

# Republic of San Marino

## Collection of Regulations on Electoral Matters

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## **A. COMPILATION OF ELECTION LEGISLATION [Electoral Law]**

Based on the following laws:

- **Law 6, 31 January 1996 [Electoral Law]**
- Decree 22, 24 September 1996
- Law 35, 14 March 1997
- Qualified Law 1, 11 May 2007
- Qualified Law 1, 5 August 2008
- Qualified Law 1, 17 March 2016
- Qualified Law 3, 23 August 2016

### **CHAPTER I - CONDITIONS TO BE A VOTER**

Art. 1

(Art. 1, Electoral Law 6/1996)

(Active Electorate)

1. All citizens who have reached the age of majority, and who do not fall under none 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 6/1996, as modified by art. 1, Qualified Law 1/2007)

(Exclusion from the exercise of electoral rights)

1. The following persons are excluded from the exercise of electoral rights:
  - a) Persons interdicted for mental illness, as well as those for whom the bankruptcy procedure was opened, limited to the duration of the procedure;
  - b) Persons convicted by a final judgment and for a non-culpable offence, who were sentenced to a measure involving deprivation of personal liberty or disqualified from holding public offices and from enjoying political rights for a period longer than one year;
  - c) Persons convicted for offences against political rights;
  - d) Persons sentenced to the disqualification from political rights.
2. The electoral rights of persons convicted under the provisions of commas b), c), and d) are reinstated if the extinction of the offence occurred following the conviction, in cases governed by Article 52, comma 2, Criminal Code, or if the extinction of the penalty occurred in cases governed by Article 112 of the Criminal Code, excluded the case of Article 112, comma 1).

**Art. 3**

(Art. 2, Electoral Law 6/1996)

(Interruption of the relationship of original descent)

1. Sammarinese citizens for whom their relationship of original descent, verified following a request of citizenship verification, was interrupted for longer than a generation, are entered in the voter lists after the expiration of a three-year period from the acceptance of the application, which shall be personally submitted to the Civil Registrar [by the applicant].
2. For the purposes referred to in the previous comma, 'interruption of the relationship of original descent for longer than a generation' means that ancestors up to the first degree and collateral relatives up to the second degree were not registered to the voter lists.

**Art. 4**

(Art. 4, Electoral Law 6/1996, replaced by art. 2, Qualified Law 1/2007)

(Electoral Precincts)

1. Electoral precincts are established in the Castles [districts] of Città, Borgo Maggiore, Acquaviva, Chiesanuova, Domagnano, Faetano, Fiorentino, Montegiardino, Serravalle and in Dogana. The number of electoral precincts within each territory,<sup>1</sup> as well as the establishment of a special polling station designated for homebound voters,<sup>2</sup> will be decided by delegated decree, on a proposal from the Election Commission. The voter exercises the right to vote in the electoral precinct to which his/her place of residency belongs. If the voter moves the residency to the territory of a different precinct, he/she exercises the right to vote in this precinct. If the voter resides outside of the territory of the Republic, he/she exercises the right to vote in one of the electoral precincts designated for voters residing abroad, to be established in the Castles of Città, Borgo Maggiore, and Serravalle. The Election Commission decides the criteria to assign voters residing abroad to the reserved precincts.

2. No more than 700 voters and no less than 150 can be assigned to the same precinct. No more than 1400 voters and no less than 300 can be assigned to each precinct reserved to voters residing abroad. The number of voters to be assigned to each electoral precinct can be modified by delegated decree, on a proposal from the Election Commission.

**Art. 5**

(Art 5, Electoral Law 6/1996, concerning the organization by the State of travels from abroad and back for voters residing abroad, has been abrogated by Decree 22, 24 September 1996).

## **CHAPTER II - COMPILED VOTER LISTS**

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<sup>1</sup> Delegated Decree 166, 10 November 2015, part of this collection

<sup>2</sup> Delegated Decree 117, 13 December 2007, partially modified by Delegated Decree 53/2009, part of this collection.

## Art. 6

(Art. 6, Electoral Law 6/1996 (formerly integrated by Art. 7, Law 114/2000, which was abrogated by Art. 13, Qualified Law 1/2008), thus reinstated in its original formulation)

(Compilation of Voter Lists – Election Commission)

1. Voter lists, one per precinct, are compiled by the Election Commission as referred to in comma 3, are broken down by gender, are compiled in alphabetical order, and indicate for each voter:
  - a) The surname, the name and the civil status;
  - b) The residency;
2. Voter lists must be authenticated, page by page, underneath the last registered voter, by the Civil Registrar/Chairperson of the State Electoral Office. The authentication deed in the last page of the lists will indicate the number of registered voters.
3. The compilation of the voter lists is dealt with by the [Election] Commission formed by:
  - The Secretary of State of Internal Affairs, who serves as president;
  - The Civil Registrar/Chairperson of the State Electoral Office;
  - The Chancellor of the Single Civil and Criminal Court;
  - The head of the Directorate for the Relationship with the Communities Abroad of the Department [Ministry] of Foreign Affairs;
  - Seven members nominated by the Great and General Council [Parliament], for the entire duration of the legislature.
4. The Election Commission, which takes decisions by majority, shall review and update the voter lists every year, and publish them by 31 January [each year].
5. The publication of voter lists is made by the Legal Offices of the Single Court via deposit at the State Electoral Office, posting in all electoral precincts, and deposit at the Secretariat of State of Foreign Affairs, which will forward them to consulates and diplomatic missions, where there are no consulates, and to the offices of Associations of Sammarinese legally recognised.
6. During the operations as referred to in comma 4, voters who will reach the age of eighteen by the following 31 December shall be registered in the voter lists.

## Art. 7

(Art. 7, Electoral Law 6/1996)

(Complaints against registration to or exclusion from voter lists)

1. Not later than 12:00 on 28 February, or of the following day if 28 February is a non-working day, all citizens, also if not directly involved, can submit oral or written complaints to the Civil Registrar/Chairperson of the State Electoral Office, against the inclusion in or exclusion from the voter lists, the erroneous attribution of the electoral district, as well as the non-transposition of variations of civil records. In case of oral complaint, the complaint is recorded by the Civil Registrar/Chairperson of the State Electoral Office.
2. Final decision, not open to appeal, is taken by the Law Commissioner by 15 March.
3. Following the completion of procedures described in previous commas, voter lists are

declared as final and cannot be modified, but through the annual review process referred to in Art. 6, comma 4.

4. Voters registered to the approved final voter lists, who reached the age of eighteen by the voting day included, participate in the elections.

Art. 8

(Art. 8, Electoral Law 6/1996)

(Deletion from voter lists)

1. The Election Commission referred to in article 6 should also delete, at least once per year, voters who incurred one of the reasons for incapacity referred to in Art. 2, or who lost the citizenship requirement referred to in Art. 1. The Civil Registrar/Chairperson of the State Electoral Office handles *ex officio* the cases of deletion for death.
2. The final voter lists are kept for public scrutiny in the State Electoral Office, where they shall be stored.

### **CHAPTER III - ELECTORAL CONSTITUENCY AND CALL OF THE ELECTIONS**

Art. 9

(Art. 9, Electoral Law 6/1996, replaced by Art. 3, Qualified Law 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 Secretaries of State in accordance with Art. 1, comma 3, Qualified Law 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 comma 2, the Captains Regent terminate the Great and General Council and call for new elections in accordance with Art. 3, Constitutional Law 185, 16 December 2005.

Art. 10

(Art. 10, Electoral Law 6/1996)

(Single Constituency – List system)

1. For the election of the Great and General Council, the electorate constitutes a single

constituency.

2. The elections are conducted using a list system with proportional representation.

#### Art. 11

(Art. 11, Electoral Law 6/1996, as modified by Art. 4, Qualified Law 1/2007)

(Timeframe for calling for the elections)

1. Through the Regency's decree terminating the Great and General Council, via public act the Captains Regent call for the elections of the Great and General Council, to be held not before the sixtieth day following the decree of termination.
2. The Great and General Council, even if terminated, is convened for the election of the Captains Regents in accordance to the law, or by the Captains Regents on an exceptional basis.
3. The law will regulate the publication of [candidate] lists as well as the regulation of the electoral campaign, in accordance with the principle of equality.

#### Art. 12

(Art. 12 Electoral Law 6/1996, as modified by Art. 5, Qualified Law 1/2007)

(Timeframe for the preparation of voting certificates)

1. By the thirtieth day following the publication of the act calling for the elections, the Civil Registrar/Chairperson of the State Electoral Office prepares the certificates of registration to voter lists [voting certificates] for those registered to the voter lists and who reached the age of eighteen, or will reach it by the election day included.
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 electoral precinct to which the voter belongs, the address where the polling station is located, the date and time of opening and closing of the polls. It should also contain the counterfoil that will be removed by the chairperson of the polling station office at the moment of voting.
4. The voting certificates are sent by registered mail by the Legal Offices of the Single Court.<sup>3</sup>

#### Art. 13

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<sup>3</sup> Article 12, comma 4, has not been expressly abrogated, but the Law 100, 29 July 2013, Art. 17, comma 1, states the following: "*Administrative acts of all kinds [...] are notified by the Office that produced them, by registered mail with proof of posting. This instruction applies to electoral acts only with reference to voting certificates.*"

Therefore, voting certificates are not sent by the Legal Offices of the Single Court, but directly by the State Electoral Office.

