

Royal Decree 1799/2003, of 26 December, regulating the content of the voting lists and of the copies of the electoral census

CONSOLIDATED TEXT

Latest modification: 26 April 2014

Organic Law 1/2003, of 10 March, to guarantee the democracy in the municipal councils and the security of the councillors, amends given articles of Organic Law 5/1985, of 19 June, on the General Electoral System.

The new wording of article 39.2 establishes, in general, the electronic query of the electoral census, following identification of the interested party, and maintains the material exposure of the voting lists for those municipal councils and consulates that do not have sufficient resources to organise queries by electronic means.

Section 1 of article 41 introduces the authorisation to govern the data that the lists must contain and copies of the electoral census by regulation. A new section 6 of this article authorises the exclusion of those persons threatened with copies of the electoral census to submit the candidatures proclaimed and to the Area Electoral Boards.

On the other hand, Organic Law 15/1999, of 13 December, on the protection of personal data in article 2.3.a), which shall be covered by its specific indicators, and due to that which is especially set out, as pertinent, by this organic law, among others, those files regulated by the electoral system legislation.

Thus, it corresponds to regulate the process for the query of the electoral census for rectification during the electoral period, the data available for query, whether it is by electronic media or through listings, the content of the voting lists, and lastly, the data on voters to include in the copies of the electoral census, as well as the exclusion of them from those persons who are threatened or coerced who request them. This royal decree has been notified as passed by the Central Electoral Board in its session on 16 October 2003.

By virtue of this, upon the proposal of the Ministries of the Economy, Foreign Affairs, the Home Office and the Public Administrations, in accordance with the State Council and following the deliberation of the Council of Ministers in its meeting on 26 December 2003,

DECLARE:

Article 1. *Process to query the electoral census for rectification during the electoral period*

1. The identification of the parties interested in the electronic query of the voting lists, by the employee of the municipal council or consular office or consular section, shall be carried out through the same documents mentioned in article 85 of Organic Law 5/1985, of 19 June: national identity card, passport or driving licence, in which the photograph of the owner appears, or, in addition, working

with nationals from other States with a right to vote in the municipal elections or the elections to the European Parliament, with the residence permit or through an identity document or passport issued by the authorities of the country of nationality.

2. The municipal councils shall have the voter information, with the following breakdown:

- a) Spaniards resident in the municipality.
- b) Spaniards resident abroad, registered for voting purposes in the municipality.
- c) Nationals from other States resident in the municipality, with the right to vote in the municipal elections or the elections to the European Parliament.

3. The consular offices and consular sections will have information on those Spanish voters resident in their respective consular demarcations.

4. The municipal councils and the Ministry of Foreign Affairs by which the consular offices and consular affairs refer, shall notify the Electoral Census Office of the query process they will established with enough advance notice: electronic query or exposure of voting lists to the public. Once the option is chosen, it shall be maintained for future elections, unless express intention otherwise is shown.

Article 2. *Data available for query*

1. The municipal councils with an electronic query service shall have a file with the following information:

- a) Surnames and given name.
- b) Date of birth: day, month and year.
- c) Sex.
- d) Number of the national identity card, or as pertinent, passport or residence permit.
- e) Educational level.
- f) Residence (address).
- g) Place of birth: province and municipality or country.
- h) Voting district, section and polling station.
- i) Electoral premises: name and postal address.
- i) Country of residence, for those Spanish voters resident abroad.
- k) Country of nationality, for those voters who are citizens of other States.

2. The municipal councils that do not establish the electronic query service shall have the voting lists of those voters resident in the municipality, in alphabetical order by surnames and given name for the entirety of those registered therein (or by district), in separate lists for Spaniards and for persons of other nationalities; those Spaniards who reside abroad and are registered in the municipality shall appear in another list, in order by surnames and given name.

The voting lists shall contain the following data:

- a) Voting district, section and polling station.
- b) Order number.
- c) Surnames and given name.
- d) Date of birth: day, month and year.
- e) Sex.
- f) Number of the national identity card, or as pertinent, passport or residence permit.
- g) Educational level, for those voters resident in Spain.
- h) Country of residence, for those Spanish voters resident abroad.
- i) Country of nationality, for those voters who are citizens of other States.

3. The consular office and consular sections that do not establish the electronic query, shall have the voting lists of those voters resident in their demarcation, in alphabetical order by surnames and given name:

The voting lists shall contain the following data:

- a) Surnames and given name.
- b) Date of birth.
- c) Sex.
- d) Number of the national identity card or passport, if the person has one of them.
- e) Place of birth: province and municipality or country.
- f) Postal address: street, number, city, postal code.
- g) Country.
- h) Province and municipality of registration in Spain for electoral purposes.

4. The consular office and consular sections that do not establish the electronic query, shall have the voting lists of those voters resident in their demarcation, in alphabetical order by surnames and given name.

