

Regulations regarding the areas of jurisdiction of the Electoral Census Office in electoral processes

Organic Law on the General Electoral System (LOREG).

Article 75. Exercise of the right to vote by persons living abroad.

1. In elections for members of Parliament, Senators, members of the Legislative Assemblies of the Autonomous Communities, members of the Assemblies of the autonomous cities of Ceuta and Melilla and members of the European Parliament, when in the latter case, the person opts to vote in Spain, those Spaniards registered in the resident/absent voter census living abroad, must submit their request to vote via official form, sent to the corresponding Provincial Delegation of the Electoral Census Office, no later than the 25th day after convocation.

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 consular offices, 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 Register, issued by the Spanish Consulate in the country of residence.

2. Once the request is received, the Provincial Delegations of the Electoral Census Office shall send by post, to the registration address of the voter, the voting ballots and envelope or envelopes, two identical certificates of being registered in the Absent Resident Census, as well as an envelope including the address of the corresponding Electoral Board, and another with the address of the Consular Office or Section of the Diplomatic Missions in which s/he is registered.

3. Said documentation must be sent by registered post, no later than the 34th day after the convocation, in those provinces where the declaration of candidates has not been contested, and in the remaining provinces, no later than the 42nd day after the convocation.

4. Those voters who opt to exercise their right to vote by post, must include, in the envelope addressed to the corresponding Electoral Board, together with the voting envelope or envelopes, and the certificate of being registered in the census, a photocopy of the passport or National ID card issued by Spanish authorities or, failing this, certification of nationality or certification of registration in the Consular Register issued by the Spanish Consulate in the country of residence, and mail it all in the envelope addressed to the Consular Office or Section of the Diplomatic Missions to which the voter is attached, by registered post, no later than the fifth day prior to the date of the election.

5. Those voters who opt to deposit their vote at the polling station, shall do so between the fourth and the second day, both inclusive, prior to the date of the election, handing in the envelopes, in person, in those Consular Offices or Sections in which they are registered, or in those places which have been 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, a national ID card or a certification of nationality or registration in the Consular Register 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 Census that s/has has previously received, shall deposit the envelope addressed to the responsible 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 measures 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 sent, 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 clearly on the aforementioned envelope, or as may be the case, a stamp or register from the corresponding Consular Office or Section of the Diplomatic Missions, 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 scrutineers designated by the applicant candidatures for said purpose.

11. Next, the Chairperson shall proceed to introduce in the polling station or stations those voting envelopes of 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.

12. 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.

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