(Art. 13, Electoral Law 6/1996)

(Non-received or lost voting certificates)

1. Voters who did not receive voting certificates by the deadline indicated in Art. 12, comma 2, can personally collect them, starting from the tenth day preceding the election day, until the closing of the polls, at the State Electoral Office, which will remain open every day, including non-working ones, from 09:00 to 19:00, and on election day, for the entire duration of the polls. Collection of certificates is recorded in a dedicated register.
2. If the voting certificate was lost or became unusable, the voter has the right to obtain a duplicate, including a special counterfoil indicating that the certificate is a duplicate, by going personally at the State Electoral Office, which will record the collection in a dedicated register.

## **CHAPTER IV - PROCEDURES PRECEDING THE VOTING**

Art. 14

(Art. 14, Electoral Law 6/1996, replaced by Art. 6, Qualified Law 1/2007, then modified by Art. 1 and 2, Qualified Law 1/2008)

(Submission of candidate lists and possibility of coalitions among them)

1. Candidate lists shall be supported by at least 90 voters, and registered not later than 12:00 on the fortieth day preceding the election day at the Civil Register/Electoral and Demographic Services, which issues a receipt.
2. Signatures of voters supporting lists, recorded in a single act or in separate ones, shall be certified 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 same list or other lists, otherwise signatures become void. Offenders are punished with a pecuniary sanction of EUR 500,00, imposed by the Election Commission.
4. The declaration to submit a candidate list shall also indicate one permanent delegate and one alternate delegate, authorised to receive notifications and decide on replacements according to Art. 16, to participate in the operations of the Central [Electoral] Office, and to designate, not later than 12:00 on the third day preceding the election day, one permanent and one alternate representative of the list in each of the electoral precincts. The same incompatibilities referred to in Art. 23, comma 2, apply also to list representatives.
5. The list logo, printed or illustrated, and the programme of government, for lists that are not part of a coalition, shall be submitted together with the list.
6. Political forces that are known to be using a particular symbol are due to submit their lists with a sample logo reproducing the same symbol. In their logos, candidate lists cannot reproduce symbols and/or names that are known to be used by other lists.
7. If two or more political forces want to constitute an electoral coalition, their legal representatives, or representatives expressly designated by the lists, shall undersign with notarised signature a declaration containing the explicit commitment to form

- together [with the other lists part of the coalition] a governing majority for the entire legislature, and containing the coalition name, logo (if any), and programme of government.
8. The act of submission of a list that is part of a coalition shall explicitly mention the declaration referred to in the previous comma, including all possible attachments. Therefore, the endorsement of a list by its supporters and the acceptance of the candidacy by the candidates represent the expression of consent to the establishment of the coalition and to its programme of government.
  9. The declaration referred to in comma 7, including all possible attachments, shall be submitted according to the procedures referred to in comma 1.

#### Art. 15

(Art. 15, Electoral Law 6/1996, as modified by Art. 7, Qualified Law 1/2007, and by Art. 3, Qualified Law 1/2008)

(Rules on list composition)

1. Each list shall include a number of candidates not higher than sixty, and not lower than twelve. Each list shall not include more than two thirds of candidates belonging to the same gender, to be rounded down to the nearest whole number. Each list shall indicate the surname, name, place and date of birth, and residency or domicile in the Republic.
2. No candidate can be registered to more than one list. If the same individual is registered as candidate to more than one list, all his/her candidatures are void, and the individual will not be allowed to stand as candidate in none of the other lists participating in the same elections.
3. Candidatures are valid if accepted by the candidate through a signed declaration, certified by a public notary or by the Civil Registrar. The declaration shall be submitted by the deadline referred to in Art. 14, comma 1, together with a copy of the candidates' fiscal declaration from the tax period preceding the elections, as well as their declaration of any other income and shareholding in companies.<sup>4</sup>

#### Art. 16

(Art. 16, Electoral Law 6/1996, as modified by Art. 8, Qualified Law 1/2007)

(Responsibilities of the Election Commission)

1. By the thirtieth day preceding the election day, the Election Commission referred to in Art. 6, fulfils the following duties:
  - Verify the candidate lists and possible declarations of participation in a coalition;
  - Check list and coalition logos, reject the identical ones and those which could easily

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<sup>4</sup> According to the combined provisions of Art. 1 and Art. 4 of the Qualified Law 2/2015, candidates shall submit under their personal civil and criminal responsibility a declaration stating that the candidate is not and was not a member of secret associations.

be confused with other logos, or containing symbols of political forces to which the endorsers do not belong, and invite the delegates referred to in Art. 14, comma 4, to replace the rejected logos within 24 hours; otherwise, the list or coalition of lists are excluded from the elections.

- Remove from the lists the candidates for whom the declaration of acceptance and/or the documentation referred to in Art. 14, comma 3, is missing.
- Reject the lists which were not endorsed by the required number of voters, or which violate rules referred to in Art. 15, comma 1, or for which legal prescriptions necessary for the submission are missing.
- Reject the coalitions which do not meet the requirements, and determine the participation of the individual lists that would have composed the coalition.
- Determine by lottery the number to order the lists and coalitions. List delegates should be formally convened and have the right to attend the lottery.
- Reduce the number of candidates down to the prescribed limit, by removing those beyond the quota of sixty.
- Inform the involved delegates of irregularities detected and decisions adopted, through act to be personally and immediately notified by the legal officer [bailiff] of the Single Court.

#### Art. 17

(Art. 17, Electoral Law 6/1996, modified by Art. 2, Law 35/1997, then replaced by Art. 9, Qualified Law 1/2007, and **further modified by art. 1, Qualified Law 3/2016**)

(Electoral Ballots)

1. Voting takes place through a single State ballot.
2. **Ballots are made from solid paper, of one single type, and are provided by the State Electoral Office according to the sample described in the annexes to this law. The Election Commission, keeping into account the number of lists and coalitions, can vary the size, format, and the elements deemed necessary.<sup>i</sup>**
3. Ballots reproduce the logos of lists as well as the name and possible logo of coalitions, as follows:
  - a) At the top, there shall be the name and possible logo of each coalition or list which is not part of a coalition, from left to right, with priority given to coalitions over lists which are not part of a coalition, following the order determined by the lottery;
  - b) Beneath each coalition, there shall be the logos of the lists belonging to the coalition, from the top to the bottom, according to the order determined by the lottery.
4. **If the number of coalitions and lists not part of a coalition is even, in the central part of the ballot there shall be a horizontal line where the voter will have the option to indicate one preferred candidate. The possible logo and name of the coalition, as well as the logos of lists that belong to the coalition, are framed into a separate square (Annex A1). If the number is odd, in the lower central part of the ballot there shall be a horizontal line, where the voter will have the option to indicate one preferred candidate. The possible logo and name of the coalition, as well as the logos of lists that belong to the coalition, are framed into a separate square (Annex A2).<sup>ii</sup>**

5. In case of run-off, and without prejudice to the provisions of the present<sup>5</sup> comma, the position on the ballot of the coalitions and lists that are not part of a coalition is determined by lottery.
6. If two coalitions of lists obtain the first and second highest electoral score in the first round, the ballot for the run-off, as provided for in Art. 40, shall group in two separate squares the name and possible logo of the coalition, at the top, and the logos of lists belonging to the coalition, at the bottom (Annex B1). If a list that is not part of a coalition obtains in the first round the first and/or the second highest electoral score, the ballot shall indicate the logo of the list, framed in a separate square (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 electoral score in the first round, are positioned in the left and right part of the ballot, respectively.

## **CHAPTER V - THE MEMBERS OF THE GREAT AND GENERAL COUNCIL**

Art. 18

(Art. 18, Electoral Law 6/1996)

(Candidacy Requirements)

1. In addition to the conditions to be a voter referred to in Art. 1 and 2 of this law, the following requirements are essential to be elected:
  - Having reached the age of 21 by the election day;
  - Being domiciled in the territory of the Republic;
  - Not being a member of the Gendarmerie Corp, the Civil Police Corp, and the Unified Unit of the Guard of Rocca;
  - Not being diplomatic agent in accordance with Law 105, 16 September 1993;
  - Not being diplomatic or consular agent in accordance with Law 13, 19 April 1979;
  - Not being diplomatic and/or consular agent of a foreign State, including honorary posts;
  - Not fulfilling the duties of magistrate and tax prosecutor.<sup>6</sup>

Art. 18 BIS

(New article introduced by Art. 10, Qualified Law 1/2007)

(Incompatibilities of elected Council Members)

1. The legal representation and/or elective offices in the executive branches of Labour

<sup>5</sup> To be read as “following”

<sup>6</sup> Qualified Law 55/2003: “The members of the Collegio Garante [Constitutional Court], both permanent and alternate, [...] cannot run as candidate for the legislative or local elections [...]. According to the combined provisions of Art. 1 and Art. 4 of the Qualified Law 2/2015, candidates shall submit under their personal civil and criminal responsibility a declaration stating that the candidate is not and was not a member of secret associations. The same law, Article 3, comma e, states that “the membership [of secret associations] entails the forfeiture of public offices and of the eligibility to hold public offices [...].”

Unions and in the executive committee of the National Sammarinese Olympic Committee (CONS), as well as presidents and secretaries general of trade associations, and members of administrative and audit bodies of the Central Bank and of public entities and agencies, and the presidents of banking foundations and sport federations are incompatible with the office of Council Member. The executive and/or legal representation offices in the governing boards of banking and financial institutions, as referred to in the Law 165 of 17 November 2005 and following amendments, are equally incompatible.

