

Regulations regarding jurisdiction of the Electoral Census Office in electoral processes

Organic Law 5/1985 of 19 June on the General Electoral System and its modifications. Articles 2, 3.2 and 75

Article 2

1. The right to vote corresponds to Spanish people of legal age who are not included in any of the cases set out in the following article.
2. In order to vote, registration in the current electoral census is essential.
3. In the case of municipal elections, including elections to inter-island councils, to the Council of Valle de Arán and to General Councils, it is essential to be recorded in the Electoral Census of Spaniards resident in Spain in order to exercise them.

Article 3.2

Those declared to be incapacitated by a court ruling are not entitled to vote, so long as the ruling expressly states incapacity to exercise entitlement to suffrage.

Article 75

1. In elections for members of Parliament, Senators, members of the Legislative Assemblies of the Communities of Ceuta and Melilla and Members of the European Parliament, when in the latter case the person opts to vote in Spain, Spaniards recorded in the census of absent voters living abroad must submit their application to vote via official form, sent to the corresponding Provincial Delegation of the Electoral Census Office, no later than the twenty fifth day following calling of the election. Said form shall be sent to those Spaniards registered in the aforementioned Census, notwithstanding it shall be available starting the day following the electoral convocation in the consulates, and may be obtained electronically. The application must be accompanied by a photocopy of the passport or National ID card, issued by Spanish authorities or, failing this, certification of nationality or of registration in the Consular Registry, issued by the Spanish Consulate in the country of residence.
2. Once the application is received, the Provincial Delegations of the Electoral Census Office will submit it to the directorate. Of the voter's registration, ballots and the voting envelope(s), two identical certificates of registration in the Census of Absent Residents, as well as an envelope with the address of the corresponding Electoral Board and another with the Address of the Consular Office or Section of the Diplomatic Missions at which they are registered.
3. In those provinces where the declaration of candidates has not been contested, this envelope should be sent by registered post and not later than the thirty fourth day following notification and in the remaining provinces, not later than the forty second day.
4. Voters choosing to exercise their entitlement to vote by post, must enclose in the envelope addressed to the corresponding Electoral Board, together with the voting envelope(s) and the census registration certificate, a photocopy of the passport or National ID card issued by the Spanish authorities or, failing that, certification of nationality or of registration in the Consular Registry, issued by the Spanish Consulate in the country of residence and send everything together in the envelope addressed to the Consular Office or Section of the Diplomatic Mission to which the voter is attached, by registered post no later than the fifth day prior to the election.

5. Those voters choosing to deposit their vote at the polling station, shall do so between the fourth and second day, inclusively, before the election day, handing in the envelopes in person at the Consular Offices or Sections at which they are registered or at places prepared for this purpose. To this end, the consular offices provided shall have a polling station or polling stations supervised by a consular civil servant.

6. The voter must prove her or his identity to the consular civil servant with a passport, National ID card or certification of nationality or of registration in the Consular Registry, issued by the Spanish Consulate in the country of residence and, having shown and submitted one of the certificates of registration in the Absent Resident that they have previously received, shall deposit the envelope addressed to the Electoral Board for counting, once the consular civil servant has placed the stamp of the Consular Office on said envelope, including the date of its deposit.

7. During the days indicated for the deposit of the vote at the polling station, those responsible persons in the consulate must establish measures to enable the exercise of the vote by the voters, as well as those that they consider necessary for the correct safeguarding and supervision of the polling stations, which shall include the sealing thereof at the end of the day.. The representatives of the candidatures participating in the elections may be present in the consular offices provided during the days of the deposit of the vote in the polling stations.

8. Once the deposit of the vote in the polling stations has ended, the consular civil servant shall issue a report containing the number of census certifications received, and as necessary, the incidences that may have occurred, as well as the number of envelopes received by post up until the end of the deposit of the vote in the polling stations. The following day, the envelopes deposited by the voters and those received by post, together with the report issued by the consular civil servant, shall be mailed, by electoral mailing, to the Office that is constituted for these purposes in the Ministry of Foreign Affairs, which in turn, shall proceed to the urgent posting of said envelopes to the corresponding Electoral Boards.

9. In all of the cases regulated in this article, it will be a requirement, for the validity of these votes, that a stamp or other official register from a State Post Office in question appears or, where appropriate, of the corresponding Consular Office or Section of the Diplomatic Mission, certifying without room for doubt, fulfilment of the time requirement established in each case.

10. The day of the general count, and before beginning, the responsible Electoral board shall constitute a Polling Station, at 8 a.m., with the scrutinisers designated to this effect by the representatives of the candidatures participating in the elections.

11. Next, the Chairperson shall proceed to introduce in the polling station or stations those voting envelopes for the vote of those absent residents received up until that day, and the Secretary shall write down the names of the voters in the corresponding list. Next, the Board shall count all those votes and include the results in the general count.

The Government, with the report of the Central Electoral Board, may regulate the criteria and limit the cases for application of this article, as well as establish other procedures for the vote of those absent residents who live in foreign States where the procedure presented in this article is not viable.