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The Organic Law of General Electoral Regime (1985, amended 2016) (in English) (excerpts)

The Organic Law of General Electoral Regime

Ley Orgánica del Régimen Electoral General

(excerpts)

PRELIMINARY TITLE

Article 1
1. This Organic Law shall be applied to:

a) Elections of Members of the Congress of Deputies and Senators to the Spanish Parliament without prejudice to the provisions in the Statutes of Autonomy for the designation of the Senators stipulated in Article 69.5 of the Constitution.

b) Elections of the members of the Municipal Councils.

c) Elections of the Members of the European Parliament.

2. Likewise, within the terms of the First Additional Provision of this Law, it shall apply to the elections to the Assemblies of the Autonomous Communities, and shall be supplementary to the legislation of the Autonomous Communities in this matter.

TITLE I

Common Provisions for the Elections by Universal Direct Suffrage

CHAPTER I

The right to vote

Article 2

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1. The right to vote belongs to Spanish people of legal age who are not included in any of the cases provided 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 the elections to Cabildos, to Insular Councils, to the General Council of the Valle de Arán and to the General Commissions it is essential to appear in the Census of Spanish resident in Spain.

Added by Article 1 of OL 2/2011 of 28 Jan 2011

Article 3

1. The following have no right to vote:

a) Those condemned by a final court decision to forfeiture of the right to vote as the main or accessory penalty until their sentence is completed.

b) Those declared incapable by a final court decision, provided said decision expressly declares the inability to exercise the right to vote.
c) Those committed to a psychiatric hospital with judicial authorisation, during the period of their stay in said hospital, provided the Judge expressly declares the incapacity for the exercise of the right to vote in the authorisation.

2. For the purposes provided for by this Article, the Judges or Courts dealing with the procedures of incapacitation or commitment to hospital shall pronounce themselves expressly on the incapacity for the exercise of the right to vote. In the case that incapacity is determined they shall communicate this fact to the Civil Registry so that a corresponding entry may be made.

Article 4
1. The right to vote is exercised personally in the Section in which the elector is enlisted according to the Census and in the corresponding polling station, without prejudice to provisions on the postal voting and the vote of the political party polling controllers.

2. Nobody can vote more than once in the same election.

Article 5

Nobody can be forced or compelled in the exercise of his right to vote, nor to reveal his vote, under any pretext.

CHAPTER II

The right to be elected
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Article 6

1. All Spanish people of legal age who are legally electors are eligible, provided that they and are not covered by any of the following causes of ineligibility:

a) Members of the Spanish Royal Family included in the Civil Registry, regulated by Royal Decree
2917/1981, of November 27, as well as their spouses.

b) Presidents of the Constitutional Court, of the Supreme Court, of the Council of State, of the
National Audit Court and of the Council referred to in Article 131.2 of the Constitution.

c) Magistrates of the Constitutional Court, Members of the General Council of the Judicial Power, the Permanent Counsellors of the Council of State and the Counsellors of the National Audit Court

d) Ombudsman and his Associates.

e) The State's Public Prosecutor.
f) Undersecretaries, General Secretaries, General Directors of Ministerial Departments and those
comparable; particularly, the Directors of the Departments of the Cabinet of the Presidency of the
Government and the Directors of the Cabinets of the Ministers and the Secretaries of State.

g) Accredited Heads of Mission, having the character of residents, in foreign States or international organisations.

h) Magistrates, Judges and Public Prosecutors whilst actively in office.

i) Professional soldiers and individuals in status of reserve, and the members of the Forces and
Bodies of Security and Police, in active service.

j) Presidents, Members and Secretaries of the Election Commissions

k) Delegates of the Government in the Autonomous Communities, Sub-delegates of the Government and similar authorities with distinct territorial competence.

l) President of the Radio Televisión Española (RTVE) corporation and the societies that integrate it. m) Presidents, Directors and similar positions in independent state organisations with competence
in all of the national territory, as well as the Delegates of the Government thereof.

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n) Presidents and General Directors of the Managing Entities of the Social Security with competence in all of the national territory.

ñ) The Director of the Electoral Census Office.

o) The Governor and the Deputy Governor of the Bank of Spain and the Presidents and Directors of the Official Credit Institute and the other official credit organisations.

p) The President, the Councillors and the General Secretary of the Nuclear Safety General Council.

2. The following are ineligible:
a) Those sentenced to imprisonment by a final court decision, during the term of their conviction. b) Those condemned by a court decision, even if not final, for crimes of rebellion, crimes of
terrorism, crimes against the Public Administration or crimes against the Institutions of the State, when the court decision establishes the penalty of disqualification for the exercise of the right to be elected, or the penalty of absolute or special disqualification or suspension of public employment or office, under the terms provided by the criminal legislation.
3. During their mandate, the following individuals shall not be eligible to be elected to the electoral constituencies situated in the whole or part of the territorial scope of their jurisdiction:
a) Those exercising the highest function in each Ministry in the respective territorial districts having a scope lesser than the state-wide one.

b) Presidents, Directors and similar positions of autonomous organizations with limited territorial jurisdiction, as well as the Delegates of the Government in those organizations.

c) Territorial Delegates of the RTVE and the Directors of broadcasting organisations dependent on the Autonomous Communities.

d) Presidents and Directors of the peripheral bodies of the Managing Entities of the Social Security e) General Secretaries of the Delegations and Sub-delegations of the Government.
f) Provincial Delegates of the Electoral Census Office.
4. The causes of ineligibility are also causes of incompatibility. The causes of incompatibility shall be regulated by the provisions established for each particular type of electoral process.

In all cases, it shall be deemed incompatible those persons elected in candidatures presented by parties, federations or coalitions of parties, subsequently declared illegal by a final court decision, as well as those elected in candidatures presented by groups of electors declared linked to an illegalized party by a final court decision. The incompatibility shall take effect fifteen natural days after the permanent Electoral Administration communicates the cause of incompatibility to the person concerned, unless he voluntarily

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submits to the Administration an explicit and unambiguous declaration of separation and rejection of the causes that determined the banning of the political party or of the party member of the federation or coalition whose candidature resulted in his election; or, where appropriate, of the party,
to which the group of electors declares itself linked, whose candidature resulted in his election.

If during the exercise of the mandate, assumed after stating such declaration, the elected person retracts it by any means, or shows contradiction through facts, omissions or statements in respect of its content, shall definitely be subject to the cause of incompatibility provided for in this section. The incompatibility shall take effect from the notification undertaken by the permanent Electoral Administration by itself or at the request of the Government through the State Attorney or the Public Prosecutor's Office.