2. Elected candidates falling into one of the incompatibilities referred to in the previous comma shall inform the Captains Regent before the oath of their will to choose the mandate as Council Member, and to remove the reasons for incompatibility within the following three months; otherwise, the forfeiture of the Council Member office will be automatic.<sup>7</sup>

Art. 19

(Art. 19, Electoral Law 6/1996, and Art. 2, Law 97/2002)

(Additional incompatibilities of elected Council Members and forfeiture of office)

1. Those who are related by vertical family relationship of first degree, or by marriage and in cases of de facto cohabitation outside of the marriage, cannot be Council Members at the same time.
2. In case of election [of candidates who are incompatible according to comma 1] for the same legislature, the election of the candidate that obtained the highest number of votes is to be considered valid.
3. The offices of Captain of Castle [mayor] and member of Council of Castle [city council] are incompatible with the post of Council Member, in accordance with Law 22, 24 February 1994, Art. 9, commas 3 and 4, as modified by Law 97, 10 October 2002, Art. 2.<sup>8</sup> If a Captain of Castle or member of Council of Castle is elected as Council Members, and if a Council Member is elected as Captain of Castle or member of Council of Castle, they are obliged to choose one of the two offices within 15 days from the most recent election, via written communication to the Office of the Institutional Secretariat and to the Office of the Councils of Castle. Lack of communication within the deadline entails the forfeiture of the office held before the most recent election.<sup>9</sup>
4. In accordance with Art. 12, Law 21, 11 March 1981, the forfeiture of the office of Council Member occurs for:
  - a) Council Members who cease to fulfil candidacy requirements.
  - b) Council Members who do not participate in sessions [of the Great and General Council] for more than three consecutive months, without having asked and obtained the waiver from the Great and General Council, with the exception of cases of force majeure.

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<sup>7</sup> See previous note, No 6.

<sup>8</sup> The Law 97, 10 October 2002, has been abrogated by Law 127, 23 September 2013.

<sup>9</sup> This comma results from the combination of Art. 19, Electoral Law 6/1996, and Art. 2, Law 97/2002.

Art. 20

(Art. 20, Electoral Law 6/1996, and Art. 18, Law 170/2005)

1. Each list participating in the electoral campaign is subject to a ceiling of the expenditures, valid for both the list and its candidates, which should not be higher than 100% of the [public] contribution to which the biggest Council Group<sup>10</sup> is entitled, as resulting from the amount registered in the income statement of the financial year when the elections take place, proportionally to the number of candidates that belong to the list.

Art. 21

(Art. 21, Electoral Law 6/1996, as modified by Art. 11, Qualified Law 1/2007, and by Art. 4, Qualified Law 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 who immediately follow the elected ones in the same candidate list in terms of the number of votes received.
2. If no candidate remains in the same list, candidates with the highest individual electoral score within the same coalition are elected. If the list does not belong to a coalition, the posts shall remain vacant.

## CHAPTER VI - VOTING PROCEDURES

Art. 22

(Art. 22, Electoral Law 6/1996, as **modified by Art. 1, Qualified Law 1/2016**)

1. Electoral precincts, according to Art. 4, are established in the territory of the Castles of: Città di San Marino, Borgo Maggiore, Serravalle, Acquaviva, Chiesanuova, Domagnano, Faetano, Fiorentino, Montegiardino.
2. For electoral purposes, Dogana shall be considered as electoral precinct. Voters resident in Falciano join the electoral precinct of Dogana.
3. **Voters who are hospitalised in the State Hospital or in the Rest Home or in other public or private [medical] facilities part of the Social Security Institute and intended to stably**

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<sup>10</sup> The Law 170, 23 November 2005, envisages that State funding is to be provided to parties and political movements that submitted a candidate list for the last elections and are represented in the Great and General Council. Therefore, the reference made to the “biggest Council Group [i.e. fraction]” is not valid anymore. Article 20 is to be read in this formulation: *“Each list participating in the electoral campaign is subject to a ceiling of the expenditures, valid for both the list and its candidates, which should not be higher than 100% of the [public] contribution to which the party or political movement that is more represented in the Great and General Council is entitled, as resulting from the amount registered in the income statement of the financial year when the elections take place, proportionally to the number of candidates that belong to the list.”*

host elderly persons, are eligible to vote in the special polling station established at the State Hospital<sup>iii</sup>.

4. The special electoral polling station referred to in comma 3 belongs to the first electoral precinct of Borgo Maggiore, where all electoral operations following the closing of the poll shall take place.
5. Voters referred to in the comma 3 are eligible to vote upon presentation of the hospitalisation certificate. The Chairperson registers in the protocol the surname, name and electoral precinct where each voter is registered.

Art. 23<sup>iv</sup>

(Art. 23, Electoral Law 6/1996, replaced by Art. 12, Qualified Law 1/2007, and modified by Art. 2, Qualified Law 1/2016)

(Polling station chairperson and poll-watchers)

1. Voters registered to voter lists, holding a university or high school diploma, who are interested in serving as polling station chairperson or polling station poll-watcher, shall inform the State Election Office of their availability. Such availability is revocable.
2. The Election Commission draws by lottery the polling station chairpersons and poll-watchers from among those who expressed their availability to serve in these capacities by 31 December of the year preceding the election day.
3. Polling station chairpersons are drawn by lottery from among those who served as polling station poll-watcher or chairperson in the past.
4. The following persons are excluded from the position of polling station chairperson and poll-watcher:
  - Members of the State Congress;
  - Outgoing Members of the Great and General Council;
  - Candidates for the upcoming elections;
  - Members of the Election Commission;
  - Magistrates and Chancellors of the Court;
  - Castle Captains and members of [Castle] Councils;
  - Permanent and alternate candidate list delegates referred to in Art. 14, comma 4.
5. Appeals against the formation of the list of polling station chairpersons and poll-watchers shall follow the procedures referred to in Art. 7.
6. In preparation for the lottery referred to in comma 8, on the sixtieth day preceding the election day the Civil Register/Electoral and Demographic Services shall submit to the Employment Office the lists of polling station chairpersons and poll-watchers, as formed in accordance with commas 1 and 2. Within ten days from receiving the lists, the Employment Office shall share with the Civil Register/Electoral and Demographic Services the names of the polling station chairpersons and poll-watchers who are registered to the unemployment list and who have not been employed for at least 180 consecutive days prior to election day.
7. On the basis of the information received by the Employment Office, the Civil Register/Electoral and Demographic Services drafts a list of polling station chairpersons and poll-watchers for whom the registration to the unemployment list has been certified according to comma 6, who will have the priority during the lottery referred to in comma 8.
8. The Election Commission, by the twentieth day preceding the election day, draws a

lottery in order to:

- a) Appoint polling station chairpersons, arranging for possible replacement in case of need;
- b) Appoint two poll-watchers per polling station, arranging for possible replacement in case of need;
- 9. The appointment of polling station chairperson and poll-watcher shall be notified to the individuals involved by the legal officer of the Single Court, within 72 hours from the end of the session of the Election Commission.
- 10. The Election Commission will sanction with a fine or EUR 250,00 the voter appointed as polling station chairperson or poll-watcher who does not turn up without justification.

#### Art. 24

(Art. 24, Electoral Law 6/1996, as modified by Art. 13, Qualified Law 1/2007)

(Responsibilities of polling station chairpersons on election day)

- 1. In the first hours of the election day the polling station chairpersons shall go to a designated location to receive from the Election commission the electoral material, including one copy of the voter list for the election precinct, from which the Election Commission will have crossed out the names of registered persons who did not reach the age of eighteen by the [election] day, the State ballots, an appropriate number of indelible pencils, as well as the list of polling station poll-watchers and designated candidate lists' representatives.
- 2. The quantity of ballots to be delivered shall be equal to the number of voters increased by one tenth.
- 3. Ballots should carry the stamp of the Secretariat of State of Internal Affairs.

#### Art. 25

(Art. 25, Electoral Law 6/1996)

(Establishment of the precinct electoral office)

- 1. At 06:00, the chairperson established the precinct electoral office by inviting the poll-watchers to participate [to its operations] and by inviting candidate lists' representatives to follow the operations.
- 2. One of the poll-watcher, designated by the chairperson, takes the function of deputy chairperson, the other poll-watcher the function of office secretary.
- 3. If one or both poll-watchers are absent or if they were not designated, the chairperson asks the voters present [at the polling station], provided that their number is not lower than ten, to designate the replacement(s) of the missing [poll-watcher(s)], by roll-call and majority vote.
- 4. If the number of voters present [at the polling station] is lower than ten, the chairperson replaces directly the missing [poll-watcher(s)], by calling alternatively the oldest and the youngest voter present [at the polling station] and meeting the requirements referred to

in Art. 23, comma 7.<sup>11</sup>

Art. 26

(Art. 26, Electoral Law 6/1996)

(Presence of candidate lists' representatives in polling stations)

1. Admitted candidate lists' representatives have the right to observe 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 or disrupts in any way the regular and smooth running of the elections.

Art. 27

(Art. 27, Electoral Law 6/1996, as modified by Art. 14, Qualified Law 1/2007)

(Signing of ballots and opening of the poll)

1. Once the precinct election office established, the chairperson, with the cooperation of the poll-watchers, after having verified the number of registered voters, signs the ballots on their back side.
2. [The number of] signed ballots is entered in the protocol.
3. During the operations described in commas 1 and 2, no one can leave the room.
4. At the end, the chairperson declares the opening of the poll.

Art. 28

(Art. 28, Electoral Law 6/1996)

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

1. The chairperson, poll-watchers, and candidate lists' representatives can vote in the polling station where they serve, even if not registered in the same [precinct].
2. Voters in charge of security services can vote in the polling station where they serve.
3. The chairperson notes in the protocol the surname, name and electoral precinct where they are registered.

