7. If the voter did not mark any list logo, but indicated one preference by writing the surname, or name and surname, or surname and corresponding list number, the vote shall be unequivocally considered as expressed for the list to which the chosen candidate belongs.
8. A valid ballot paper shall confer one vote to the list or one vote to the coalition according to paragraph 1.
9. The following ballot papers shall be considered invalid:
 - Ballot papers different from the State ones;
 - Ballot papers which do not carry the dry stamp of the Ministry of the Internal Affairs;
 - Ballot papers that do not carry the signature of the Chairperson of the polling station or of a delegated scrutineer;
 - Ballot papers carrying writings or signs that would make it possible to recognise the voter;
 - Ballot papers carrying votes for more than one list, coalition, or for a coalition and list not belonging to the coalition; ballot papers carrying votes for more than one list within the same coalition shall be considered invalid only for the first election round;
 - Ballot papers not marked with an indelible pencil.
10. If the voter expressed more than one preferential vote, all preferential votes shall be considered invalid. The vote for the list shall be considered valid.
11. To express the vote for the list or coalition of lists during the second round referred to in Art. 40, the voter shall put a sign by indelible pencil on the logo of lists which

are not part of a coalition or in any case in the square that contains them; or on the name or possible logo of the coalition, or on the logo of the lists which are part of the coalition, or in any case in the square that contains them.

12. Except from reasons for invalidity referred to in paragraph 9, the vote shall be considered valid in any case when the actual will of the voter can be inferred.

Art. 36 BIS¹²

Art. 37

(Art. 37, Law No. 6/1996)

(Closing of polling stations)

1. Voting shall close at 8:00 pm. However, it can be extended beyond this time if voters come to vote with no interruption. After 09.00 pm, however, after having verified by roll call how many voters present have not yet voted, the Chairperson allows only these voters to vote, and then declares the closing of the poll.

Art. 38

(Art. 38, Law No. 6/1996,
first replaced by Art. 17, Qualified Law No. 1/2007,
subsequently replaced by Art. 5, Qualified Law No. 1/2008)

(Operations of polling stations and inter-polling stations)

1. Once the poll has closed according to Art. 37, the polling station shall carry out the following operations, open to the public:
 - 1) Count unused ballot papers, which shall be sealed in a designated envelope;
 - 2) Count spoiled ballot papers which have been replaced during the voting and seal such ballot papers in a designated envelope;
 - 3) Count counterfoils of voting certificates of voters allowed to vote and seal such counterfoils in a designated envelope;
 - 4) Empty ballot boxes and count ballot papers without unfolding them;
 - 5) Place counted ballot papers in the ballot box: the ballot box shall be closed and sealed to be reopened in the inter-polling station as referred to in the following paragraphs.
2. The operations described above shall be performed in the order indicated above, with no interruption until their final completion. Each of them shall be registered in the report.
3. The polling station staff shall sign the report and any other document.
4. Immediately after the completion of the operations described above, the ballot box containing voted ballot papers and the report referred to in paragraph 3 shall be brought by the Chairperson of the polling station to the inter-polling station.

¹² Art. 36 *bis* introduced by Art. 12, Qualified Law No. 1/2008, subsequently abrogated by Art. 3, Qualified Law No. 3/2016) stated: Art. 36 *bis* (Voting procedures for voters residing abroad)

1. The voter residing abroad can only express the vote for a list or coalition.

2. The ballot paper for voters residing abroad shall have the characteristics of the sample shown in table A1 bis, annexed to this law.

5. The inter-polling station shall be composed of the Chairpersons of at least three polling stations. One of them, whom the Electoral Commission has previously selected by draw, shall chair the inter- polling station. In the inter-polling station, in case of tied vote, the Chairperson shall have the casting vote. The youngest among the other Chairpersons shall serve as Secretary, the oldest as deputy Chairperson. The same rules shall be valid also if the inter-polling station is composed of only two polling stations. Scrutineers of all polling stations forming the inter-polling station shall also be part of the inter-polling station. A delegated decree¹³ shall establish the number of inter-polling stations per each voting area. In Townships with only one polling station, no inter-polling station shall be established. In this case, the polling station shall directly count the ballot papers voted in that polling station.
6. The inter-polling station shall be established as soon as the operations referred to in paragraphs 1 to 3 are completed, and the material referred to in paragraph 4 is ready for the delivery. The operations of the inter-polling station shall be open to the public and one representative per list of candidates shall have the right to attend them.
7. After the establishment of the inter-polling station, the Chairperson shall open one after the other the ballot boxes from the polling stations, and shall divide the ballot papers voted in the polling stations, in order to allocate to each polling station forming part of the inter-polling station an equal number of ballot papers. The Chairperson of the inter-polling station shall give the boxes containing the ballot papers to each polling station Chairperson. The report of the polling station counting the ballot papers shall indicate the number of ballot papers assigned to it.
8. After the conclusion of the operations referred to in the previous paragraph, each polling station shall start counting the ballot papers assigned to it. First of all, it shall take the ballot papers from the box, one by one, and scrutinise the valid and invalid votes, as well as the blank ballot papers. Immediately afterwards, it shall count the number of votes received by each list. After this, the Chairperson shall announce the results of the lists and of the coalitions. Immediately afterwards, the polling station shall examine again all the ballot papers, one by one, to scrutinise the preferential votes received by each candidate.
9. Once the counting of ballot papers has been concluded, the Chairperson of the polling station shall announce the result.
10. The operations of the polling station shall be performed in the indicated order and with no interruption, until final completion. Each operation shall be registered in the report. The report shall be signed by the polling station staff and shall be put in a designated sealed envelope, together with all the material. The polling station staff shall sign the envelope.
11. After the completion of these operations, the Chairperson of the polling station shall bring the envelope to the President of the Electoral Commission.

CHAPTER VII - CENTRAL ELECTORAL OFFICE AND ELECTION BOARD

Art. 39

(Art. 39, Law No. 6/1996)

(Meeting of the Central Electoral Office)

¹³ Delegated Decree No. 166, 10 November 2015.