In the cases contemplated in the two previous paragraphs, the person affected and, where appropriate,
the Government through the State Attorney or the Public Prosecutor's Office may submit an appeal to
the Special Chamber of the Supreme Court provided in Article 61 of the Organic Act of the Judicial
Power, within the terms provided in Article 49 of this Law.

These same provisions for incompatibility shall apply to the members of the candidature of the political group who are called to fill the vacant seat, including the substitutes.

Art 1.k and 1.l modified by art 2 of OL 2/2011 of 28 Jan 2011

Art 2.b modified by Art 1 of OL 3/2011 of 28 Jan 2011

Art 3.e modified by Art 3 of OL 2/2011 of 28 Jan 2011

Art 4 added by Art 2 of OL 3/2011 of 28 Jan 2011

Article 7

1. Those falling within any of the causes established in the previous Article, shall be declared ineligible on the very date in which their candidature is presented, or at any later time before the holding of the election.

2. Notwithstanding the provisions of the first paragraph in the previous Article, persons wishing to be proclaimed candidates but not included in the electoral register lists may be proclaimed provided they produce with their application sufficient proof that they meet all

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the necessary conditions to be proclaimed candidates.

3. Magistrates, Judges and Public Prosecutors, as well as the professional soldiers and individuals in status of reserve, and the members of the Forces and Bodies of Security and Police, in active service, who wish to stand as candidates, must request to be transferred to the corresponding administrative position.

4. Magistrates, Judges, Public Prosecutors, members of the Forces and Bodies of Security and
Police in active service shall be entitled, in all cases, to keep their position or rank and assignment, in the conditions provided by the relevant regulations. In the case of being elected, if so they wish they may keep their relevant administrative position, once their mandate has expired, until the constitution of the new parliamentary assembly or the Municipal Council.

CHAPTER III

Electoral Administration

SECTION I

Election Commissions

Article 8

1. The Election Administration shall guarantee the transparency and objectivity of the electoral process and the principle of equality, as provided for this Law.

2. The Electoral Administration consists of Election Commissions: Central Commission, Provincial Commissions, Zone Commissions and, where appropriate, the Autonomous Community, as well as the Electoral Boards.

3. The Central Election Commission has its seat in Madrid, the Provincial Commissions in the province capitals cities, and the Zone Commissions in the main localities of the Zones referred to in section six.

4. The Zone Commissions of the cities Ceuta and Melilla, within their respective districts, shall also have the functions relevant to the Provincial Election Commissions.

5. The Commissions hold their sessions in their respective premises and, failing this, at the place where the relevant Secretaries discharge their functions.

6. For the purpose of this Law, the Zones are those of the Local Elections of 1979.

Article 9

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1. The Central Election Commission is a permanent body and consist of:

a) Eight Members that shall be Magistrates of the Supreme Court, designated by lot by the General
Council of the Judicial Power

b) Five Members that shall be University Professors of Law or Political Sciences and Sociology, in active service, appointed on a joint proposal of the parties, federations, coalitions or groups of electors represented in the Congress of the Deputies.

2. The appointment referred to in the previous section shall take place within ninety days following the constitutive sitting of the Congress of the Deputies. When the proposal for the persons referred to in section 1.b) has not taken place in said term, the Board of the Congress of Deputies, after consulting the political groups present at the House, shall proceed to the relevant appointment, taking into consideration the existing representation of the groups in the House.

3. The designated Members shall be nominated by Royal Decree and shall continue their mandate until the new Central Election Commission takes office at the beginning of the next Parliament.

4. Members shall choose the President and Vice-president of the Commission from those belonging to the judicial sector, at the constitutive sitting called by the Secretary.

5. The President of the Central Election Commission shall exclusively perform the functions of the Election Commission from the call of an electoral process until the announcement of the elected candidates and, where appropriate, until the execution of the court decisions resulting from the judicial proceedings, including the application for amparo provided in Article 114.2 of this Law, in connection with the electoral process. To this end, the General Council of the Judicial Power shall take the necessary measures.

6. The Secretary of the Central Election Commission shall be the General Secretary of the Congress of the Deputies.

Article 10

1. The Provincial Election Commission shall consist of:

a) Three Members that shall be Magistrates of the relevant High Provincial Court appointed by lot by the General Council of Judicial Power. When the relevant High Provincial Court does not have the sufficient number of Magistrates judges of one-person tribunals of the capital city in the Province shall be appointed.

b) Two Members that shall be appointed by the Central Election Commission among Senior University Professors and Professors of Law, Political Sciences or Sociology, or jurists of

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acknowledged prestige residing in the province. Their appointment shall take place once the candidatures have been announced. To this end the representatives of the candidatures standing for the district shall jointly made a proposal of the persons who are to discharge these functions. If this proposal has not been put forward before the beginning of the electoral campaign, the Central Election Commission shall proceed to the appointments.

2. The Members mentioned in the section 1.a) of this Article shall choose one of them as President of the Commission.

3. The Presidents of the Provincial Election Commissions shall exclusively perform the functions of the Election Commission from the call of an electoral process until the announcement of the elected candidates and, where appropriate, until the execution of the court decisions resulting from the judicial proceedings, including the application for amparo provided in Article 114.2 of this Law, in connection with the electoral process in their constituency. In such case, the term provided Article the 15.2 of this Law shall be extended if necessary. To this end, the General Council of the Judicial Power will provide the adequate measures.

4. The Secretary of the Provincial Commission shall be the Secretary of the respective Provincial
High Court and if they were more than one, the fist by order of seniority.

Article 11

1. The Zone Election Commission consist of:

a) Three Members that shall be Judges of First Instance appointed by lot by the Governance Chamber of the relevant High Court of Justice. When the relevant judicial district does not have the sufficient number of judges, Judges of Peace of such district shall be appointed by law.

b) Two Members that shall be appointed by the Provincial Election Commission among of Law, Political Sciences or Sociology graduates residing in the judicial district. Their appointment shall take place once the candidatures have been announced. To this end the representatives of the candidatures standing for the relevant electoral district shall jointly propose the persons who are to discharge these functions. If this proposal has not been put forward before the beginning of the electoral campaign, the Provincial Election Commission shall proceed to the appointments.

2. The Members mentioned in the section 1.a) of the present Article shall choose one of them as
President of the Zone Election Commission.

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3. The Secretary of the Zone Election Commission shall be the Secretary of the relevant First Instance Court, and if they were more than one, the Secretary of the Dean Court.