Art. 29

(Art. 29, Electoral Law 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 deputy chairperson shall undertake his/her duties. If the

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<sup>11</sup> To be read as “comma 5 and 6”.

secretary leaves, the deputy chairperson shall undertake his/her duties.

Art. 30

(Art. 30, Electoral Law 6/1996)

(Responsibilities of the precinct electoral office)

1. The precinct electoral office shall enforce the established timeframe for voting hours; take note of submitted complaints; adjudicate in the first instance complaints concerning the regularity of electoral ballots; allocate votes to candidates; attach invalid, blank and disputed ballots to the protocol, as well as written complaints and any other document concerning the operations [of the polling station].

Art. 31

(Art. 31, Electoral Law 6/1996)

(Persons admitted to the polling stations)

1. Except from voters referred to in Art. 28 and Election Commission members, no one can enter the voting room and take part in the electoral operations, if does not hold the voting certificate of registration to the voter lists of the same polling station.

Art. 32

(Art. 32, Electoral Law 6/1996)

(Posting of lists of voters registered in the precincts)

1. During voting operations, the list of voters resident in the area of the precinct or registered in the precinct, extracted from the precinct voter list, shall be posted in the voting room. A notice about the number of preference votes admitted should also be posted.

Art. 33

(Art. 33, Electoral Law 6/1996, replaced by Art. 15, Qualified Law 1/2007, and **modified by Art. 3, Qualified Law 1/2016**)

(Running of voting operations)

1. Once the poll is open, voters are 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 a qualified 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 poll-watchers know him/her personally and confirm his/her identity by signing [the voter list] under the identification column.

5. If none of the members of the precinct electoral office can confirm the identity of the voter, he/she can bring two voters, registered in one of the precincts belonging to the same Castle and known by the Office, who can certify his/her identity by signing [the voter list] under the identification column. In this case, the chairperson shall warn the voters that, should they not testify the truth, they would be subject to sanctions according to the Criminal Code. For voters registered in the precincts of Dogana, their identification can be confirmed by two voters registered in the same precincts.<sup>v</sup>

Art. 33 BIS

(New article introduced by Art. 15, Qualified Law 1/2008)

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

1. During elections or referenda, it is forbidden to carry mobile phones or other devices to capture images inside electoral booths; otherwise, the vote would be invalid.
2. The chairperson of the precinct electoral office, at the moment when the voter is asked to submit the identification document and voting certificate, should invite the voter to drop off any device referred to in comma 1 in his/her possession.
3. Devices dropped off by the voter are guarded by the chairperson of the precinct electoral office and returned to the voter after he/she recorded his/her vote.
4. The violation of the prohibition referred to in comma 1 is punished with first-degree imprisonment and third-degree loss of political rights.

Art. 34

(Art. 34, Electoral Law 6/1996)

(Security service in polling stations)

1. The chairperson of the precinct electoral office is responsible for security service in the voting room.
2. The agents in charge of the security service cannot enter the voting room, unless if asked by the chairperson. They should stay close to the voting room and remain available to the chairperson.

Art. 35

(Art. 35, Electoral Law 6/1996)

(Prohibition of proxy voting)

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 helper should be registered in one electoral precinct.
3. No voter can help more than one voter. The chairperson, in any case, shall indicate on the voting certificate of the helper that he/she already fulfilled this role.

4. The chairperson shall verify that the voter holds a medical certificate attesting the disability, and that the voter freely chose the helper and knows his/her personal details, and shall put a note in the protocol concerning 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 helper.
5. The medical certificate shall be released 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 protocol.
6. Certificates released by doctors who stand as candidate for the ongoing elections are not valid.

#### Art. 36

(Art. 36, Electoral Law 6/1996, firstly replaced by Art. 1, Law 35/1997, then replaced by Art. 16, Qualified Law 1/2007, and modified by Art. 2, Qualified Law 3/2016)

#### (Voting procedures)

1. To express the vote for the [candidate] list, the voter should mark 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 is also valid if the ballot contains an additional sign, marked on the possible logo or on the name of the coalition, in any case within the square that contains them. If the ballot contains only one sign, marked on the possible logo or on the name of the coalition, or in any case within the square that contains them, the vote is counted to determine the electoral score of the coalition referred to in Art. 40.
2. **The voter can express one preference for one single candidate belonging to the chosen list<sup>vi</sup>.**
3. **To express the preferential vote, the voter should 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.<sup>vii</sup>**
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 which are not expressed with the necessary clarity to distinguish the candidate from all other candidates are 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 is unequivocally interpreted as for the list to which the chosen candidate belongs.<sup>viii</sup>**
8. A valid ballot confers one vote for the list or one vote for the electoral score of the coalition according to comma 1.
9. The following ballots are invalid:
  - Ballots different from the State ballot;
  - Ballots which do not carry the stamp of the Secretariat of State of Internal Affairs;
  - Ballots that do not carry the signature of the chairperson of the precinct election office or of a delegated poll-watcher;
  - Ballots carrying writings or sign that would make it possible to recognise the voter of the voter;
  - Ballots carrying votes for more than one list, coalition, or for a coalition and list not

belonging to the coalition; ballots carrying votes for more than one list within the same coalition are invalid only for the first round of the elections;

- Ballots not marked with indelible pencil.

**10. If the voter expressed more than one preferential vote, all preferential votes expressed are invalid. The vote for the list remains valid.<sup>ix</sup>**

11. To express the vote for the list or coalition of lists during the election run-off referred to in Art. 40, the voter should mark a sign by indelible pencil on the name or 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 comma 9, the validity of the vote should be declared in any case when the actual will of the voter can be inferred.

#### Art. 36 BIS<sup>12</sup>

(Article introduced by Art. 12, Qualified Law 1/2008, then **abrogated by Art. 3, Qualified Law 3/2016**)

#### Art. 37

(Art. 37, Electoral Law 6/1996)

(Closing of the polling stations)

1. Voting operations remain open until 20:00. However, they can be extended beyond this time if voters come to vote with no interruption. After 21:00, however, after having verified by roll call how many voters present [at the polling station] have not yet voted, the chairperson allows only these voters to vote, and then declares the closing of the poll.

#### Art. 38

(Art. 38, Electoral Law 6/1996, firstly replaced by Art. 17, Qualified Law 1/2007, then replaced by Art. 5, Qualified Law 1/2008)

(Operations of the precinct electoral office and inter-precinct electoral office)

1. Once the poll closed according to Art. 37, the precinct electoral office implements the following operations, open to the public:
  - 1) Counts the unused ballots and seals them in a designated envelope;
  - 2) Counts spoiled ballots which have been replaced during the voting, and seals them in a designated envelope;

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<sup>12</sup> Art. 36 BIS stated:

“(Voting procedures for voters residing abroad)

1. The voter residing abroad can only express the vote for a list or coalition.
2. The ballot for voters residing abroad will have the characteristics of the template shown in the table A1 bis, annexed to this law.”

- 3) Counts the counterfoils of voting certificates of voters that were allowed to vote, and seals them in a designated envelope;
  - 4) Empties the ballot box and counts the ballots without unfolding them;
  - 5) Inserts the counted ballots in the ballot box: the ballot box shall be closed and sealed to be reopened in the inter-precinct electoral office as referred to in the following commas.
2. The operations described above are performed in the indicated order and with no interruption, until their final completion. Each of them should be registered in the protocol.
  3. The protocol and any other document shall be signed by the members of the electoral office.
  4. After the completion of the operations described above, the ballot box containing voted ballots and the protocol referred to in comma 3 are delivered by the polling station chairperson to the inter-precinct electoral office.
  5. The inter-precinct electoral office is composed of the chairpersons of the electoral offices of at least three districts, and it is chaired by one of them, previously selected through lottery by the Election Commission. In inter-precinct electoral offices, in case of tied vote, the chairperson has the casting vote. The youngest among the other chairpersons serves as secretary, the oldest as deputy chairperson. The same rules remain valid also if the inter-precinct electoral office is composed of only two electoral precincts. All poll-watcher of all electoral precincts forming the inter-precinct electoral office are also part of the inter-precinct electoral office. The number of inter-precinct electoral office per each district will be determined by delegated decree.<sup>13</sup> In the Castle with only one electoral precinct no inter-precinct electoral office will be established: in this case, the precinct electoral office will proceed directly to counting the ballots voted in the precinct.
  6. The inter-precinct electoral office shall be established as soon as the operations referred to in commas 1 to 3 are completed, and the material referred to in comma 4 is ready for the delivery. The operations of the inter-precinct electoral office are open to the public and one representative per candidate list has the right to attend them.
  7. Once the inter-precinct electoral office is established, the chairperson opens one after the other the ballot boxes from precinct electoral offices, and divides the ballots voted in each precinct, to allocate the ballots from each electoral precinct in equal numbers to each of the precinct electoral offices which are part of the inter-precinct electoral office [i.e. ballots are mixed]. Each of the boxes containing the ballots are given to each precinct electoral office chairperson by the chairperson of the inter-precinct electoral office. The protocol of the precinct electoral office counting the ballots shall indicate the number of ballots assigned to it.
  8. Once the operations referred to in the previous comma are concluded, each precinct electoral office starts counting the ballots assigned to it. First of all, the office takes the ballots from the box, one by one, and scrutinise the valid and invalid votes, as well as the blank ballots. Immediately afterwards, it counts the number of votes received by each list. After this, the chairperson announces the results of lists and coalitions. Immediately afterwards, the office examines again all the ballots one by one to scrutinize the preferential votes received by each candidate.
  9. Concluded the counting of ballots, the chairperson of the precinct electoral office

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<sup>13</sup> Delegated decree 166, 10 November 2015, part of this collection.

announces the result.