1. The day after the elections, the Chairpersons of the polling stations, accompanied by the delegates of each list, shall meet at 2:00 pm in the hall of the Great and General Council, under the presidency of the Ministry of Internal Affairs, and shall establish the Central Electoral Office.¹⁴

Art. 40

(Art. 40, Law No. 6/1996,
first replaced by Art. 19, Qualified Law No. 1/2007,
subsequently replaced by Art. 7, Qualified Law No. 1/2008)

(Allocation of seats and announcement of the winning list or coalition of lists)

1. The Central Electoral Office, on the basis of the reports of the polling stations, with the assistance, when necessary, of one or more experts chosen by the President, shall sum up the votes obtained by each list and by each candidate, according to the reports of all polling stations.
2. The operation referred to in paragraph 1 shall determine: the number of votes of each list; the total of the votes of the list and of the votes of each candidate.
3. The number of votes of the list results from the sum of valid votes received by the list in all polling stations. It is the basis to determine:
 - The admission of the list to the allocation of seats;
 - The number of seats of the Great and General Council to which each list is entitled.
4. Each list shall be admitted to the seat allocation if it receives a number of votes equal or greater than 0.4% multiplied by the number of lists participating in the elections (up to a maximum of 3.5%) of the total number of valid votes.
5. The number of votes of each candidate results from the sum of the number of votes of the list and the number of valid preferential votes obtained by the candidate in all polling stations, as counted by the electoral offices. The number of votes of each candidate shall determine the ranking of candidates within the same list. If candidates obtain the same number of votes, preference shall be given according to the following criteria:
 - Female candidate;
 - The longest serving Council Member;
 - The oldest candidate.
6. The Central Electoral Office shall determine the number of votes of the coalition, by summing up:
 - a) The number of votes of each of the lists belonging to the coalition, including lists which are not admitted to the allocation of seats according to paragraph 4 of this article;
 - b) The votes cast in favour of the coalition, without any list being marked according to Art. 36, paragraph 1.
7. The Central Electoral Office shall divide the total number of valid votes by 2, and add 1 to the quotient, rounded up to the next integer, where necessary. The result of this operation shall determine the minimum number of valid votes required to declare the electoral victory of a coalition or a single list. If no list or coalition of lists reaches the minimum number of required votes, victory shall be assigned to the list or coalition of lists which, having received the highest number of votes, reaches also 30 (thirty) of

¹⁴ Art. 39, Electoral Law No. 6/1996, had been modified by Art. 18, Qualified Law No. 1/2007, subsequently abrogated by Art.6, Qualified Law No. 1/2008; therefore, Art. 39, Electoral Law No. 6/1996, was reinstated in its original formulation.

the 60 (sixty) valid quotients, as a result of the operations referred to in paragraph 9.

8. If no list or coalition reaches the minimum number of valid votes, nor the 30 (thirty) quotients referred to in the previous paragraph, the Captains Regent shall call for a second round of voting on the second following Sunday, between the two lists or coalitions of lists that reached the highest number of votes.
9. The result of the first round shall determine the allocation of seats to each list, according to the following rules:
 - The lists which are not eligible for the allocation of seats according to paragraph 4 of this article shall be excluded;
 - The number of votes of each of the lists eligible for seat allocation according to paragraph 4 of this article are successively divided by 1, 2, 3, 4, and so forth, until the number 60 (sixty), corresponding to the number of members of the Great and General;
 - Quotients thus obtained are ranked in descending order, from the highest to the lowest.
10. Seats of the Great and General Council shall be allocated, according to the operations described in paragraph 9, to the list or coalition of lists declared as winner for having reached the minimum number of votes according to paragraph 7 or, if this is not the case, for having reached the highest number of votes and the 30 highest quotients. If, according to the operations described in paragraph 9, the number of seats to which the winning list or coalition of lists is entitled is lower than 35, additional seats shall be allocated to the winner as a "stability reward", in a number which is equal to the quantity of seats missing to reach the number of 35. The additional seats, allocated as a "stability reward", shall be those corresponding to the lowest quotients according to the operations described in paragraph 9; those seats shall be removed from the lists which are different from the winning list or which are not part of the winning coalition, starting from the lowest quotients. If one list is entitled to more seats than its number of candidates, seats in excess shall be allocated to other lists within the same coalition, according to the descending order of quotients. Parliamentary groups that would fall below the minimum number of three Council Members as a result of the reallocation of seats due to the "stability reward" shall not lose the funding benefits referred to in Law No. 170, 23 November 2005.
11. If there is no need for a second round of voting, once the operations referred to above are concluded, the Central Electoral Office shall officially proclaim the elected Council Members, as well as the winning list or coalition of lists, which will receive the majority of seats and a possible "stability reward".
12. In case of a second round of voting, the Central Electoral Office shall receive from the polling stations the reports containing the results of the counting of votes. It shall verify which of the two lists or coalitions of lists received the highest number of valid votes and allocate the seats according to previous paragraphs, and finally proclaim the elected Council Members, as well as the winning list or coalition of lists, which will receive the majority of seats and the "stability reward".
13. The publication of the Regency Decree calling for the second round of voting shall open the election campaign, which shall terminate by 12:00 a.m. of the second day preceding the election day, according to Law No. 36, 14 March 1997, Art. 1, paragraph 1. The same lists admitted to the first round of the elections can participate in the election campaign. The appointment of Chairpersons of the polling stations and scrutineers, performed by the Electoral Commission according to Art. 23 of this law, shall remain valid for the possible second round of voting.

Art. 41

(Art. 41, Law No. 6/1996)

(Prohibitions for the Central Electoral Office)

1. It shall be forbidden for the Central Electoral Office to discuss and decide over the scrutiny of votes, complaints, protests and incidents occurred at the polling station, and, in any case, to perform any other task other than those referred to in Art. 40.

Art. 42

(Art. 42, Law No. 6/1996)

(Subsequent operations)

1. Upon conclusion of the operations assigned to the Central Electoral Office, the latter shall transmit all documentation to the Minister of Internal Affairs, who shall submit it to the Election Board referred to in Art. 43.
2. The Minister of Internal Affairs, within two days from the completion of the operations referred to in Art. 40, shall announce to the public the results of the elections and notify all elected members of the Great and General Council of their appointment.

Art. 43

(Art. 43, Law No. 6/1996)

(Permanent Election Board)

1. The Permanent Election Board, composed of five members, shall be elected by the Great and General Council for the whole duration of the legislature. Its members cannot be Council Members, Heads of Township Council, or members of the Township Council.