4. The Secretaries of the Municipal Councils shall be the Delegates of the Zone Election Commissions and act under direct subordination to them. Article 12

1. The Director of the Electoral Census Office and Provincial Delegates participate without voting rights, in the Central Commission and the Provincial Commissions, respectively.

2. The Secretaries of the Election Commissions participate without voting rights in the deliberations. They are responsible for the safe-keeping in the offices where they carry out their duties of all sort of documents belonging to the Commissions.

Article 13

1. The Parliament shall make available to the Central Election Commission the human and materials resources necessary for the discharge of its duties.

2. The same obligation extends to the Government and Municipal Councils in relation with the Provincial and Zone Election Commissions and, alternatively, to Provincial Courts and the judicial bodies with smaller area of jurisdiction. For the elections to Legislative Assemblies of Autonomous Communities, these obligations shall also be competence of the Council of Government of the Autonomous Community.

Article 14

1. Provincial Election Commissions and Zone Election Commissions shall be initially by their member judges on the third day following the calling of elections.

2. If a person appointed to be member of these Commissions intends to stand as candidate he
shall communicate it to the relevant Secretary at the initial sitting thereof, so he may be replaced within the term of four days at most.

3. The election of the President shall proceed after the replacements, if any, referred to in the previous number. The following day the Presidents of the Provincial and Zone Commissions shall insert the full list of their members in the relevant Provincial Gazette.

4. The Secretaries shall call the constitutive sitting of these Commissions. To this end, the General Council of the Judicial Power and, where appropriate, the President of the High Court, shall notify to each them the full list of members of the respective Commissions.

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Article 15

1. In the event that several elections are called simultaneously, the Provincial and Zone Commissions to be constituted shall have competence for all those elections.

2. The mandate of the Provincial Commissions and Zone Commissions shall expire one hundred days after the election.

3. If during their mandate another election is called, the competence of the Commissions shall be extended until one hundred days after the holding of said election.

Article 16

1. Members of the Election Commissions are irremovable.

2. They may be suspended for criminal offences or electoral infringements after a file initiated by the higher Commission, by decision adopted with the absolute majority of their members, without affecting the judicial procedure that might correspond.

3. Under the same circumstances, the Central Commission shall be competent to decide the suspension of its own members.

Article 17

In the cases contemplated in Articles 14 and 16, as well as in the event of duly justified resignation accepted by the relevant President, members shall be substitute according to the following rules:

a) Members and the Presidents shall be substitute by the same procedures established for their appointment.

b) The Secretary-General of the Congress of the Deputies shall be substitute by the Major Lawyer of the Senate, or where appropriate, by the Major Lawyer of General Cortes.

c) The Secretaries of the Provincial and Zone Commissions shall be substitute according to the seniority principle.

Article 18

1. Meetings of Election Commissions shall be called either ex officio by the respective President or at the request of two members. The Secretary shall substitute the President in the discharge of this function where the President is unable to act for a justified reason.

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2. For a meeting to be considered valid, it is condition sine qua non that at least three of the Provincial or District Election Commission's members are present. For a Central Election Commission's meeting the presence of at least seven of its members is required.

3. Official summons for the meeting shall be issued by whatever means that ensure reception by the members, date of the meeting, agenda and other particulars of the proposed meeting.. Members of the Commission who have been duly summoned must attend and are liable to prosecution for non- attendance without having given a justifiable reason in time.

4. Notwithstanding the previous subsections a Commission shall be deemed to be duly convened and validly constituted to deal with any matter if all members are present and unanimously agree to hold the meeting.

5. Decisions shall be taken by the majority of the votes of present members. The President shall have a casting vote in the event of a tie.

6. Electoral Commissions, under instructions from their Presidents, shall proceed with the publication of their resolutions or the content of their discussions when their general nature makes it advisable.. Publication shall take place in the State's Official Gazette in the case of the Central Election Commission, and in the respective Provincial Gazette in all other cases.

Article 19

1. In addition to the functions expressly established in this Law, the Central Election Commission shall have the following responsibilities:

a) To conduct and supervise the activity of the Electoral Census Office.

b) To make a report on all draft provisions to be issued in relation to the electoral register for the implementation and the application of this Law.

c) To give binding instructions to Provincial Election Commissions and, where appropriate, to
Autonomous Communities on any matter relating to elections.

d) To decide with a binding effect all consultations submitted to it by Provincial Election Commissions and, where appropriate, by Autonomous Communities.

e) To revoke ex officio at any time or at a party's request, within the time limits provided in Article
21 of this Act, any decisions of Provincial Election Commissions or, where appropriate, of the respective Autonomous Community, where such decisions contravene the interpretation of the electoral rules by the Central Election Commission.

f) Unify interpretation criteria of Provincial Election Commissions or, where appropriate, of Autonomous Communities in the application of election rules.

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g) To approve, on the basis of a proposal by the State Administration or by the Administration of Autonomous Communities, the model of minutes for the constitution of Polling Stations, of counting

operations, of sittings, of general count and of proclamation of elected candidates. Said models must allow instant issue of copies of the minutes through self-copying documents and by similar procedures.

h) To decide all claims, complaints and petitions submitted to it under this Law or under any other provision enabling it to such competence.

i) To ensure compliance with provisions relating to accounts and to election expenses in the period between call of the election and the hundredth day after the election take place.

j) To exert disciplinary authority on any persons officially taking part in election proceedings.
k) To punish all violations committed during the election process provided they don't constitute a
criminal offence and to impose fines up to the maximum amount established in this Law.

l) To issue their credentials to members of Congress of Deputies, Senators, Municipal Councillors, Provincial Councillors and Insular Councillors in case of vacancy for death, incapacity or resignation, after expiry of the mandate of Provincial and Zone Election Commissions.

2. In addition to the competences specifically mentioned in this Law, there shall be attributed to the Provincial Commissions and Zone Commissions, within their territorial scope, the competences corresponding to the Central Election Commission by virtue of paragraphs h), j) and k) of the previous section. The competence in the matter of imposition of fines shall be limited to a maximum amount of
1,200 Euros for the Provincial Commissions and of 600 Euros for the Zone Commissions.

3. Provincial Election Commissions, within the higher criteria of the Central Election Commission, may also:

a. Issue binding instructions to Zone Election Commissions on any electoral matter.
b. Decide with a binding effect consultations submitted to it by Zone Election Commissions. c. To annul ex officio at any time or at an interested party's request within the time limits

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established in Article 21 of this Law, any decisions Zone Election Commissions that are contravene the interpretation established by the corresponding Provincial Election Commission;

d. Unify Zone Election Commissions' interpretation criteria on any electoral issue.