10. The operations of the precinct electoral office are performed in the indicated order and with no interruption, until their final completion. Each of them should be registered in the protocol. The protocol shall be signed by the members of the office and shall be put in a designated sealed envelope, together with all the material. The members of the electoral office sign the envelope.
11. After the completion of these operations, the envelope is sent to the president of the Election Commission by the chairperson of the precinct electoral office.

## CHAPTER VII - THE CENTRAL ELECTORAL OFFICE AND THE ELECTION COUNCIL

Art. 39

(Art. 39, Electoral Law 6/1996)

(Meeting of the Central Electoral Office)

1. The day after the elections, precinct electoral offices, represented by their chairpersons, accompanied by the delegates of each lists, meet at 14:00 in the hall of the Great and General Council, under the presidency of the Secretary of State of Internal Affairs, and establish the Central Electoral Office.<sup>14</sup>

Art. 40

(Art. 40, Electoral Law 6/1996, firstly replaced by Art. 19, Qualified Law 1/2007, then replaced by Art. 7, Qualified Law 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 protocols of the precinct electoral offices, with the assistance, when necessary, of one or more experts chosen by the president, performs the following operations: sums up the votes obtained by each list and by each candidate, according to the protocols of all electoral offices.
2. The operation referred to in comma 1 determines the electoral score of each list, the total number of votes for the list, and the individual electoral score of each candidate.
3. The electoral score of each list is the result of the sum of valid votes received by the list in all electoral districts. 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 is admitted to the seat allocation if it receives a list electoral score equal or greater than 0.4 – multiplied by the number of lists that participated in the elections, up to a maximum of 3.5% – of the total number of valid votes. [Therefore, the threshold depend on the number of lists running for the elections, up to a maximum of 3.5%. For

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<sup>14</sup> Art. 39, Electoral Law 6/1996, was modified by Art. 18, Qualified Law 1/2007, then abrogated by Art.6, Qualified Law 1/2008; therefore, Art. 39, Electoral Law 6/1996, was reinstated in its original formulation.

example, if the number of lists is 6, the threshold is 0.4 times 6, i.e. 2.4%.]

5. The individual electoral score of each candidate is the result of the sum of the list electoral score and the number of valid preferential votes obtained by the candidate in all electoral sections, as counted by the electoral offices. The individual score determines the ranking of candidates within the same list. If the individual score is identical [for two candidates or more], preference is given according to the following criteria:
  - Female candidate;
  - Greatest seniority in office as Council Member;
  - Higher age.
6. The Central Electoral Office determines the coalition electoral score, by summing up:
  - a) The electoral score of each of the lists belonging to the coalition, including lists which are not admitted to the allocation of seats according to comma 4;
  - b) The votes cast for the coalition, without having been marked for any list, according to Art. 36, comma 1.
7. The Central Electoral Office divides the total number of valid votes by 2, and adds 1 to the quotient, rounded up [to the next integer] if need be. The result of this operation determines 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 is declared for the list or coalition of lists which, having received the highest number of votes, reaches also 30 (thirty) of the 60 (sixty) valid quotients, as a result of the operations referred to in comma 9.
8. If no list or coalition reaches the minimum number of valid votes, nor 30 (thirty) quotients referred to in the previous comma, the Regency calls for a run-off election for the second following Sunday, between the two lists or coalitions of lists that reached the highest electoral score.
9. The result of the first round determines 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 comma 4 of this article are excluded;
  - The electoral scores of each of the lists eligible for seat allocation according to comma 4 of this article are successively divided by 1, 2, 3, 4, and so forth, until the number 60 (sixty) of members of the Great and General Council to be elected is reached;
  - Quotients thus obtained are put in decreasing order, from the highest to the smallest.
10. Seats of the Great and General Council are allocated, according to the operations described in comma 9, to the list or coalition of lists declared as winner for having reached the minimum number of votes according to comma 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 comma 9, the number of seats to which the winning list or coalition of lists is entitled is lower than 35, additional seats are 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, are those corresponding to the lowest quotients [useful for the purpose of allocating seats] according to the operations described in comma 9; those seats shall be taken away from lists which are different from the winning list or which are not part of the winning coalition, starting from the lowest quotients [useful for the purpose of

allocating seats]. 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 decreasing order of quotients. Council groups that would fall below the minimum number of three Council Members as a result of the reallocation of seats due to the stability award, do not lose the funding benefits referred to in Law 170, 23 November 2005.

11. If there is no need for a run-off election, once the operations referred to above are concluded, the Central Electoral Office officially proclaims 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 run-off election, the Central Electoral Office receives from the precinct electoral offices the protocols containing the results of the counting. It verifies which of the two lists or coalitions of lists [that took part in the run-off] received the highest number of vote and allocates the seats according to previous commas, and finally proclaims 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 run-off election opens the electoral campaign, which shall terminate by 24:00 of the second day preceding the elections, according to Law 36, 14 March 1997, Art. 1, comma 1. The same lists admitted to the first round of the elections can participate in the electoral campaign. The appointment of polling station chairpersons and poll-watchers, performed by the Election Commission according to Art. 23 of this law, is extended for the possible run-off elections.

#### Art. 41

(Art. 41, Electoral Law 6/1996)

(Prohibitions for the Central Electoral Office)

1. It is forbidden for the Central Electoral Office to discuss and decide over the scrutiny of votes, complaints, protests and incidents occurred at the electoral precinct level, and, in any case, to take care of any other duties than those referred to in Art. 40.

#### Art. 42

(Art. 42, Electoral Law 6/1996)

(Following operations)

1. The Central Electoral Office, once concluded the operations for which it is responsible, transmits all documentation to the Secretary of State of Internal Affairs, who arranges for the submission to the Election Council referred to in Art. 43.
2. The Secretary of State of Internal Affairs, within two days from the completion of the operations referred to in Art. 30, announces to the public the results of the elections and notifies all elected members of the Great and General Council of their appointment.

#### Art. 43

(Art. 43, Electoral Law 6/1996)

(Permanent Election Council)

1. The Permanent Election Council, composed of five members, is elected by the Great and General Council for the whole duration of the legislature. Its members cannot be Council Members, Captains of Castle, or members of [Castle] Council.

Art. 44

(Art. 44, Electoral Law 6/1996)

(Responsibilities of the Permanent Election Council)

1. The Permanent Election Council 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 finally approve 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 approves the conclusions of the Permanent Election Council.
3. If severe complaints were filed or if there were grounded allegations of irregularities, the conclusions of the Permanent Election Council can be subject to a vote [by the Great and General Council].

Art. 45

(Art. 45, Electoral Law 6/1996)

(Call for repeat elections in case of violent acts or lost ballots)

1. If the protocol of the precinct electoral office reports that the electoral operations have been obstructed by acts of violence or that ballots were totally or partially lost, the Captain Regents must call for new elections in the same electoral precinct for the fifth following Sunday. In such cases, the operations of the Central Electoral Office referred to in Art. 39, 40, and 41 are deferred to the day after the repeat elections.

Art. 46

(Art. 46, Electoral Law 6/1996)

(Oath of elected Council Members)

1. Elected members of the Great and General Council must take the oath within two months from the validation of their election.
2. Those who do not comply with the provision referred to in comma 1 without

documented justification are removed from office.

Art. 47

(Art. 47, Electoral Law 6/1996)

(Crimes against political rights)

1. Behaviours aimed at preventing the free exercise of political rights are punished according to Art. 394,<sup>15</sup> 395, 396, 397, 398, and 399 of the Criminal Code.

Art. 48

(Abrogation)

*OMITTED*

Art. 49

(Art. 49, Electoral Law 6/1996, replaced by Art. 20, Qualified Law 1/2007)

(Temporary provisions concerning the attribution of voters residing abroad to designated electoral precincts)

1. Voters residing abroad are registered to new designated sections during the annual publication of voter lists, approved according to Art. 6.
2. In case of early elections, a special revision of the lists will be performed, according to the provisions of this law.

Note concerning Art. 49:

The civil judgement 257/2008 clarified that Art. 49, as modified by Art. 20, Qualified Law 1/2007, has ceased its effects. The provision was in fact limited in time and scope, 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 voter lists of January 2008.

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<sup>15</sup> Amended by Law 35/1997, Art. 3, and further amended by Qualified Law 1/2007, Art. 24, part of this collection.

## B. COMPILATION OF PROVISIONS REGULATING THE ELECTION CAMPAIGN

Based on the following laws:

- **Law 36, 14 March 1997**
- Qualified Law 1, 11 May 2007
- Qualified Law 1, 5 August 2008

Art. 1

(Art. 1, Law 36/1997)

(Timeframe of the election campaign)

1. The election campaign starts on the twentieth day preceding the election day and ends at 24:00 on the second day preceding the election day.
2. Before and after the time limits referred to in comma 1 all forms of election campaign are 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 newspaper or other items, illustrations or images representing the programme, posters that represent an expression of electoral campaigning in any form is allowed only within the areas designates in the territory of each Castle and in accordance with the provisions of this regulation.

Art. 3

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

(Areas for election postings and timeframe for their designation)

1. The Election Commission referred to in Law 6, 31 January 1996, Art. 6, by the thirtieth day preceding the election day shall designate the areas devoted to posting of material referred to in Art. 2, through boards of equal size, following as possible the following indications:

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; Torraccia: 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 was not possible to designate a single area to install the board, it could be split among two or more areas as close as possible. For the purposes of this article, these areas would constitute a single unit.