Art. 44

(Art. 44, Law No. 6/1996)

(Responsibilities of the Permanent Election Board)

1. The Permanent Election Board shall fulfil the following duties:
 - a) Verify the documentation received from the Central Electoral Office;
 - b) Hear the complaints submitted by voters within five days after election day, concerning candidacy eligibility and the regularity of electoral operations;
 - c) Reject the candidates deemed not eligible to be elected, and replace them with the non-elected candidates from the same lists that received the highest number of votes;
 - d) Propose to the Great and General Council to confirm the elected members.
2. If elected members fulfil the candidacy requirements according to this law and if the electoral operations were performed without complaints, the Great and General Council shall acknowledge the conclusions of the Permanent Election Board.

3. In case of severe complaints or grounded allegations of irregularities, the conclusions of the Permanent Election Board may be subject to a vote.

Art. 45

(Art. 45, Law No. 6/1996)

(Call for new elections in case of violent acts or lost ballot papers)

1. If it results from the report of the polling station that the electoral operations were prevented by acts of violence or that ballot papers were totally or partially lost, the Captain Regents must call for new elections in the same polling station on the fifth following Sunday. In such cases, the operations of the Central Electoral Office referred to in Articles 39, 40, and 41 are deferred to the day after the new elections.

Art. 46

(Art. 46, Law No. 6/1996)

(Oath of elected Council Members)

1. Elected members of the Great and General Council shall take the oath within two months from the validation of their election.
2. Those who do not comply with the provision referred to in paragraph 1 without documented justification shall be removed from office.

Art. 47

(Art. 47, Law No. 6/1996)

(Crimes against political rights)

1. Behaviours aimed at preventing the free exercise of political rights shall be punished according to Articles 394,¹⁵ 395, 396, 397, 398 and 399 of the Criminal Code.

Art. 48

(Abrogation)

OMITTED

Art. 49

(Art. 49, Law No. 6/1996, replaced by Art. 20, Qualified Law No. 1/2007)

(Temporary provisions concerning the attribution of voters residing abroad to designated polling stations)

¹⁵ Amended by Law No. 35/1997, Art. 3, and further amended by Qualified Law No. 1/2007, Art. 24.

1. Voters residing abroad shall be assigned to new designated polling areas during the annual publication of the lists of voters, approved according to Art. 6.
2. In case of early elections, a special revision of the list of voters will be performed, according to the provisions of this law.

Note concerning Art. 49:

The civil judgement 257/2008 clarified that Art. 49, as amended by Art. 20, Qualified Law No. 1/2007, has ceased its effects. The provision was in fact limited in time and scope (only concerning the assignment of voters residing abroad to the designated polling stations), and would have been applied only in case of early termination of the Great and General Council during the year 2007, before the ordinary revision of list of voters of January 2008.

COMPILATION OF PROVISIONS REGULATING THE ELECTION CAMPAIGN

Art. 1

(Art. 1, Law 36/1997)

(Timeframe of the election campaign)

1. The election campaign shall start on the twentieth day preceding the election day and shall end at 12:00 a.m. on the second day preceding the election day.
2. Before and after the time limits referred to in paragraph 1 all forms of election campaign shall be forbidden, irrespective of the means of campaigning.

Art. 2

(Art. 2, Law 36/1997)

(Election Campaign)

1. From the starting day of the election campaign referred to in Art. 1, posting of printed material, wall newspapers or other items, illustrations or images conveying ideas, posters representing any form of electoral campaigning shall be allowed only within the designated areas in the territory of each Township and in accordance with the provisions of this regulation.

Art. 3

(Art. 3, Law 36/1997, as amended by Art. 21, Qualified Law 1/2007,
and by Art. 8, Qualified Law 1/2008)

(Areas for election postings and timeframe for their identification)

1. By the thirtieth day preceding election day, the Electoral Commission referred to in Law 6, 31 January 1996, Art. 6, shall identify the areas for posting the material referred to in Art. 2, on boards of equal size, according to the following indications, where possible:

CASTELLO DI SAN MARINO - CITTÀ

Città: n.5; Castellaro: n.1; Casole: n.1; Canepa: n.1; Cà Berlone: n.1; Santa Mustiola: n.1; Montalbo: n.1; Murata: n.1.

CASTELLO DI BORGO MAGGIORE

Borgo Maggiore: n.2; Valdragone (di sopra): n.1; Valdragone (di sotto): n.1; Cà Melone: n.1; Cailungo (di sopra): n.1; Cailungo (di sotto): n.1; Ventoso: n.1; San Giovanni: n.1; Cà Rigo: n.1.

CASTELLO DI SERRAVALLE

Serravalle: n.2; Dogana: n.2; Falciano: n.1; Cinque Vie: n.1; Ponte Mellini: n.1; Cà Ragni: n.1; Lesignano: n.1; Le Tane: n.1.

CASTELLO DI DOMAGNANO

Domagnano: n.1; Piandavello: n.1; Cà Giannino: n.1; La Fiorina: n.1; Torracchia: n.1; Spaccio Giannoni: n.1.

CASTELLO DI FIORENTINO

Fiorentino: n.1; Crociale di Fiorentino: n.1; Capanne: n.1; Pianacci: n.1.

CASTELLO DI FAETANO

Faetano: n.1; Monte Pulito: n.1; Corianino: n.1; Calligaria: n.1; Cà Chiavello: n.1.

CASTELLO DI MONTEGIARDINO

Montegiardino: n.1; Cerbaiola: n.1.

CASTELLO DI CHIESANUOVA

Chiesanuova: n.1; Caladino: n.1; Poggio Casalino: n.1; Galavotto: n.1; Teglio: n.1; Poggio Chiesanuova: n.1; Confine: n.1; Molarini: n.1.

CASTELLO DI ACQUAVIVA

Acquaviva: n.1; Gualdicciolo: n.1; La Serra: n.1.

2. If it is not possible to designate a single area to install the board, two or more areas, as close as possible, may be used to this end. For the purposes of this article, these areas shall constitute a single unit.