4. Zone Election Commissions shall ensure the existence in every polling Station of the election equipment referred to in Article 81 of this Law.

5. In the event of non-payment of the fines contemplated in this Article the relevant Election Commission shall forward to the appropriate division of the Ministry of Economy and Finance a certificate of said non-payment for coercive recovery of the fine.
Art 2 modified by Art 5 of OL 2/2011 of 28 Jan 2011

Article 20
Electors must submit their queries to the District Election Commission corresponding to their place of residence.

Political parties, coalitions or federations and groups of elector may submit consultations to the Central Election Commission when they are about general questions that may concern more than one Provincial Election Commission. In all other cases consultations are to be submitted to the corresponding
Provincial or Zone Election Commission, provided its area of jurisdiction includes the operation territory of the organization submitting the consultation.
Public Authorities and Public Corporations may directly consult the Commission whose area of jurisdiction includes the territory of said authorities or corporations.

Consultations shall be submitted in writing and decided by the relevant Commission, unless the Commission, in view of their significance or because in its consideration they should be determined with a comprehensive criterion, decides to forward them to a higher Commission.
Where the urgent nature of a consultation makes it impossible to convene the Commission and whenever there are former and concurring decisions of the Commission itself or of a higher

Commission, the President may issue under his own responsibility a provisional reply, without prejudice of the ulterior ratification or alteration thereof at the next meeting of the Commission.

Article 21

(https://www.legislationline.org/)

1. Apart from the cases where the present Law stipulates a specific procedure of judicial revision, the decisions of the Provincial Commissions, Zone Commissions and, where appropriate, of the Autonomous Communities, may be appealed before the higher Commission, which shall decide on these matters within the period of five days during electoral periods, and within 10 days outside of electoral periods; in both cases starting from the submission of the appeal.

2. Said submission of the appeals shall take place within the twenty-four hours following the notification of the decision, and before the Commission responsible for said decision which shall within forty-eight hours forward its report to the Commission that is competent for the decision. There shall be no administrative or judicial appeal against the latter Commission's decision.

Art 21.1 modified by Art 6 of OL 2/2011 of 28 Jan 2011

Article 22

1. Parliament shall determine per diems and bonuses payable to members of the Central Election
Commission and to the staff attached to it.

2. Per diems and bonuses to members of all other Election Commissions and their staff shall be fixed by the Government. However, in the event of elections to Legislative Assemblies of Autonomous Communities said compensations shall be determined by the respective regional Government, both for the Community's Election Commission as well as for lower-ranking Commissions.

3. Receipt of said per diems and bonuses shall be compatible with their respective salary.

4. Financial control of per diems and bonuses shall be undertaken in accord with current legislation.

SECTION II

Electoral Boards /Polling Stations and Electoral Sections
Article 23

1. Every constituency shall be divided into Electoral Sections.

2. Each Section shall include a maximum of two thousand electors and a minimum of five hundred electors. Each municipal community shall have at least one Electoral Section.

3. No Section may include areas belonging to different municipalities.

4. Electors of each Electoral Section shall be registered in the election lists by alphabetical order.

5. There shall be at least one Polling Station in every Electoral Section.

6. Notwithstanding the previous provisions, the Provincial Delegation of the Electoral Census Office may, on a proposal by the relevant Municipal Council, decide the creation of other Polling Stations and distribute among them the electorate of the Section, when either number of electors in a Section either the territorial distribution or local population makes it advisable. In the first case the Section electorate shall be allotted by alphabetical order to the different Polling Stations, which shall be preferably located in separate halls in the same building. In the case of spread population said
distribution shall be made on the basis of the shortest distance between the elector's place of residence and the corresponding Polling Station. Under no case the number of electors allotted to each Polling Stations shall be less than two hundred

Article 24

1. The Provincial Delegations of the Office of the Electoral Census Office determine the number, the limits of the Electoral Sections, their premises and the corresponding Polling Stations after consulting the Municipal Councils.

2. The previous list shall be published in the province's "Official Gazette" on the sixth day following the calling for elections and shall be displayed to the public in the respective Municipal Councils

3. In the following six days the electors may submit complaints against the decisions taken, before the Provincial Election Commission that shall take a final decision within a period of five days.

4. Within the ten days prior to voting, the definitive list of sections, Polling Stations and electoral premises shall be published on the Internet by the Electoral Census Office and shall be displayed to the public in the respective Municipal Councils.

5. Municipal Councils shall properly indicate the premises corresponding to each section and polling station.

Article 25

1. The Electoral Board is composed by a President and two Members.

2. In the case of concurrence of elections, the Polling Station shall be the same for all of them.

Article 26

(https://www.legislationline.org/)

1. The Municipal Councils are responsible for the formation of the Electoral Boards, under the supervision of the Zone Election Commissions.

2. The President and the Members of each Electoral Board are designated by a public draw among all persons registered in the corresponding Section, who can read and write and whose age is less than seventy years of age, although those older than sixty-five years of age may express their rejection in the term of seven days. The President must have a Bachelors degree or a Vocational Training of second degree, or alternatively the School Graduate or equivalent title.

3. The appointment of the two substitutes for each one of the members of the Polling Station shall be done by the same procedure.

4. The aforementioned draws shall be performed between the twenty-fifth and twenty-ninth day following the calling of elections.

Art 26.2 modified by Art 7 of OL 2/2011 of 28 Jan 2011

Article 27

1. The positions of President and Member of Electoral Boards are obligatory. These positions may not be discharged by those who stand as candidates.

2. The appointment for the positions of President and Member of the Electoral Boards shall be notified to the interested parties in the term of three days.

On reception of said notification the members of the Polling Station shall also receive a handbook of instructions on their functions, supervised by the Central Election Commission and approved by Decision of the Council of Ministers or of the Executive Councils of the Autonomous Communities.

3. The appointed President and Members of the Electoral Boards have a term of seven days to present to the Zone Election Commission the justified and documented causes that prevent their acceptance of the position. The Commission shall resolve the matter without further appeal within the period of five days and shall communicate, where appropriate, the subsequent replacement to the first substitute. The Commission shall briefly state the reasons for its rejection of the causes declared by the electors for not being part of the Electoral Board. In all cases, the conditions of ineligibility according to the provisions of the present Law shall be considered as a justified cause. The competences of the Zone Election Commission shall be without affecting the authority of the Central Election Commission to provide standard criteria.