The voting lists shall contain the following data:

- a) Order number.
- b) Surnames and given name.
- c) Date of birth.
- d) Sex
- e) Number of the national identity card or passport, if the person has one of them.
- f) Postal Address: street, number, city, postal code.
- g) Country.
- h) Province and municipality of registration in Spain for electoral purposes.

5. The Electoral Census Office shall make an electronic application for enabling the query of the voting lists available to those municipal councils, consular offices and consular sections that request it.

Article 3. *Voting lists*

1. In the electoral premises, there shall be two lists per polling station, one with the map of the voting section to which it belongs, and the alphabetical range of initials of the first surname of the voters it contains, for public exposure, and the other with the voters from the voting lists, for the use of the polling station.
2. The voters included in the voting list of the polling station shall be in alphabetical order by surnames and given name. In the local elections and the elections to the European Parliament, the lists of Spaniards and nationals of other States resident in the municipality shall be obtained separately.
3. The voting lists of the resident-absent Spaniards living abroad for the count by the competent Electoral Board shall be in alphabetical order by surnames and given name, including all those voters resident abroad and registered in their area with the information from those that have requested the vote during the established term, up until the twenty-fifth day following the announcement and to which the Provincial Delegations of the Electoral Census Office has submitted the documentation for voting up until the third day prior to that of the election. The list from the census of absent voters living abroad shall be made available to the competent Electoral Board prior to constituting it at a polling station in order to perform the count of the votes received.

Article 4. *Data in the voting lists*

1. The lists of the Spaniards resident in the municipality shall include the following personal data for each voter:
 - a) Order number.

- b) Postal vote indicator.
 - c) Surnames and given name.
 - d) Date of birth: day, month and year.
 - e) Educational level.
 - f) Number of the national identity card.
2. The lists of resident-absent Spaniards who live abroad shall include the following data:
- a) Order number.
 - b) Indicator of having applied to vote.
 - c) Surnames and given name.
 - d) Date of birth: day, month and year.
 - e) Country of residence.
3. The lists of voters who are citizens of other States shall include the following data:
- a) Order number.
 - b) Postal vote indicator.
 - c) Surnames and given name.
 - d) Date of birth: day, month and year.
 - e) Country of nationality.
4. The data from the postal vote indicator to which sections 1 and 3 refer may be included in complementary lists.

Article 5. *Copies of the electoral census*

1. The copies of the electoral census provided pursuant to article 41, sections 4 and 5, of Organic Law 5/1985, of 19 June, of the General Electoral System, shall contain the voters in the same order as in the voting lists, with the exclusions corresponding to the application of article 6 of this royal decree.
2. Submissions of the copies of the census of residents in Spain to the representatives of the candidatures shall be carried out between the twenty-eighth and twenty-ninth days following the announcement, and those of the census of resident-absent voters living abroad, between the thirty-fifth and thirty-sixth days following the announcement, with the information from the voting requests available until the thirty-fourth day following the announcement.
3. The data on each voter shall be as follows:

3.1 Voters resident in Spain (Spaniards and citizens of other States with the right to vote in Spain).

- a) Order number.
- b) Surnames and given name..
- c) Province and municipality of residence.
- d) Voting district, section and polling station.
- e) Residence (address).
- f) Date of birth: day, month and year.
- g) Country of nationality, for those voters who are citizens of other States.

3.2 Resident-absent voters who live abroad:

- a) Order number.
- b) Indicator of having applied to vote.
- c) Surnames and given name.
- d) Province and municipality of registration for electoral purposes.
- e) Residence (address).
- f) Country of residence.
- g) Date of birth: day, month and year.

4. The copies for the Area Electoral Boards shall include the personal identification number: National identity card, passport or registration in the Central Register of Foreign Nationals.

Article 6. *Persons excluded from the copies of the electoral census*

1. In accordance with article 41.6 of the Organic Law on the General Electoral System, it shall be possible to exclude those persons that might be the target of threats or coercion endangering their life, physical integrity or freedom from the copies of the electoral census.

2. The exclusion decisions adopted by the competent authority, according to Order INT/646/2003, of 14 March, shall be submitted to the Electoral Census Office as they occur, and shall also be submitted and notified to the applicants of said exclusion.

3. For the purposes of preparing the copies of the electoral census that will be submitted during an electoral process, the Electoral Census Office shall affect them with the exclusion decisions received from the Secretariat of State for Security prior to the sixteenth day following the electoral announcement.

3. Otherwise, the exclusion shall take effect in the next electoral calls.

Single transitory provision. *Availability of lists*

The municipal councils and the consular office and consular sections that, for the first time, opt for the electronic query service of the electoral census may also have the corresponding lists, if they so express.

First final provision. *Development and application powers*

The Ministry of the Economy is empowered to dictate the norms of development necessary for compliance with this royal decree.

The President of the National Statistics Institute is empowered to dictate the precise resolutions for the application of this royal decree, solely in matters under its jurisdiction.

Second final provision. *Entry into force*

The present royal decree shall enter into force on the day following that of its publication in the "Official State Gazette".

Set out in Madrid, 26 December 2003