



# REPUBLIC OF SAN MARINO

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

*Having regard to Article 4 of Constitutional Law no. 185/2005 and to Article 6 of Qualified Law no. 186/2005;*

*Hereby promulgate and order the publication of the following Qualified Law, approved by the Great and General Council during its sitting of 17 March 2016 with 42 votes in favour, 2 votes against and 1 not voting:*

### **QUALIFIED LAW NO. 1 OF 17 MARCH 2016**

### **AMENDMENTS TO LAW NO. 6 OF 31 JANUARY 1996 (ELECTORAL LAW) AND SUBSEQUENT AMENDMENTS AND TO QUALIFIED LAW NO. 1 OF 29 MAY 2013 (ON REFERENDUM AND POPULAR LEGISLATIVE INITIATIVE)**

#### **CHAPTER I**

#### **AMENDMENTS TO LAW NO. 6/1996 AND SUBSEQUENT AMENDMENTS**

##### **Art. 1**

*(Amendments to Article 22 of Law no. 6/1996 and subsequent amendments)*

1. Paragraph 3 of Article 22 of Law no. 6/1996 and subsequent amendments shall be amended as follows:

“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.”.

##### **Art. 2**

*(Amendments to Article 23 of Law no. 6/1996 and subsequent amendments)*

1. Article 23 of Law no. 6/1996 and subsequent amendments shall be amended as follows:

**“Art. 23**  
*(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 Article 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 Article 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. 3**  
*(Amendments to Article 33 of Law no. 6/1996 and subsequent amendments)*

1. Paragraph 5 of Article 33 of Law no. 6/1996 and subsequent amendments shall be modified as follows:
  - "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."

CHAPTER II  
AMENDMENTS TO QUALIFIED LAW NO. 1/2013

**Art. 4**  
*(Amendments to Article 8 of Qualified Law no. 1/2013)*

1. Article 8, paragraph 3 of Qualified Law no. 1/2013 shall be amended as follows:
- "3. The Committee contrary to the referendum may be formed from the day of publication of the referendum petition or request referred to in Article 7, and not later than the thirty-fourth day before the date of the referendum".

**Art. 5**  
*(Amendments to Article 16 of Qualified Law no. 1/2013)*

1. Article 16, paragraph 3 of Qualified Law no. 1/2013 shall be amended as follows:
- "3. Polling stations shall be established pursuant to the electoral law in force, except for the provisions regulating the inter-polling station, 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. 15 but also to the representatives of the committee proposing the referendum and of the committee contrary to the referendum."

CHAPTER III  
FINAL PROVISIONS

**Art. 6**  
*(Repeal and entry into force)*

1. All provisions that conflict with this Qualified Law shall be repealed.
2. This Qualified Law shall enter into force on the 5th day following that of its legal publication.

*Done at Our Residence, on 17 March 2016/1715 since the Foundation of the Republic.*

THE CAPTAINS REGENT  
*Lorella Stefanelli – Nicola Renzi*

THE MINISTER OF INTERNAL  
AFFAIRS  
*Gian Carlo Venturini*