#### **Art. 4**

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

(Allocation of areas for electoral postings)

1. The Election Commission, 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 the elections, shall delimit the areas referred to in Art. 3. Each registered list has the right to a space of equal area, according to the size determined by the Election Commission.
2. By the deadline referred to in comma 1, the Election Commission distributes the areas by following the order number of registered lists, [to be allocated] on one single horizontal line, starting from the left side to the right.
3. The allocation referred to in comma 2 shall be notified within 24 hours to the delegates referred to in Art. 14, comma 4, of the electoral law.
4. Each list provides for its own postings.

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

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

1. Individual candidates of the designated list, as well as other parties, political groups, associations and individual voters who have freely expressed their will can also utilise the areas allocated to registered lists, if authorised by the delegates referred to in Art. 14, comma 4, of the electoral law.
2. The authorisation referred to in comma 1 shall be produced in writing by the permanent or alternate delegate of the designated list; it shall specify with precision and comprehensiveness the information of the interested candidate, party, political group, association, individual voter, and it should 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 copy of the approved authorisation [to the person submitting it], as a receipt.
3. Exchanges of areas allocated by the Election Commission according to Art. 4 are forbidden.

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

(Prohibitions)

1. The display of printed material, wall newspaper or other items, illustrations or iconic images and posters that represent an expression of electoral campaigning in any form, or reproduce the symbol adopted by a list, or could influence the choice of the voter, is forbidden in any area different from the ones referred to in Art. 4.
2. The prohibition referred to in the previous comma is also valid for any private space visible for the public from the outside (windows, shop windows, etc.), air balloons anchored to the ground, vehicles, and any equipment, **except from the material necessary for campaigning**, and outdoor rallies and meetings referred to in Art. 8. Campaigning through banners or drapes and through light signs, as well as throwing of fliers, are also prohibited.
3. Usual and permanent signs used by parties, movements and political associations to indicate their branches are not prohibited.

Art. 7  
(Art. 7, Law 36/1997, replaced by Art. 22, Qualified Law 1/2007, and modified by Art. 9, Qualified Law 1/2008)  
(Provisions to increase the access to information for citizens on lists and coalitions)

1. The Secretariat of State of Internal Affairs and the Secretariat of State of Information ensure a comprehensive and impartial communication to the citizens in order to guarantee the broadest possible information on programmes and candidates, in condition of equality among lists and coalitions. In particular, they:

- a) Guarantee the broadcasting of radio and televised programmes, including debates among lists and coalitions of lists, according to procedures to be agreed between the delegates referred to in Art. 14 of the electoral law and the Oversight Commission referred to in Law 41, 27 April 1989;
- b) Prepare and disseminate, to all families irrespective from their residency, a publication containing the programme and the candidates of the lists and coalitions, where the programs and lists of coalitions come first than those of lists that are not part of a coalition; within this subdivision, the order shall be the same as the one of appearance on the ballot;
- c) Launch a website for each electoral cycle, dedicated to the campaign material autonomously prepared [by the lists] for all lists and coalitions participating in the elections, on an equal basis, and disseminate adequate information about its existence, especially to voters residing abroad; the civil and criminal liability concerning the content of pages allocated to each list and coalition falls exclusively on their legal representatives, and not on public officials administering the website;
- d) Organise meetings and debates open to the public in the Castles of the Republic among all lists and coalitions and, in case of run-off election, among the lists and coalition participating in the run-off.
- e) Organise, for the first round of the elections, meetings among lists and coalitions of lists in the main consulates, financed by the State, according to the provisions to be adopted through delegated decree issued on a proposal from the Election Commission.<sup>16</sup>

## 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, every day from 16:00 to 24:00.
2. Each Outdoor rally and meeting shall be notified to the Gendarmerie Chief by the permanent or alternate delegate of the list concerned, at least 24 hours in advance, including information about the time and place of the outdoor rally and meeting.
3. The use of loudspeakers and audio or semi-mobile equipment for the dissemination of news and messages is allowed, for the duration of the election campaign, every day from 15:00 to 22:00.

## Art. 9

(Art. 9, Law 36/1997)

(Prohibition of campaigning on election day - Sanctions)

1. On election day and during the opening of the polling stations, outside and in their immediate vicinity, the installation of equipment, including mobile one, by parties, political groups and associations, the use of identification bracelets, cockades and

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<sup>16</sup> See Delegated Decree 127/2008, part of this collection.

- badges, and the use of any object that could be the expression of a political choice.
2. In order to avoid any act or possible act of campaign, influence, or pressure on those who are waiting to vote, it is forbidden for candidates of lists participating in the elections to stop, during voting hours and for longer than strictly necessary [for the candidate] to vote, inside and in the immediate vicinity of polling stations.
  3. Violations of provisions of this article are punished with first-degree imprisonment according to in Art. 81 of the Criminal Code, or with pecuniary sanction referred to in 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. Anyone that steals or destroys campaign material allowed and regulated by this regulation, or prevents from posting or disseminating, or renders illegible the material posted in the areas devoted to electoral campaign or, without having the right to do so, posts or mandates to post campaigning material both in dedicated areas or elsewhere, is punished with fist-degree imprisonment according to in Art. 81 of the Criminal Code, or with pecuniary sanction referred to in Art. 84 of the Criminal Code.
2. The previous comma applies also to anyone utilising, for material allowed and regulated by this regulation, officially allocated areas.
3. Anyone conducting any electoral campaign activity before the start and after the end of the campaign, and anyone that through any means obstructs or impedes an electoral campaign meeting, both public and private, is subject to the sanctions referred to in Art. 398 of the Criminal Code.

Art. 11

(Art. 11, Law 36/1997)

(Prosecution)

1. Crimes stated in this regulation are declared as crimes of public action [they are prosecuted *ex officio* by the prosecutor].

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

Art. 23  
(Qualified Law 1/2007)

(Amendment of rules on the procedure to form the Government)

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 State Congress [Government] or [following the acknowledgement] of the rejection of a vote of no confidence against the State Congress, 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 Regency confers to the list proclaimed as winner of the last elections, or to the major list of the winning coalition, the mandate to present the programme of government and the indication of candidates for the appointment as members of the State Congress; these candidates, without prejudice to the provisions of Qualified Law 184, 15 December 2005, Art. 1, comma 2, shall be chosen from the Council Members of the winning list or from the lists belonging to the winning coalition.
2. The mandate indicates the deadline by which the designated political force shall inform the Regency. At the expiration of the deadline, or when the designated political force informs about the positive outcome of the mandate, the Regency convenes the Presidency Office to summon the Great and General Council in order to discuss and approve the programme of government and the appointment of the State Congress. If the outcome of the mandate is negative, if the winner of the elections was not a coalition of lists, the Regency convenes the Presidency Office anyway, to summon the Great and General Council in order to acknowledge the dissolution of the majority resulted from the last elections. Provisions referred to in Law 6, 31 January 1996, Art. 9, are implemented, and the Regency dismisses the Great and General Council.
3. If the mandate referred to in comma 1 was conferred to the major force part of the coalition that won the last elections, and if the outcome is negative, the Regency convenes each political force belonging to the winning coalition. If it observes that political conditions are in place, it can confer a new mandate, with a new deadline. In any case, when this second deadline expires, the Regency convenes the Presidency Office to summon the Great and General Council either in order to discuss and approve the programme of government and the appointment of the State Congress, or in order to acknowledge the dissolution of the majority resulted from the last elections. Provisions referred to in Law 6, 31 January 1996, Art. 9, are implemented, and the Regency dismisses the Great and General Council."

Art. 24  
(Qualified Law 1/2007)

(Amendment of Art. 394, Criminal Code, on "Crime against the free exercise of the right to

vote")

Article 394 of the Criminal Code is amended as follows:

[See "Criminal Code Articles on Electoral Matters", included in this collection]

Art. 25

(Qualified Law 1/2007)

1. By six months from the entry into force of this law, the Presidency Office of the Great and General Council shall prepare and submit to the Great and General Council a draft law concerning the status of the oppositions, including provisions aimed at allocating appropriate spaces to opposition groups for the implementation of their Council activities, as well as the attribution to opposition groups of the presidency of some [parliamentary] Commissions.

Art. 26

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

(Urgent measures to simplify administrative activities)

1. Through delegated, it could be introduced a new multiple voting certificate or other permanent electoral document, also on electronic medium, to replace the existing voting certificate and having the same function of the latter. The electoral document could serve other purposes to simplify administrative activities.
2. The decree referred to in the previous comma will determine the characteristics and functions of the document, the data of its holder to be recorded, provisions concerning its update and renewal, as well as the provisions for its distribution by the State Electoral Office.

Art. 27,

Final Provisions [...]

## **D. Delegated Decree 117, 13 December 2007**

[...]

### **Special polling station for homebound persons present in the territory [of San Marino]**

#### **Art. 1**

To implement Art. 2, Qualified Law 11/2007, the special polling station for homebound persons is established, dedicated to voters who suffer from a severe disability or severe sickness that do not allow for their transportation out of their houses.

#### **Art. 2**

Voters fulfilling the conditions referred to in the previous article, to be certified by a doctor according to Art. 4, are allowed to vote via special polling station in the house where they live, provided that it is located in the territory [of San Marino].

#### **Art. 3**

(As modified by Art. 3, Delegated Decree 53/2009)

The functions of special polling stations for homebound persons, for elections and referenda, are attributed to the electoral district referred to in Art. 22, comma 3, Law 6/1996, established at the State Hospital with the addition of two poll-watchers, to be appointed according to Art. 23, Law 6/1996, as modified by Art. 12, Qualified Law 1/2007.