Art. 4

(Art. 4, Law 36/1997, as amended by Art. 14, Qualified Law 1/2008)

(Allocation of areas for electoral posting)

1. Following the validation of candidate lists according to Art. 16 of the electoral law and, in any event, not later than the thirtieth day preceding election day, the Electoral Commission shall delimit the areas referred to in Art. 3. Each validated list shall have the right to a space of equal dimension, the size of which shall be determined by the Electoral Commission.
2. By the deadline referred to in paragraph 1, the Electoral Commission shall allocate the areas following the numbering of admitted lists, on one single horizontal line, starting from the left side to the right.
3. The allocation referred to in paragraph 2 shall be notified to the delegates referred to in Art. 14, paragraph 4, of the electoral law within 24 hours.
4. Each list shall provide for its own postings.

Art. 5
(Art. 5, Law 36/1997)

(Possible use of areas by entities different from the designated lists)

1. The use of areas allocated to validated lists is also available to individual candidates of the designated list, as well as other parties, political groups, associations and individual voters, who have freely expressed their will to do so and have been authorised by the delegates referred to in Art. 14, paragraph 4 of the electoral law.
2. The authorisation referred to in paragraph 1 shall be issued in writing by the delegate or alternate delegate of the designated list; it shall contain precise and comprehensive information on the interested candidate, party, political group, association, individual voter, and it shall be submitted in two copies to the State Electoral Office at least 24 hours prior to the posting. The State Electoral Office shall return one endorsed copy of the approved authorisation as receipt.
3. Exchanges of areas allocated by the Election Commission according to Art. 4, paragraph 2 shall be forbidden.

Art. 6
(Art. 6, Law 36/1997)

(Prohibitions)

1. The display of printed material, wall newspapers or other items, illustrations or images and posters representing any form of electoral campaigning, or reproducing the symbol adopted by a list, or which could influence the voter's choice shall be forbidden in any area different from the ones referred to in Art. 4.
2. The prohibition referred to in the previous paragraph shall also apply to any private space visible to the public from the outside (windows, shop windows, etc.), air balloons anchored to the ground, vehicles and any equipment, except for the material necessary for campaigning, outdoor rallies and meetings referred to in Art. 8. Campaigning through banners or drapes and through light signs, as well as the distribution of fliers, shall also be prohibited.
3. Usual and permanent signs used by parties, movements and political associations to indicate their headquarters shall not be prohibited.

Art. 7
(Art. 7, Law 36/1997, replaced by Art. 22, Qualified Law 1/2007,
and amended by Art. 9, Qualified Law 1/2008)

(Provisions to increase citizens' access to information on lists and coalitions)

1. The Ministry of Internal Affairs and the Ministry of Information shall ensure comprehensive and impartial information to citizens in order to guarantee the broadest possible information on programmes and candidates, under conditions of equality among lists and coalitions. In particular, they shall:
 - a) Guarantee the broadcasting of radio and televised programmes, including debates among lists and coalitions of lists, according to procedures to be agreed with the delegates referred to in Art. 14 of the electoral law and the Supervisory Committee referred to in Law 41, 27 April 1989;

- b) Produce and disseminate to all families, irrespective from their residency, a publication containing the programme and the candidates of the lists and coalitions, where the programmes and lists of coalitions come first than those of lists that are not part of a coalition; within this subdivision, the order of the lists shall be the same as on the ballot paper;
- c) Create a website for each election round, where all lists and coalitions participating in the elections autonomously upload campaign material on an equal basis. They shall also guarantee adequate information on such website, particularly for voters residing abroad. The civil and criminal liability for the content of webpages allocated to each list and coalition shall exclusively fall on their legal representatives, and not on public officials administering the website;
- d) Organise meetings and debates open to the public in the Townships of the Republic among all lists and coalitions and, in case of a second round of voting, among the lists and/or coalitions participating in the second round.
- e) Organise, for the first round of voting, meetings among lists and coalitions of lists in the main consulates, financed by the State, according to the provisions set forth in a delegated decree to be issued upon proposal of the Election Commission.¹⁶

Art. 8
(Art. 8, Law 36/1997)

(Outdoor rallies and meetings)

1. Outdoor rallies and meetings can take place, for the duration of the election campaign as per Art. 1, paragraph 1, every day from 4:00 p.m. to 12:00 a.m.
2. Any outdoor rally and meeting shall be notified to the Gendarmerie Headquarters by the delegate or alternate delegate of the list concerned, at least 24 hours in advance, by also indicating the time and place of the outdoor rally and meeting. The lack of advance notification may entail the prohibition of the event.
3. The use of loudspeakers and audio or semi-mobile equipment for the dissemination of news and messages shall be allowed, for the duration of the election campaign, every day from 3:00 p.m. to 10:00 p.m.

Art. 9
(Art. 9, Law 36/1997)

(Prohibition of campaigning on election day - Sanctions)

1. The installation of fixed and mobile equipment of parties, political groups and associations, the use of identification bracelets, cockades and badges, and the use of any object that may refer to a political choice shall be prohibited outside and in the immediate vicinity of polling stations, on election day and during opening hours.
2. Candidates of lists participating in the elections shall be prohibited from remaining inside and in the immediate vicinity of polling stations, during voting hours and for longer than strictly necessary to vote. The purpose is to avoid any act or suspect act aimed at campaigning, influencing or exercising pressure on those waiting to vote.
3. Violations of provisions of this article shall be punished with first-degree imprisonment

¹⁶ The organisation of the meetings in the main consulates is disciplined by Delegated Decree no. 127/2008.

under Art. 81 of the Criminal Code, or with the pecuniary sanction under Art. 84 of the Criminal Code.

Art. 10
(Art. 10, Law 36/1997)

(Theft or destruction of campaign material.
Violation of electoral campaign timeframe. Sanctions)

1. First-degree imprisonment under Art. 81 of the Criminal Code, or the pecuniary sanction under Art. 84 of the Criminal Code, shall be inflicted on anyone who steals or destroys campaign material allowed and disciplined by this regulation, prevents others from posting or disseminating it, makes the material posted in the areas devoted to electoral campaign illegible and, without having the right to do so, posts or mandates others to post campaign material both in dedicated areas or elsewhere.
2. The previous paragraph shall also apply to anyone using the areas allocated for the material allowed and disciplined by this regulation.
3. Anyone conducting any campaigning activity before the start and after the end of the electoral campaign, and anyone who, by any means, obstructs or impedes public and private electoral campaign meetings, shall be subject to the sanctions under Art. 398 of the Criminal Code.