4. If subsequently of the appointed persons is unable to discharge the duties of the position, he must so notify the Zone Election Commission, as well as provide the relevant

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justification, at least within seventy-two hours before the beginning of the event he was to attend. If such hindrance arises after said term has expired, the Commission must be immediately notified and in all cases before the time at which the Board is to be constituted. In such cases the Commission shall communicate the replacement to the relevant substitute member if there is enough time to do so and shall, if necessary, appoint another person.

5. For the purposes of Article 101 of this Law, Zone Election Commissions shall communicate to the relevant judges before the day of the voting the identification data of the persons composing the Boards both full members and substitutes.

Art 3 modified by Art 8 of OL 2/2011 of 28 Jan 2011

Article 28

1. Employed workers and civil servants appointed as Presidents or Members of Electoral Boards shall be entitled to a one-day paid leave of absence for the full day during the Voting day, if such is a working day. In all cases, they shall be entitled to a five-hour reduction of their working time on the day following the election.

2. A Ministerial Order shall establish the per diems that, where appropriate, correspond to Presidents and Members of the Electoral Boards.

SECTION III

Electoral Census Office

Article 29

1. The Electoral Census Office under the National Statistics Institute is the body responsible for compiling the Electoral Register and it shall discharge its functions under the direction and the supervision of the Central Election Commission.

2. The Electoral Census Office shall have Provincial Delegations.

3. Municipal Councils and Consulates shall cooperate with the Electoral Census Office in the electoral duties.

Article 30

1. - The Electoral Census Office shall be responsible for the following competences:

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a) It coordinates the process of compilation of the electoral register and to this end may submit instructions to Municipal Councils and Consulates, as well as to those in charge of the Civil Register and of the Register of Convicts and Rebels.

b) It supervises the process of compilation of the electoral register and to this end may inspect
Municipal Councils and Consulates.

c) It controls and reviews ex officio the registrations and deletions processed by the competent bodies, compiles a national file of electors, and communicates to the Central Election Commission the results of the reports, inspections and, where appropriate, files that could have been issued in relation to changes in the population census of the constituencies, when it reflects a significant and unjustified alteration in the number of residents.

d) It Deletes multiple registrations of one elector that have not been detected by Municipal Councils or Consulates, in the conditions provided in Article 33;

e) It provides provisional and final election lists;

f) It decides on the complaints against acts of the authorities that participate in electoral operations and, particularly, those rose in relation to the undue exclusion or inclusion of a person in the election lists. Its decisions exhaust administrative routes.

Art 30.c modified by Art 9 of OL 2/2011 of 28 Jan 2011

CHAPTER IV

The Electoral Register

SECTION I

Conditions and manner of registration

Article 31

1. The Electoral Register contains the registration of those who meet the conditions for being an elector and are not deprived, either temporarily or permanently, of their right to vote.

2. The Electoral Register is composed of the Census of Resident Voters is Spain and of the Census of Absent-Resident Voters who reside abroad. No elector may be registered simultaneously in both censuses.

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3. There shall only one Electoral Register for all kinds of elections, without prejudice to extension thereof for local government and European Parliament elections, in accordance with the provisions of Articles 176 and 210 of this Organic Law.

Art 31.2 modified by Art 10 of OL 2/2011 of 28 Jan 2011

Article 32

1. Registration in the Electoral Register is compulsory. In addition to name and surnames, which are the only necessary data for identification of electors in the polling centre, without prejudice to Article 85, the number of the National Identity Card shall also be included together with the other data..

2. Municipal Councils shall register ex officio those persons residing within their municipality.

3. Consulates and Consular Sections of the divisions of Diplomatic Missions shall register ex officio those Spanish nationals residing in their respective catchment area in the manner provided for by the administrative laws.

Article 33

1. The Electoral Register shall be arranged in territorial Sections.

2. Each elector is registered in one Section. No one may be registered in more than one Section or more than once in the same Section.

3. If an elector is registered more than once, the last entry shall prevail and the other ones shall be cancelled. If the entries have the same date, such circumstance shall be notified to the person
concerned so that he may choose one of them within the following ten days. Failing this, the relevant
authority shall decide ex officio which entry shall prevail.

4. Except as provided in the previous section, entries shall be kept unaltered unless personal data or particulars of the elector concerned have demonstrably changed.

5. Alterations made according to the previous section shall be immediately notified to the elector concerned.

SECTION II

Article 34

Nature and validity of the Electoral Census

1. The Electoral Census is permanent and it is updated monthly, with reference to the first day of each month.

Art 34 modified by Art 11 of OL 2/2011 of 28 Jan 2011

Article 35

Updating of the Electoral Census

1. For the monthly updating of the Census, Municipal Councils shall submit to the Provincial Delegations of the Electoral Census Office, by the penultimate working day of each month, and in the manner established by the instructions of this body, all the changes in the Register produced in that month.

2. If a Municipal Council does not fulfil its obligation under the previous paragraph, the Director of the Census Office shall report this to the Central Election Commission so that they can take the necessary measures.

3. The update corresponding to the first month of the year shall also include the registrations, with the classification of minor, of residents who are to turn 18 years old between the 1 January and the 31
December of the following year.

Art 35 modified by Art 12 of OL 2/2011 of 28 Jan 2011

Article 36

Updating of the Census of Residents Abroad

(https://www.legislationline.org/)

1. For the update of the Census of Absent-Resident Voters who reside abroad, the Consulates shall proceed according to the same procedure as the Municipal Councils, in the manner established by the instructions of the Electoral Census Office, the registrations and deletions of the Spanish people living in their catchment area, as well as the changes of address within the same area or the applications to change registration to a new area.

2. When the electoral census (voter's list) is closed for an election, changes of constituency made during the year preceding the call for elections will not be taken into consideration.

Art 36 modified by Art 13 of OL 2/2011 of 28 Jan 2011

Article 37

Updating the Census responsible of the Civil Register and the Register of Convicts and Rebels

Those responsible of the Civil Register shall communicate, monthly, to the Provincial Delegations of the
Electoral Census Office any circumstances that may affect the registrations in the Electoral Census.

Art 37 modified by Art 14 of OL 2/2011 of 28 Jan 2011

Article 38

1. With the data referred to in the previous Articles Provincial Delegations of the Electoral Census Office shall keep the updated Electoral Register freely accessible at any time to interested parties for its permanent consultation that shall be gained through Municipal Councils, Consulates or at Provincial Delegation premises.