#### **Art. 4**

(As modified by Art. 4, Delegated Decree 53/2009)

1. Homebound voters, to be admitted to the vote according of Art. 2, must submit by 14:00 of the thirteenth day before the elections or the referendum, a declaration affirming their will to vote in the house where they live, and indicating the complete address.
2. If the voter needs the assistance of another voter, according to Art. 35, comma 2, Law 6/1996, the declaration to be allowed to vote from home can be submitted by the latter.
3. A medical certificate shall be attached to the declaration, released by an authorised doctor according to Art. 35, comma 5, Law 6/1996, declaring the severe disability or sickness that impedes in any way the transportation of the voter to the polling station where he/she is registered, as well as the possible need to receive assistance during the voting, according to Art. 35, Law 6/1996.
4. The chairperson of the electoral office informs the voter about the acceptance or not of the request for voting from home, to be decided according to this article.
5. The list of voters allowed to vote from home shall be delivered to the chairperson of the

- special polling station according to Art. 22, comma 3, Law 6/1996, together with the electoral material.
6. The permission by the Election Commission to vote from home, for general elections and elections of Captains and Councils of Castles, is valid for both the first round and the run-off.

#### Art. 5

On election day and during voting hours, the polling station chairperson, after having agreed with the homebound voter or his/her relatives the most appropriate time, accompanied only by two poll-watchers including one serving as secretary, goes to the address of the voter in the Republic, escorted by security forces, to collect the vote, by ensuring with all possible means the free and secret expression of the vote, while respecting the needs related to the health conditions of the voter.

#### Art. 6

(As modified by Art. 5, Delegated Decree 53/2009)

1. Ballots voted according to the previous article are collected and kept by the special polling station chairperson in a dedicated box or in a designated envelope which shall remain closed and sealed until the moment the ballots are inserted in the ballot box(es) of the special polling station, after having compared their number with the number of voters who voted from home.
2. All ballots voted for elections and referenda in the special polling station are delivered – together with the electoral material – to the first precinct office of Borgo Maggiore.
3. [Comma concerning local elections]
4. The operation of inserting the ballots [in the box(es)] and their respective number shall be noted in the precinct protocols.
5. The Election commission will adopt, through dedicated regulation, technical and operational provisions for the implementation of the right to vote regulated by this decree.

## **E. Delegated Decree 166, 10 November 2015**

[...]

### **Decision concerning the number of precinct electoral offices (polling stations) and inter-precinct electoral offices**

#### **Art. 1**

To implement Art. 4, comma 2, Law 6/1996, and later amendments, the number of precinct electoral offices for the voters residing in the territory [of San Marino], and of inter-precinct electoral offices devoted to counting of the votes casted by voters residing in the territory [of San Marino], as established by Art. 38, comma 5, Law 6/1996, is as follow:

- Castello di Città di San Marino: 5 Precinct electoral offices, 2 Inter-precinct electoral offices
- Castello di Borgo Maggiore: 8 Precinct electoral offices, 2 Inter-precinct electoral offices
- Castello di Acquaviva: 3 Precinct electoral offices, 1 Inter-precinct electoral office
- Castello di Chiesanuova: 2 Precinct electoral offices, 1 Inter-precinct electoral office
- Castello di Domagnano: 4 Precinct electoral offices, 1 Inter-precinct electoral office
- Castello di Faetano: 2 Precinct electoral offices, 1 Inter-precinct electoral office
- Castello di Fiorentino: 3 Precinct electoral offices, 1 Inter-precinct electoral office
- Castello di Montegiardino: 1 Precinct electoral office
- Castello di Serravalle: 6 Precinct electoral offices, 2 Inter-precinct electoral offices
- Dogana: 6 Precinct electoral offices, 2 Inter-precinct electoral offices

#### **Art. 2**

To implement Art. 4, comma 2, Law 6/1996, and later amendments, the number of precinct electoral offices for the voters residing abroad, established in the Castles of Città di San Marino, Borgo Maggiore and Serravalle, and of inter-precinct electoral offices devoted to counting of the votes casted by voters residing abroad, as established by Art. 38, comma 5, Law 6/1996, is as follow:

- Castello di Città di San Marino: 3 Precinct electoral offices, 1 Inter-precinct electoral office
- Castello di Borgo Maggiore: 3 Precinct electoral offices, 1 Inter-precinct electoral office
- Castello di Serravalle: 3 Precinct electoral offices, 1 Inter-precinct electoral office

#### **Art. 3**

Abrogations and Final Provisions [...]

## **F. Delegated Decree 127, 30 September 2008**

[...]

Organisation of meetings among lists and coalitions of lists in main consulates in occasion of elections

Art. 1  
(Purposes)

1. This decree aims at regulating the organisation among lists and coalitions of lists in the main consulates abroad according to Art. 22, letter e), Qualified Law 1/2007, as modified by Art. 9, Qualified Law 1/2008.
2. These meetings have institutional character and aim at increasing the [access to] information for citizens before the elections, in conditions of equality among lists and coalitions of lists.
3. The organisation of the meetings is a duty of the Secretariat of State of Internal Affairs and the Secretariat of State of Information, which can avail themselves of the cooperation of the Offices and Departments.

Art. 2  
(Timeframe for the meetings)

1. Meetings referred to in this decree shall take place during the electoral campaign for the first round of the elections.

Art. 3  
(Consulates)

1. Consulates where the meetings shall take place are, in Italy: Rome, Bologna, Florence, Genova, Milan, Ravenna, Rimini, Torino, 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. Coalitions of lists and lists that are not part of a coalition participate in the meetings via their representatives, maximum two per each of them. Representatives can be also chosen among persons who do not stand as candidates for the elections.
2. The coalitions and lists that are not part of a coalition must indicate in due time their contact person for the organisation of the meeting.

**Art. 5**  
(Communications)

1. The Secretariat of State of Internal Affairs and the Secretariat of State of Information establish the calendar of meetings and arrange for its delivery to all voters residing abroad.
2. This communication can be sent together with other electoral documents.
3. Communications are in Italian language and always indicate that their purpose is to increase the access to information for citizens about lists and coalitions of lists for the ongoing electoral cycle.

**Art. 6**  
(Tasks and deadlines)

1. The competent Secretariats of State, when sending to the lists/coalitions the calendar of the meetings, establish the deadline by which the names of the participants should be submitted, and provide with any information useful for a successful organisation.
2. The non-participation to meetings by lists/coalitions that fail to respect the deadlines and conditions established shall be attributed to the sole responsibility of the lists/coalitions themselves.

**Art. 7**  
(Relationship with Consulates)

1. The Secretariat of State of Foreign Affairs cooperate with the competent Secretariats of State to ensure the success of the meetings, by offering any useful support and, in particular, by taking care of contacts with Consuls of consulates involved, with whom any useful and appropriate information should be shared.

**Art. 8**  
(Travels)

1. All travels are funded by the State.
2. Travels by plane are arranged for all intercontinental and European destinations that it are not easy to reach by car. Travels by car to European and Italian destinations are arranged with State vehicles.
3. The stay lasts for the time that is strictly necessary for holding the meeting.
4. Secretariats of State can combine two or more destinations, if their geographical location renders this solution more adequate and effective.

**Art. 9**  
(Venues for the meetings)

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

Art. 10  
(Programme of the meetings)

1. Meetings are held in Italian language.
2. The role of moderator is played by the Consul or his/her delegate. Possible participation of a journalist shall not be funded by the State.
3. The moderator introduces the list and coalition representatives and gives them the floor according to the order previously agreed with the representatives, ensuring that each coalition or list not part of a coalition receives an equal amount of speaking time.
4. The public can participate and ask questions. In this case, the moderator ensures that equal response time is allocated to all contestants, according to the order previously agreed with the representatives.

Art. 11  
(Expenses born by the State)

1. The State shall bear the cost of travels by plane in economy class, and provides with its vehicles for travels by car.
2. Accommodation in hotels is foreseen for intercontinental and European transfers, as well as for transfers 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 atmosphere is ensured. These expenses are reimbursed under presentation of receipts.
4. These expenses will be authorised by resolution of the State Congress under chapter 1-1-1397.

Art. 12  
(Reimbursement of accommodation expenses)

1. Expenses bear by the representatives of coalitions and lists for meals and other in-country transportation shall be reimbursed under presentation of receipt up to EUR 77.47 per day.
2. As per regulations in force, those amounts are increased by 50% for travels outside of Italy.

## **G. Articles of the Criminal Code on Electoral Matters**

[...]

### **Chapter VI Crimes against political rights**

**Art. 394**

(Offence against the free expression of the right to vote)

Anyone who, during State elections, uses violence, threat or deceit, or offers or promises undue benefits, reimbursements or subsidies for travel and accommodation expenses, to push a citizen to sign a declaration in support of a candidate, draft law, or referendum, or to abstain or not from voting, or to vote for a candidate or symbol, is punished with third-degree imprisonment and fourth-degree loss of political rights.

The same sanction applies to citizens that accepts undue benefits, reimbursements or subsidies referred to in the previous comma, except in case of useful and spontaneous confession.

If the offence is committed by a person exercising public duties, by a public official, or by a clergyman, if abusing of their attributions and during the performance of their duties, they are subject to fourth-degree imprisonment and to fourth-degree loss of political rights and forfeiture of public offices, increased according to Art. 93.