Art. 11
(Art. 11, Law 36/1997)

(Prosecution)

1. The offences provided for in this regulation shall be prosecuted *ex officio*.

C. Other Provisions Introduced by Qualified Law 1, 11 May 2007

Art. 23
(Qualified Law 1/2007)

(Amendment of the rules regulating Government formation procedure)

Art. 14 of Qualified Law 186, 16 December 2005, is amended as follows:

1. "At the beginning of the legislature, immediately after the first session of the Great and General Council, or during the legislature following the acknowledgement by the Council of the resignation of the Congress of State or of the rejection of a vote of no confidence against the Congress of State, according to Constitutional Law 183, 15 December 2005, Art. 9, thanks to the essential support of votes from Council members who were not elected as part of the list or coalition of lists declared winner of the elections in accordance with Law 6, 31 January 1996, Art. 40, the Captains Regent shall confer upon the list proclaimed winner of the last elections, or to the major list of the winning coalition, the mandate to present the Government programme and the

indication of candidates for the appointment as members of the Congress of State. These candidates, without prejudice to the provisions of Qualified Law 184, 15 December 2005, Art. 1, paragraph 2, shall be chosen from among the Council Members of the winning list or from the lists belonging to the winning coalition.

2. The mandate shall indicate the deadline by which the designated political force shall report to the Captains Regent. On expiry of the deadline, or when the designated political force informs about the positive outcome of the mandate, the Captains Regent shall convene the Bureau to summon the Great and General Council, in order to discuss and approve the government programme and the appointment of the Congress of State. If the outcome of the mandate is negative and if the winner of the elections is not a coalition of lists, the Captains Regent shall in any case convene the Bureau to summon the Great and General Council, in order to acknowledge that the majority resulting from the last elections does no longer exist. The provisions of Law 6, 31 January 1996, Art. 9, shall be implemented and the Captains Regent shall dissolve the Great and General Council.
3. If the mandate referred to in paragraph 1 is conferred upon the major political force of the coalition winning the last elections and if the outcome is negative, the Captains Regent shall convene each political force belonging to the winning coalition. If they ascertain that the political conditions are in place, they may confer a new mandate, with a new deadline. In any case, when this second deadline expires, the Captains Regent shall convene the Bureau to summon the Great and General Council either in order to discuss and approve the government programme and the appointment of the Congress of State, or in order to acknowledge that the majority resulting from the last elections does no longer exist. The provisions of Law 6, 31 January 1996, Art. 9, shall be implemented and the Captains Regent shall dissolve the Great and General Council."

rt. 24
(Qualified Law 1/2007)

*(Amendment of Art. 394, Criminal Code,
"Infringement of the free exercise of the right to vote")*

Article 394 of the Criminal Code is amended as follows:

"Anyone who, during State voting, uses violence, threat, deception, or offers or promises undue advantage, refunds or subsidies for travel or subsistence expenses, to induce a citizen to sign a declaration of submission of candidacy or a draft law or referendum or to abstain or not from voting or to vote or not for a specific candidate or symbol, shall be punished with third-degree imprisonment and fourth-degree disqualification from political rights. The same punishment shall apply to the citizen who accepts the undue advantage, refunds or subsidies referred to in the preceding paragraph, unless he or she makes a spontaneous and useful confession. Fourth-degree imprisonment and fourth-degree disqualification from political rights and public offices, increased in accordance with Article 93, shall be applied if the offence is committed by a person vested with public authority, by a public official or a clergyman, by abusing his/her powers and in the fulfilment of his/her functions."

Art. 25
(Qualified Law 1/2007)
(Statute of the Opposition)

1. Within six months from the date of entry into force of this law, the Bureau of the Great

and General Council shall prepare and submit to the Great and General Council for its approval a draft law concerning the Statute of the Opposition. Such draft law shall contain provisions to reserve appropriate spaces to opposition groups for the organisation of their Council- and Commission-related activities, as well as to assign the presidency of some Commissions to opposition groups.

Art. 26

(Qualified Law 1/2007, as replaced by Art. 10, Qualified Law 1/2008)

(Urgent measures to simplify administrative activities)

1. Through delegated decree, a new multiple voting certificate or other permanent electoral document could be introduced, also on electronic medium, to replace the existing voting certificate, with the same function of the latter. The electoral document could serve other purposes to simplify administrative activities.
2. The delegated decree referred to above shall establish the features and functions of the document, holder's data to be recorded, update and renewal provisions, as well as the provisions for its issuance by the State Electoral Office.

Art. 27

(Qualified Law 1/2007, as replaced by Art. 11, Qualified Law 1/2008)

(Final Provisions)

1. The Congress of State, by means of a delegated decree, shall adopt a Coordinated Text of the laws in force in electoral matters, solely for knowledge purposes.
2. Any provision contrary to this Law is repealed.

**OTHER PROVISIONS INTRODUCED BY
QUALIFIED LAW NO. 1 OF 5 AUGUST 2008**

Art.16

(Qualified Law no. 1/2008)

Article 15 of Law no. 101 of 28 November 1994 shall be amended as follows:

"Art. 15

(Impediments to the referendum)

Within 12 months no more than one round for the holding of one or more abrogative referenda can be held.

All referenda for which petitions have been lodged within the fixed deadlines shall be grouped in one round.

An abrogative referendum cannot be held in the six months preceding or following general elections and elections for the appointment of at least five Heads of Township Councils and relevant Councils and in any case not before a period of six months has elapsed from the holding of the above mentioned elections.

The Captains Regent shall fix the date of the referendum in the cases regulated by the preceding paragraph by issuing a decree at the end of the period laid down above.

The early dissolution of the Great and General Council or the need for early elections of at least five Heads of the Township Councils and their respective Councils shall cause the suspension of the referendum procedure. The suspension shall be declared by means of a Regency Decree. Another Regency Decree shall provide for the reopening of the procedure suspended under the terms established in the third paragraph of this article."

ART.17
(Qualified Law no. 1/2008)

(Establishment of polling stations for the referendum)

Paragraph 3 of Article 17 of Law no. 125 of 28 November 1994 shall be amended as follows:

"Polling stations shall be established pursuant to the electoral law in force at the moment of the establishment of said stations, except for the provisions regulating the inter-polling stations, the establishment of which is not provided for in case of referenda.