2. The representatives of the candidatures or representatives of the parties, federations and coalitions may challenge the voter lists of the constituencies which registered significant and unjustified changes to the number of residents, which resulted in a communication provided by Article 30.c), within five days from the moment in which they had notice of such a communication.

(https://www.legislationline.org/)

Complaints regarding registration data must be addressed to the corresponding Provincial Delegation of the Electoral Census Office., which shall decide within five days from the reception.

Municipal Councils and Consulates shall immediately forward the submitted complaints to the relevant
Provincial Delegation of the Electoral Census Office.

3. The Electoral Census Office shall take the appropriate measures to facilitate the submissions by
Municipal Councils and Consulates of consultations and complaints.

4. Appeals against the decisions of the Provincial Delegations of the Electoral Census Office on these matters shall be processed by the preferential and summary procedure provided for in Section 2 of Article 53 of the Constitution.

Art 38.2 modified by Art 16 of OL 2/2011 of 28 Jan 2011

SECTION III

Corrections in Electoral Register at election time

Article 39

Correction of the Electoral Census in the electoral period

1. For each election the current Electoral Census shall be the one closed on the first day of the second month prior the calling of elections.

2. Municipal Councils and Consulates are obliged to have a voter list’s verification system in place in their respective municipalities or consular demarcations for a period of eight days, starting from the sixth day following the calling of elections.

Inquiries may be made electronically, once the interested person has provided valid identification, or through public exhibition of the voting lists, if said electronic means are not available.

(https://www.legislationline.org/)

3. Within the previous period, any person may make a complaint to the Provincial Delegation of the Electoral Census Office about their census data, although it may only consider those referring to corrections of errors in personal data, changes of address within the same constituency, or the non- inclusion of the claimant in any section of the constituency Census when being entitled. Those concerning a change of residence from one constituency to another, submitted after the closing date of the census for each election, shall not be considered, and he shall exercise the right in the section corresponding to his previous address.

4. Within the same period, the representatives of the candidatures may also challenge the census of the constituencies which have registered significant and unjustified changes in the number of residents which resulted in a communication provided by Article 30.c).

5. Complaints may be submitted directly at the corresponding Provincial Delegations of Electoral Census Office or through Municipal Councils or Consulates, which shall immediately send them to the respective Delegations.

6. Within a period of three days, the Provincial Delegation of the Electoral Census Office shall resolve the complaints submitted and shall order the relevant corrections, which must be displayed to the public on the seventeenth day following the calling of elections. Similarly, the adopted decision shall be communicated to each of the interested parties and to the corresponding Municipal Councils and Consulates.

7. The Electoral Census Office shall issue all /electors with a census card containing the updated details of their registration in the electoral census and the section and polling station corresponding to them for voting and shall also inform those electors affected by changes to the sections, premises and Electoral Boards, as referred to in Article 24 of this Organic Law.

Art 39 modified by Art 17 of OL 2/2011 of 28 Jan 2011

Article 40

1. Appeals can be submitted against the Electoral Census Office's resolutions before the Administrative Judge within a period of five days from notification.

2. The court decision, which shall be decided within a period of five days, shall be transmitted to the interested party, the Municipal Council, the consulate and the Provincial Delegation of the Electoral Census Office. This court decision exhausts legal routes.

(https://www.legislationline.org/)

SECTION IV

Access to Register's data

Article 41

1. A Royal-Decree shall establish the electors' personal data necessary for their registration in the
Electoral Register, a well as those of lists and copies of the Electoral Register.

2. Any disclosure of information contained in the Electoral Register is hereby forbidden, unless such disclosure is requested through a court of law.

3. However, the Electoral Census Office may disclose statistical data that do not reveal personal information about electors.

4. After every calling of elections Autonomous Communities may obtain a copy of the Electoral
Register, on a suitable medium for electronic processing, as well as the corresponding corrections.

5. Within the two days following the announcement of candidatures, the representatives of each candidature may obtain a copy of the census from the corresponding district, organised by Polling Stations and on a suitable medium for electronic processing, which may be used exclusively for the purposes set out in this law. Alternatively, the general representatives, under the same conditions, may obtain a copy of the current census of electors of the districts where their party, federation or coalition is presenting candidatures. Similarly, the Zone Election Commissions shall have a useable copy of the electoral census, corresponding to their zone. The Election Commission, by means of a reasoned decision, may suspend as a precautionary measure, the delivery of the census copies to the abovementioned representatives when the announcement of their candidatures has been contested or when it is considered that they could be affected in some of the circumstances provided in Article 44.4 of this Law

6. Exceptionally and on duly justified reasons, persons who may be subject to threat or compulsion endangering their life, their physical integrity or their freedom may be removed the copies of the Electoral Register referred to in SECTION 5 above.

Art. 41.5 modified by Art 2 of OL 3/2011 of 28 Jan 2011

(https://www.legislationline.org/)

CHAPTER V

General requirements for the calling of elections

Article 42

1. In case of elections to Spanish Parliament or to Legislative Assemblies of Autonomous Communities, in which the President of the Government or the relevant President of the regional Government makes use of his prerogative of early dissolution expressly contemplated in the law, the Decree of calling for elections shall be published on the following day after its adoption in the Official

State Gazette or, where appropriate, in the Official Gazette of the respective Autonomous Community. It shall come into force on the very day of publication. The Decree of calling for elections shall establish the date of the election, which shall take place the fifty- fourth day after the calling of elections.

2. In case of elections to Spanish Parliament or to Legislative Assemblies of Autonomous Communities, in which the President of the Government or the relevant President of the regional Government does not make use of his prerogative of early dissolution expressly contemplated in the law, the Decree of calling for elections shall be issued on the twenty-fifth day prior to the date of expiry of Parliament or of the relevant Legislative Assembly and published on the following day in the Official State Gazette or, where appropriate, in the Autonomous Community's Official Gazette. It shall come into force on the very day of publication. The Decree of calling for elections shall establish the date of the election, which shall take place the fifty- fourth day after the calling of elections.

3. In case of Municipal elections or elections to Legislative Assemblies of Autonomous Communities whose President does not have a prerogative of early dissolution explicitly granted by the law, the Decree of calling for elections shall be issued on the fifty-fourth day before the fourth Sunday of the corresponding year and shall be published on the following day in the Official State Gazette or,
where appropriate, in the Autonomous Community's Official Gazette. They shall come into force on the very day of publication. The elections shall take place on the fourth Sunday of May of the corresponding year, and the mandates, that shall have a term of four years, shall expire, in all cases, on the day before the following elections are held.