**Art. 395**

(Violation of the secrecy of the vote)

Anyone who manages to discover through an illicit way the secret vote expressed in State elections is punished with second-degree imprisonment.

**Art. 396**

(Violation of other political rights of citizens)

Anyone who, through violence or threat, prevents someone from registering to a party or labour union, or forces someone to do so; prevents from campaigning in favour of them, or from participating in their meetings, public or private; prevents from presenting Arengo instances or other petitions, or the exercise of any other political right, is punished with second-degree imprisonment and third-degree loss of political rights.

**Art. 397**

(Electoral Fraud)

Anyone who, during the operations for the selection or lottery of persons that will serve as public officials, alters their results through lying declarations or other fraudulent means, is

punished with second-degree imprisonment and with third-degree forfeiture of public offices or political rights.

If the offence is committed by a person who is in charge of these operations, third-degree imprisonment and fourth-degree forfeiture apply.

#### Art. 398

(Disturbance of electoral rallies and meetings)

Anyone impeding or obstructing an electoral campaign rally or meeting, is punished with first-degree imprisonment and with second-degree forfeiture of political rights.

Sanctions are increased by one degree if the offence is committed through violence or threat.

#### Art. 399

(Illicit exercise of political rights by citizens)

Resident foreigner or stateless persons that assume for themselves political rights to which only Sammarinese citizens are entitled are punished with first-degree imprisonment.

The judge can decide to banish them from the territory of the Republic.

## H. [Glossary]

### Main San Marino institutions

Captains Regent [Head of State] – Capitani Reggenti

State Congress [government] – Congresso di Stato

Great and General Council [Parliament] – Consiglio Grande e Generale

Single Civil and Criminal Court (Single Court) – Tribunale Unico Civile e Penale

Secretariat of State [Ministry] of Internal Affairs – Segretariato di Stato per gli Affari Interni

Secretariat of State [Ministry] of Foreign Affairs – Segretariato di Stato per gli Affari Esteri

### Electoral Institutions

**Election Commission** – Commissione Elettorale, *main electoral institution, in charge of precinct boundaries, voter registration, candidate registration, appointment of lower-level commissions, ballots and election material, and electoral campaign. For its composition, see Art. 6.3, Electoral Law.*

**Inter-Precinct Electoral Office** (Regional Election Office (REO) in 2012 report) – Ufficio elettorale intersezionale, *mainly in charge of vote counting.*

**Precinct Electoral Office** (Polling Station Office (PSO) in 2012 report) – Ufficio elettorale di sezione, *mainly in charge of opening of polling stations, and voting and counting operations.*

**State Election Office** – Ufficio Elettorale di Stato, *part of the Civil Register, mainly in charge of voting certificates (voting cards)*

**Civil Registrar/Chairperson of the State Electoral Office** – Ufficiale di Stato Civile-Capo dell’Ufficio Elettorale di Stato.

**Civil Register/Electoral and Demographic Services** – Ufficio Stato Civile, Servizi Demografici ed Elettorali

**Central Electoral Office** – Ufficio elettorale centrale, *mainly in charge of the allocation of seats and announcement of the winning list or coalition, see from Art. 39, Electoral Law.*

**Permanent Election Council** (or *Election Council*) – Giunta permanente delle elezioni, *mainly in charge of the final appointment of elected members and of adjudication of complaints, see from Art. 43, Electoral Law.*

### Other Institutions

Castle [district, municipality] – Castello

Castles, Captain of [mayor] – Capitano di Castello

Castle, Council of [city council] – Giunta di Castello

Civil Police Corp – Corpo della Polizia Civile

Council Group [fraction of the Great and General Council] – Gruppo Consiliare

Council Member (Member of the Great and General Council) – Consigliere (membro del Consiglio Grande e Generale)

Directorate for the Relationship with the Communities Abroad of the Department of the Secretariat of State [Ministry] of Foreign Affairs – Direzione dei Rapporti con le Comunità all'Estero del Dipartimento Affari Esteri

Employment Office – Ufficio del Lavoro

Gendarmerie Corp – Corpo della Gendarmeria

Law Commissioner [Investigating Magistrate, Judge of Inquiry] – Commissario della Legge

Legal officer [bailiff] of the Single Court – Ufficiale giudiziario del Tribunale Unico

Legal Offices of the Single Court - Uffici Giudiziari Tribunale Unico, [provide administrative support to the activities of the Single Court].

Oversight Commission [of the Media] – Commissione di Vigilanza

Social Security Institute [national healthcare system] – Istituto Sicurezza Sociale

Unified Unit of the Guard of Rocca - Nucleo Uniformato della Guardia di Rocca

### **Other terminology**

Arengo instance – Istanza d'Arengo, *one of San Marino's institutes of direct democracy. Citizens can submit instances of public interest on the first Sunday after 1 April and on the first Sunday after 1 October, in coincidence with the elections of the new Captains Regent.*

Bankruptcy Procedure [literally, judicial procedure for the joint participation of creditors over the assets of the debtors] – Procedura del giudiziale concorso fra i creditori.

Certificates of registration to voter lists [voting certificates/card] – Certificato elettorale di iscrizione nelle liste elettorali

Convocation of the electoral assemblies [Call for new elections] – Convocazione dei comizi elettorali

Electoral Constituency – Collegio Elettorale

Electoral score – Cifra elettorale

List permanent/alternate delegate [one permanent and one alternate delegate per list] – Delegato di lista effettivo/supplente

List permanent/alternate representative [one permanent and one alternate representative per list per polling station] – Rappresentante di lista effettivo/supplente

Poll-watcher – Scrutatore

## I. Electoral Law Articles Amended in 2016

(Text before the amendments)

<sup>i</sup> Text of Art. 17, comma 2, before 2016 amendment: “Ballots are made from solid paper, of one single type, and are provided by the State Electoral Office **according to the tables A) and B) annexed to this law**. The Election Commission, keeping into account the number of lists and coalitions, can vary the size, format, and the elements deemed necessary.”

<sup>ii</sup> Text of Art. 17, comma 4, before 2016 amendment: “If the number of coalitions and lists not part of a coalition is even, in the central part of the ballot there shall be **as many horizontal lines as preferred candidates the voter has the right to indicate**. The possible logo and name of the coalition, as well as the logos of lists that belong to the coalition, are framed into a separate square (Annex A1). If the number is odd, in the lower central part of the ballot there shall be, **one next to the other, as many horizontal lines as preferred candidates the voter has the right to indicate**. The possible logo and name of the coalition, as well as the logos of lists that belong to the coalition, are framed into a separate square (Annex A2).”

<sup>iii</sup> Text of Art. 22, comma 3, before 2016 amendment: “Voters who are hospitalised in the State Hospital or in the Rest Home are eligible to vote in the special polling station established at the State Hospital.”

<sup>iv</sup> Text of Art. 23 before 2016 amendment:

1. The Election Commission draws by lottery the polling station chairpersons from among those holding a university or high school diploma who are registered to voter lists, who served as polling station poll-watcher or chairperson in the past, and who expressed their availability to serve as polling station chairperson by 31 December of the year preceding the election day. Such availability is revocable only due to force majeure.
2. The following persons are excluded from the position of polling station chairperson and poll-watcher:
  - Members of the State Congress;
  - Outgoing Members of the Great and General Council;
  - Candidates for the upcoming elections;
  - Members of the Election Commission;
  - Magistrates and Chancellors of the Court;
  - Castle Captains and members of [Castle] Councils
3. Appeals against the formation of the list of polling station chairpersons and poll-watchers shall follow the procedures referred to in Art. 7.
4. The Election Commission, within the period from the tenth to the twentieth day preceding the election day, shall appoint polling station chairpersons, arranging for possible replacement in case of need;
5. The Election Commission, within the period from the tenth to the twentieth day preceding the election day, shall draw a lottery in order to select two poll-watchers per polling station, from among those registered to the voter lists who expressed their availability according to comma 2.
6. Candidates for the upcoming elections, as well as those indicated in comma 2, are excluded from the post of poll-watcher.

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7. The appointment of polling station chairperson and poll-watcher shall be notified to the individuals involved by the legal officer of the Single Court, within 72 hours from the end of the session of the Election Commission.
  8. The Election Commission will sanction with a fine or EUR 250,00 the voter appointed as polling station chairperson or poll-watcher who does not turn up without justification.

<sup>v</sup> Text of Art. 33, comma 5, before 2016 amendment: “If none of the members of the precinct electoral office can confirm the identity of the voter, he/she can bring two voters, **registered in the same precinct** and known by the Office, who can certify his/her identity by signing [the voter list] under the identification column. In this case, the chairperson shall warn the voters that, should they not testify the truth, they would be subject to sanctions according to the Criminal Code.”

<sup>vi</sup> Text of Art. 36, comma 2, before 2016 amendment: “The voter can express the preference for **up to three candidates** belonging to the chosen list.”

<sup>vii</sup> Text of Art. 36, comma 3, before 2016 amendment: “To express the preferential vote, the voter should write by indelible pencil the name and surname, or the surname only, or the list number, or both, of the chosen **candidates**, on the designated line printed on the ballot.”

<sup>viii</sup> Text of Art. 36, comma 7, before 2016 amendment: “If the voter did not mark any list logo, but indicated one preference by writing the **surnames, or names and surnames, or surnames** and corresponding list **numbers**, the vote is unequivocally interpreted as for the list to which the chosen **candidates** belongs.”

<sup>ix</sup> Text of Art. 36, comma 10, before 2016 amendment: “If the voter expressed **more preferences than allowed**, all preferential votes expressed are invalid. The vote for the list remains valid.”