The right to assist to all operations of the polling station shall be granted not only to the representatives of the political forces in art. 16 but also to the representatives of the Committee proposing the referendum and of the Committee contrary to the referendum.

ART.18
(Qualified Law no. 1/2008)

(Coordination provisions)

1. Technical, coordinating and implementing amendments may be introduced by delegated decree, to be adopted after consulting the Bureau of the Great and General Council, extended to all Council Representations, notwithstanding Article 21 of Qualified Law n.184/2005, in order to ensure the correct implementation of the provisions and the effective completion of the electoral procedures.

Upon proposal of the Electoral Commission, implementing provisions and ballot paper samples may be issued by means of a regulation.

ART.19
(Qualified Law no. 1/2008)

(Final provisions)

1. All acts and documents produced and to be produced in application of electoral provisions shall be exempt from registration. The exact date of the documents to be produced shall be attested by their deposit with the relevant offices.

ART.20
(Qualified Law no. 1/2008)

(Transitional rule)

1. The elections of the Township Councils and their Heads, expiring in November 2008, and of the Township Council and Head of the Township Council of Borgo Maggiore shall be held in 2009, on one single date to be fixed by Regency Decree



REPUBLIC OF SAN MARINO

DELEGATED DECREE no. 117 of 13 December 2007¹⁷

***We the Captains Regent of the
Most Serene Republic of San Marino***

*Having regard to Art.2 of Qualified Law no. 1 of 11 May 2007;
Having regard to the Congress of State Decision no. 15 adopted in its sitting of 3 December 2007;
Having regard to Art. 5, paragraph 3, of Constitutional Law no. 185/2005 and Articles 8 and 10,
paragraph 2, of Qualified Law no.186/2005;
Promulgate and order the publication of this delegated decree:*

Special polling station for homebound voters in the territory

Art. 1

The special polling station for homebound voters, destined to people affected by severe disability or illness preventing them from leaving their homes, shall be established in accordance with Art. 2 of Qualified Law no 1. of 11 May 2007.

Art. 2

Voters fulfilling the conditions in Art. 1, and whose status is certified by a doctor authorised according to the provisions in Art. 4 hereunder, shall be allowed to vote in their house, if located within the territory, by resorting to the special polling station.

Art. 3

The functions of the special polling station for homebound persons, both for general elections and referenda, shall be attributed to the polling station envisaged by Art. 22, paragraph 3, of Law no. 6 of 31 January 1996, established at the State Hospital. The composition of such polling station shall include two additional scrutineers, to be appointed according to Art. 23 of the Electoral Law, as amended by Art. 12 of Qualified Law no.1 of 1 May 2007. For the election of Township Councils and their Heads, the functions of the special polling station referred to in this Decree, shall be performed by the polling stations where voters are registered.

Art. 4

In order to be eligible to vote according to Art. 2, a declaration by homebound voters stating their will to vote at home and containing the full address, shall be received at least 15 days prior to the day of general elections or referendum.

If the voter needs the assistance of another voter, according to Art. 35, paragraph 2 of Law no. 6 of 31 January 1996, the application for home voting may be signed by the assisting person.

¹⁷ Delegated Decree no. 117/2007 was partially amended by Delegated Decree no. 53/2009, also included.

The declaration above shall be accompanied by a medical certificate issued by a person authorised under Art. 35, paragraph 5. Such declaration shall certify the severe disability or illness impeding, in any way, the transportation of the voter to the polling station where he/she is registered, as well as the possible need to be assisted during the vote, according to the article mentioned above.

The Head of the Electoral Office shall inform the voter whether the Electoral Commission has accepted the application for home voting, after verifying the requirements set forth in this article.

The list of voters eligible to home vote shall be delivered to the Chairperson of the special polling station according to Art. 22, paragraph 3, of Law no. 6 of 31 January 1996, or to the Chairpersons of the polling stations according to Art. 3 of this Decree, together with the electoral material.

The admission to home vote by the Election Commission, for general elections and the election of Township Councils and their Heads, shall apply for both the first and second round of voting.

Art. 5

On election day and during voting hours, the Chairperson of the polling station shall reach the voter's home in the Republic to collect the vote, at the time agreed upon with the homebound voter or his/her relatives. The Chairperson, escorted by security forces and accompanied by two scrutineers, one of whom serving as secretary, shall guarantee the free and secret expression of the vote, while respecting the needs related to the health conditions of the voter.

Art. 6

Votes expressed as provided for by the preceding article shall be collected and kept by the Chairperson of the polling station in a dedicated box or envelope, which shall remain closed and sealed until ballot papers are inserted in the ballot box of the relevant polling station, after having compared their number with the number of home voters.

Such verification shall be noted in the report of the polling station operations.

The Election Commission shall adopt, through an ad-hoc regulation, the technical and operational provisions for the implementation of the right to vote regulated by this Decree.

Done at Our Residence, 13 December 2007/1707 since the Foundation of the Republic

Mirco Tomassoni – Alberto Selva
CAPTAINS REGENT

Valeria Ciavatta
MINISTER OF INTERNAL AFFAIRS



REPUBLIC OF SAN MARINO

DELEGATED DECREE no. 53 of 23 April 2009

**We the Captains Regent
of the Most Serene Republic of San Marino**

Having regard to Article 2 of Qualified Law no. 1 of 11 May 2007;

Having regard to Article 4, paragraph 2 of Law no. 36 of 23 March 2009;

Having regard to Congress of State Decision no. 10, adopted during its sitting of 14 April 2009;

Having regard to Article 5, paragraph 3 of Constitutional Law no. 185/2005 and to Articles 8 and 10, paragraph 2 of Qualified Law no. 186/2005;

Promulgate and order the publication of the following Delegated Decree:

**ELECTORAL PROCEDURES FOR THE SPECIAL POLLING STATION OF THE STATE HOSPITAL IN THE
ELECTIONS OF THE HEADS OF THE TOWNSHIP COUNCILS AND OF THE TOWNSHIP COUNCILS AND
AMENDMENTS TO DELEGATED DECREE NO. 117/2007 FOR HOME VOTING**

Art. 1

1. Pursuant to the provisions of Article 4 of Law no. 36 of 23 March 2009 "Amendments to the Law on Township Councils – Law no. 22 of 24 February 1994", this Delegated Decree shall regulate the procedures for the election of the Heads of the Township Councils and of the Township Councils in relation to the voting of State Hospital or Rest Home in-patients.