(https://www.legislationline.org/)

CHAPTER VI Electoral procedure

SECTION I

Representatives of the Candidatures before Electoral Administration

Article 43

1. Parties, federations, coalitions and groups of electors intending to stand in an election shall appoint the persons that shall represent them before the Electoral Administration, within the term and manner provided for by the specific provisions of this Law.

2. General representatives shall act on behalf of parties, federations or coalitions standing for elections.

3. Representatives of candidatures shall represent all candidates included. Notifications, writs and summonses addressed by electoral authorities to candidates shall be addressed to said representatives' place or residence. Acceptance by a candidate of his inclusion in a candidature is deemed to grant a proxy to the respective representative for acting in any judicial proceedings relating to the election.

SECTION II

Nomination and proclamation of candidates

Article 44

1. The following entities are entitled to present candidates or lists of candidates:

a) Parties and federations enrolled in the corresponding register. b) Coalitions constituted as provided in c).
c) Groups of electors satisfying the conditions established by the specific provisions of this Law.

(https://www.legislationline.org/)

2. Parties and federations entering a coalition pact to stand jointly at an election shall inform the relevant Election Commission within ten days from the calling of elections. Said notification must include the name of the coalition, the rules that shall govern it and the persons at the head of the coalition's leading or coordinating bodies.

3. No party, federation, coalition or group of electors may present more than one list of candidates in one constituency for the same election. Federated or coalition parties may not present their own candidatures in a constituency where, for the same election, there are candidates of the federations or coalitions in which they take part.

In all cases, political parties, federations or coalitions of parties, and groups of electors may not present candidatures that, in practice, continue or succeed the activity of a political party that has been banned by a court decision and that has been dissolved or suspended. To this end, the following shall be assessed: the substantial similarity of their structure, organisation, and operation; its members and the persons who govern, represent, administer or integrate each of the candidatures; the origin of their funding or material resources; or any other relevant circumstances that may allow the consideration of the aforementioned continuity or succession, such as their support to violence or terrorism.

4. , Art 44.4 modified by Art 4 of OL 3/2011 of 28 Jan 2011

Article 44 bis

1. Candidatures nominated for elections to Deputies, Municipal elections and elections to Insular Councils of the Canary Islands, or to European Parliament or Legislative Assemblies of Autonomous Communities, according to this Law, shall have a balanced proportion of women and men, so that candidates of either sex are at least forty per cent of total membership. Where the number of seats to be covered is less than five, the proportion between women and men shall be as close as possible to equal balance.

In elections to Legislative Assemblies of Autonomous Communities, the laws governing their respective electoral system may establish measures that facilitate a larger presence of women in candidatures to said elections.

2. The same forty per cent proportion shall be kept in each five-seat bracket of the whole list. Where the last bracket is less than five, the mentioned proportion of women and men shall be as close as possible to equal balance, although in all cases the required proportion for the whole list shall be preserved.

3. The rules of the previous sections shall also apply to the lists of substitutes.

(https://www.legislationline.org/)

4. Where candidates to Senate are grouped in lists according to Article 171 of this Law, those lists shall also have a balanced proportion of women and men, so that the total proportion is as close possible to equal balance.

Article 45

Candidatures signed by representatives of parties, federations and coalitions, and by the promoters of groups of electors shall be submitted before the relevant Election Commission between the fifteenth and the twentieth day following the calling of elections.

Article 46

1. The Nomination Document of each candidature must clearly express the name, acronyms and symbol of the relevant party, federation, coalition of group of electors, as well as the name and surname of the candidates contained therein.

2. The Nomination Document must be accompanied by a statement of acceptance by the candidates as well as the documents accrediting their eligibility.

3. Where the nomination is to be done by a list system, each list must contain as many candidates as seats to be filled. If the list also includes substitute candidates, their number shall not exceed ten and, the order of priority of both candidates and substitutes shall be expressed.

4. Nominations must be done with names, acronyms or symbols that do not lead to confusion with those belonging to other legally constituted parties or traditionally used by them.

5. No candidatures may be submitted. with symbols reproducing the flag or the coat of arms of
Spain or containing names or symbols that make reference to the Crown

6. Nobody may stand as a candidate for more than one constituency or be included in more than one candidature.

7. Next to the Candidate's nameit may be indicated his/her condition of independent or, in case of
coalitions or federations, by the name of the party to which each candidate belongs.

8. Candidatures nominated by groups of electors must be accompanied by written evidence of the number of signatures legally required for standing in the election. No elector may give his signature for more than one nomination.

(https://www.legislationline.org/)

9. The corresponding Election Commissions shall draw up a record of the date and time of submission of each candidature and issue a receipt thereof. The Secretary shall assign to each candidature a sequence number that must be kept in all publications.

Article 47

1. Submitted candidatures must be published on the twenty-second day after the calling of elections in the manner established by the special provisions of this Law.

2. Two days later the appropriate Election Commissions shall notify to representatives of candidatures any irregularities they may have detected either ex officio or upon a complaint by another representative. The period for the correction of irregularitiesis forty-eight hours.

3. The competent Election Commissions shall announce the candidates on the twenty seventh day following the calling of elections.

4. Those candidatures failing to fulfil the requirements provided in the previous Articles or those established in the special provisions of this Law shall not be announced.

5. Announced candidatures shall be published on the twenty eighth day after the calling of elections in the manner established by the special provisions of this Law.

Article 48

1. Candidatures may not be modified once they have been submitted, except within the time period established in the previous Article for correction of irregularities and only as consequence of the death or resignation of the candidate or as a result of the correction procedure itself.

2. Where a candidature consists of a list of candidates, any resignation taking place after the announcement shall be filled by the successive candidates and, where appropriate, by the substitute candidates.

SECTION III

Petitions against proclamation of candidates and candidatures

Article 49

(https://www.legislationline.org/)

1. After the announcement, any excluded candidate and representatives of announced candidatures or of candidatures whose proclamation has been denied, may within two days submit an appeal before the competent Administrative Judge against the announcement decisions of the Election Commissions. At the moment of the submission, petitioners must present their arguments accompanied with all relevant pieces of evidence.

2. The time limit for submitting the appeal provided in the previous section starts from the date of publication of the announced candidates, without prejudice to mandatory notification to representatives of candidate or candidates rejected.