2. This Delegated Decree also integrates and amends Delegated Decree no. 117 of 13 December 2007 "Special polling station for homebound voters in the territory".

Art. 2

1. Under Article 4 of Law no. 36 of 23 March 2009, which refers to Article 22 of Electoral Law no. 6 of 31 January 1996, State Hospital or Rest Home in-patients shall exercise their right to vote in the special polling area established at the State Hospital, whose voting procedures shall remain open until 5:00 p.m.

2. Voters referred to in the preceding paragraph shall be allowed to vote upon presentation of the hospitalisation certificate. The Chairperson shall write in the report the surname, name and polling area where each voter is registered.

Art. 3

1. Article 3 of Delegated Decree no. 117 of 13 December 2007 shall be replaced as follows:

"The functions of the special polling station for homebound persons, both for general elections and referenda, shall be attributed to the polling station envisaged by Art. 22, paragraph 3, of Law no. 6 of 31 January 1996, established at the State Hospital. For general elections and referenda, the composition of such polling station shall include two additional scrutineers, to be appointed according to Art. 23 of the Electoral Law, as amended by Art. 12 of Qualified Law no. 1 of 1 May 2007"

Art. 4

1. Article 4 of Delegated Decree no. 117 of 13 December 2007 shall be amended as follows:

"In order to be eligible to vote according to Art. 2, a declaration by homebound voters stating their will to vote at home and containing the full address, shall be received by 2:00 p.m. of the thirteenth day preceding the day of general elections or referendum.

If the voter needs the assistance of another voter, according to Art. 35, paragraph 2 of Law no. 6 of 31 January 1996, the application for home voting may be signed by the assisting person.

The declaration above shall be accompanied by a medical certificate issued by a person authorised under Art. 35, paragraph 5. Such declaration shall certify the severe disability or illness impeding, in any way, the transportation of the voter to the polling station where he/she is registered, as well as the possible need to be assisted during the vote, according to the article mentioned above.

The Head of the Electoral Office shall inform the voter whether the Electoral Commission has accepted the application for home voting, after verifying the requirements set forth in this article.

The list of voters eligible to home vote shall be delivered to the Chairperson of the special polling station according to Art. 22, paragraph 3, of Law no. 6 of 31 January 1996, together with the electoral material.

The admission to home vote by the Election Commission, for general elections and the election of Township Councils and their Heads, shall apply for both the first and second round of voting."

Art. 5

1. Article 6 of Delegated Decree no. 117 of 13 December 2007 shall be amended as follows:

"Votes expressed as provided for by the preceding article shall be collected and kept by the Chairperson of the special polling station in a dedicated box or envelope, which shall remain closed and sealed until ballot papers are inserted in the ballot box/boxes of the special polling station, after having compared their number with the number of home voters.

In the general elections and referenda, all ballot papers cast in the special polling station shall be delivered to the first polling station of Borgo Maggiore together with the report and the electoral material.

In the elections of the Heads of the Township Councils and of the Townships Councils, the ballot papers mentioned above shall be delivered to the first station or to the single station of each relevant polling area. The ballot papers cast by voters registered in the polling stations of Dogana shall be delivered to the first polling station of the polling area of Serravalle. Once all ballot papers have been delivered, the report of the special polling station shall be delivered by the Chairperson of the special polling station to the State Electoral Office, together with all electoral material.

The reports of the procedures carried out in the polling stations shall include the delivery operations and the number of cast ballot papers inserted in the relevant box/boxes.

The Election Commission shall adopt, through an ad-hoc regulation, the technical and operational provisions for the implementation of the right to vote regulated by this Decree."

Done at Our Residence, on 23 April 2009/1708 since the Foundation of the Republic

THE CAPTAINS REGENT
Massimo Cenci - Oscar Mina

THE MINISTER OF
INTERNAL AFFAIRS
Valeria Ciavatta



REPUBLIC OF SAN MARINO

DELEGATED DECREE no. 166 of 10 November 2015

***We the Captains Regent of the
Most Serene Republic of San Marino***

Having regard to Art.4, paragraph 2, second sentence, and Art. 38, paragraph 5, sixth sentence of Law no. 6 31 January 1996 and subsequent amendments,

Having regard to the Congress of State Decision no. 9 adopted in its sitting of 26 October 2015;

Having regard to Art. 5, paragraph 3, of Constitutional Law no. 185/2005 and Articles 8 and 10, paragraph 2, of Qualified Law no.186/2005;

Promulgate and order the publication of this delegated decree:

[...]

Establishment of the number of polling stations and inter-polling stations

Art. 1

Under the provisions of Art. 4, paragraph 2, second sentence of Law no. 6 of 31 January 1996 and subsequent amendments, the number of polling stations destined to voters residing in the territory of San Marino, as well as the number of inter-polling stations destined to the counting of votes expressed by voters residing in the territory of San Marino, as established by Art. 38, paragraph 5, sixth sentence of Law no. 6 of 31 January 1996, is the following:

- Township of Città di San Marino:	5 Polling stations 2 Inter-Polling stations
- Township of Borgo Maggiore:	8 Polling stations 2 Inter-Polling stations
- Township of Acquaviva:	3 Polling stations 1 Inter-polling station
- Township of Chiesanuova:	2 Polling stations 1 Inter-polling station
- Township of Domagnano:	4 Polling stations 1 Inter-polling station
- Township of Faetano:	2 Polling stations 1 Inter-polling station

- Township of Fiorentino:	3 Polling stations 1 Inter-polling station
- Township of Montegiardino:	1 Polling station
- Township of Serravalle:	6 Polling stations 2 Inter-Polling stations
- Dogana:	6 Polling stations 2 Inter-Polling stations

Art. 2

Under the provisions of Art. 4, paragraph 2, second sentence of Law no. 6 of 31 January 1996 and subsequent amendments, the number of polling stations destined to voters residing abroad, established in the townships of Città di San Marino, Borgo Maggiore and Serravalle, as well as the number of inter-polling stations destined to the counting of votes expressed by voters residing abroad, as established by Art. 38, paragraph 5, sixth sentence of Law no. 6 of 31 January 1996, is the following:

- Township of Città di San Marino:	3 Polling stations 1 Inter-polling station
- Township of Borgo Maggiore:	3 Polling stations 1 Inter-polling station
- Township of Serravalle:	3 Polling stations 1 Inter-polling station

Art. 3

1. Any provision contrary to this Delegated Decree is repealed. In particular, Delegated Decree no. 118 of 13 December 2007 is repealed.

Done at Our Residence, 10 November 2015/1715 since the Foundation of the Republic

Lorella Stefanelli – Nicola Renzi
CAPTAINS REGENT

Gian Carlo Venturini
MINISTER OF INTERNAL AFFAIRS



REPUBLIC OF SAN MARINO

DELEGATED DECREE no. 127 of 30 September 2008

***We the Captains Regent of the
Most Serene Republic of San Marino***

Having regard to Art.22, paragraph 1, letter e) of Qualified law no. 1 of 11 May 2007 as amended by Art. 9 of Qualified Law no. 1 of 5 August 2008;

Having regard to the Congress of State Decision no. 1 adopted in its sitting of 29 September 2008;

Considering that under Article 22 above, the adoption of this Decree is mandatory and time bound by law;

Having regard to Art. 5, paragraph 3, of Constitutional Law no. 185/2005 and Articles 8 and 10, paragraph 2, of Qualified Law no.186/2005;

Promulgate and order the publication of this delegated decree:

**ORGANISATION OF MEETINGS AMONG LISTS AND COALITIONS OF LISTS IN MAIN CONSULATES
ON OCCASION OF GENERAL ELECTIONS**

**Art. 1
(Purposes)**

1. This decree aims at regulating the organisation of meetings among lists and coalitions of lists in the main consulates abroad according to Art. 22, letter e), of Qualified Law 1/2007, as amended by Art. 9 of Qualified Law 1/2008.
2. These meetings shall have institutional character and aim at increasing citizens' access to information before the elections, in conditions of equality among lists and coalitions of lists.
3. The Ministry of Internal Affairs and the Ministry of Information shall be responsible for organising the meetings, also resorting to the cooperation of various Offices and Departments.

**Art. 2
(Timeframe for the meetings)**

1. The meetings referred to in this Decree shall take place during the electoral campaign period for the first round of the elections, as set forth by law.

Art. 3
(Consular Offices)

1. The meetings shall take place in the following consular offices, in Italy: Rome, Bologna, Florence, Genoa, Milan, Ravenna, Rimini, Turin, Venice; in France: Paris, Grenoble, Metz; in Belgium: Brussels; in the United States: New York, Detroit; in Argentina: Buenos Aires, Jujuy.

Art. 4
(Participants and contact persons)

1. The coalitions of lists and lists that are not part of a coalition shall participate in the meetings with a maximum of two representatives each. Representatives may also be chosen among persons who do not stand as candidates for the elections.
2. The coalitions and lists that are not part of a coalition shall indicate in due time their contact person for the organisation of the meeting.

Art. 5
(Communications)

1. The Ministry of Internal Affairs and the Ministry of Information shall establish the schedule of the meetings and transmit it to all voters residing abroad.
2. The schedule may be sent together with other electoral material.
3. Communications shall be in Italian and shall always indicate that their purpose is to increase citizens' access to information on the lists and coalitions of lists participating in the on-going general elections.

Art. 6
(Duties and deadlines)

1. The competent Ministries shall transmit the schedule of the meetings to the lists/coalitions, specifying the deadline for the notification of the names of their participants. Any information useful for the successful organisation of the meeting shall be provided.
2. The responsibility for the non-participation of lists/coalitions in the meetings for failing to meet the deadlines and conditions established shall be attributed exclusively to the lists/coalitions concerned.

Art. 7
(Relations with Consulates)

1. The Ministry of Foreign Affairs shall cooperate with the two competent Ministries to ensure the success of the meetings, by offering any useful support and, in particular, by maintaining contacts with the Consuls of the Consulates involved, to whom all useful and appropriate information shall be transmitted.

Art. 8
(Travels)

1. All travels shall be financed by the State.
2. Travels by plane shall be arranged for all intercontinental and European destinations that are hardly reachable by car. Travels by car to European and Italian destinations shall be arranged with State vehicles.
3. Stays shall last for the time that is strictly necessary to hold the meeting.
4. The Ministries may combine two or more destinations, if their geographical location makes this solution more appropriate and effective.

Art. 9
(Venues for the meetings)

1. The meetings should preferably be held in the premises of the Consulates. If their premises are not adequate, the premises of Associations or Communities that may be present shall be used. Otherwise, the Consul shall rent an appropriate venue.
2. The venue chosen for the meeting shall be promptly communicated to the competent Ministries.

Art. 10
(Programme of the meetings)

1. The meetings shall be held in Italian.
2. The Consul or his/her delegate shall act as moderator. The possible participation of a journalist shall not be financed by the State.
3. The moderator shall introduce the list and coalition representatives and give them the floor according to the order previously agreed with the representatives, ensuring that each coalition or list not part of a coalition receives equal speaking time.
4. The public may intervene and ask questions. In this case, the moderator shall ensure that equal response time is allocated to the lists/coalitions, according to the order previously agreed with the representatives.

Art. 11
(Expenses borne by the State)

1. The State shall bear the cost of travels by plane in economy class and provide its vehicles for travels by car.
2. Accommodation in hotels shall be arranged for intercontinental and European travels, as well as for travels within Italy, in case two or more destinations are combined.
3. The State shall also bear the expenses for renting a venue and for a small reception, provided that a sober and appropriate context is ensured. These expenses shall be reimbursed upon presentation of receipts.
4. A specific Congress of State decision shall authorise and allocate such expenses in chapter 1-1-1397 of the State budget (Expenses related to citizens' information on lists and coalitions of lists on the occasion of general elections).

Art. 12
(Reimbursement of accommodation expenses)

1. The expenses borne by the representatives of coalitions and lists for meals and any local transportation shall be reimbursed upon presentation of receipts up to EUR 77.47 per day.
2. The amounts above shall be increased by 50% for travels outside of Italy, as established by the provisions in force.

Done at Our Residence, 30 September 2008/1708 since the Foundation of the Republic

Rosa Zafferani –Federico Pedini Amati
CAPTAINS REGENT

Valeria Ciavatta
MINISTER OF INTERNAL AFFAIRS