3. The judge's decision, which shall be pronounced within two days from the appeal, is final and there shall be no appeal against it, without prejudice to the individual protection procedure (procedimiento de amparo) before the Constitutional Court. To this end the requirement provided in Article 44.1.a) of the Constitutional Court Organic Law shall be considered fulfilled by the submission of the appeal provided in this Article.

4. Constitutional protection must be applied for within the term of two days and the Constitutional
Court must determine the petition within the three following days.

5. The appeals provided for in this Article shall apply to cases of announcement or exclusion of candidatures presented by parties, federations, coalitions and groups of electors to which Section 4 of Article 44 of this Organic Law refers, with the following exceptions:

a) The appeal provided for in the first section of this Article shall be submitted to the Special
Chamber of the Supreme Court provided by Article 61 of the Organic Act of the Judicial Power.

b) Those entitled to request the declaration of illegality according to the provisions of the Section 1 of Article 11 of the Organic Law on Political Parties shall also be entitled to submit appeals, and have the right to access to the documents held by the Election Commissions.

c) If during the electoral campaign the parties entitled to submit an appeal had notice of circumstances which, according to Article 44.4 of this Law, prevent the presentation of candidatures, the appeal may be submitted until the forty-fourth day following the calling of elections. The Special Chamber of the Supreme Court shall resolve by the third day following the submission. In this case, the prohibition to print the ballot papers of the affected candidature provided for in Article 71.2 shall not apply.

Art 49.5 modified by Art 5 of OL 3/2011 of 28 Jan 2011

(https://www.legislationline.org/)

SECTION IV

General provisions on electoral campaign

Article 50

1. The authority who has called an election in the exercise of its legal responsibilities may undertake during the election period an institutional campaign to inform citizens on the election date, the voting procedures and the conditions and proceedings for postal voting, without influencing the elector's vote under any circumstances. This institutional publicity shall be undertaken through free spots in publicly-owned media in the territorial area of the election process, provided that such spots are sufficient to attain the campaign goals.

2. From the calling of elections until the completion of voting it is prohibited to hold any event directly or indirectly organized or funded by public authorities that contain references to the achievements or accomplishments, or that uses images or expressions similar or coincidental with those used in their own campaigns by any of the political entities running in the elections.

3. Similarly, during the same period it is prohibited to undertake any inauguration of public works or services, irrespective of its denomination, even though these works or public services may start functioning during the aforementioned period.

4. For the purposes of this Law "electoral campaign" includes all lawful activities undertaken by candidates, parties, federations, coalitions or groups in order to obtain votes.

5. Except the provisions contained in section 1 of this Article, no legal person other than those mentioned in the previous section may conduct an electoral campaign from the date of the calling of elections, without affecting the provisions of Article 20 of the Constitution.

Art 50.2 and 50.3 added by Art 19 of OL 2/2011 of 28 Jan 2011

Article 51

1. The electoral campaign begins on the thirty-eighth day from the calling of elections.

2. Its duration shall be fifteen days.
(https://www.legislationline.org/)
3. It shall end in all cases at zero hours of the day immediately previous Voting day.

Article 52

Members of the Armed Forces and State Security Forces local and Autonomous Communities Police, Judges, Magistrates and Prosecutors and the members of the Election Commissions in active service may not disseminate electoral propaganda or undertake electoral campaign activities.

SECTION V

Propaganda and electoral campaign events

Article 53

Period of prohibition of electoral campaign

Election propaganda may not be disseminated and no electoral campaign event may be held once the campaign has legally finished. Free resources given by the Public Administration shall be strictly limited to the electoral campaign period. These limitations are established without affecting the activities undertaken by the parties, coalitions and federations in the exercise of their constitutionally recognized functions, particularly, in Article 20 of the Constitution.

Also, from the calling to elections until the legal start of the electoral campaign, it shall be prohibited to advertise electoral propaganda through banners, commercials or advertisements in press, radio, or other digital media. These actions may not be justified as the exercise of regular activities of the political parties, coalitions or federations recognized in the previous section.

(https://www.legislationline.org/)

Art 53 modified by Art 20 of OL 2/2011 of 28 Jan 2011

Article 54

1. The holding of public campaign events is governed by the provisions in relation to the Right of Assembly. The attributions vested in the governmental authority in this matter are assumed by the Provincial Election Commissions, without affecting the authority of Central Election Commission to provide interpretative standard criteria.

2. Governmental authorities shall retain in all cases all their powers in relation to public order, and to this end Commissions shall inform those authorities of all meetings that have been previously notified to them.

3. Municipal Councils shall reserve official premises and public areas free of charge for electoral campaign events.

Art 54.1 modified by Art 21 of OL 2/2011 of 28 Jan 2011

Article 55

1. Municipal Councils shall reserve special places for free display of posters and, where appropriate, of banners and banderols to be hang on posts or streetlamps. Propaganda by banners and banderols may only be displayed in free of charge places reserved by Municipal Councils.

2. Apart from the special free-of-charge places referred to in the previous section, parties, coalitions, federations and candidatures may only display posters or other types of electoral propaganda in authorized commercial premises.

3. The cost of the candidatures in this type of publicity shall not exceed the 20 per cent of the limit of expenses provided in Articles 175.2, 193.2 and 227.2, according to the respective electoral process.

Art 55.3 modified by Art 22 of OL 2/2011 of 28 Jan 2011

Article 56

(https://www.legislationline.org/)

1. For the purposes of the previous Article, Municipal Councils shall, within seven days from the calling of the election, communicate to the relevant Zone Election Commission the available places for free display of posters and, where appropriate, of banners and banderols.

2. Said District Election Commission shall, in allotting such locations, take into account to the total number of votes obtained by each party, federation or coalition in the previous equivalent election in the same constituency, and the preferences expressed by parties, federations or coalitions with the largest number of votes in the last equivalent election in the same constituency.

In case of a European Parliament election the allocation shall take into account the total number of votes obtained by each party, federation or coalition in the previous equivalent election within the territorial jurisdiction of the relevant Zone Election Commission, and the preferences expressed by parties, federations or coalitions with the largest number of votes in the last equivalent election in said area.

3. On the second day following the announcement of candidates, the Commission shall notify to the representatives of each candidature the places allotted for their posters.

Article 57

1. For the purposes of Article 55 Municipal Councils shall within ten days following the calling of elections, communicate the official premises and public places reserved for free performance of
electoral campaign to the corresponding District Election Commission, which shall communicate it to the
Provincial Commission.

2. Said list must contain the days and hours available for the use of the different premises and places, and shall be published in the Provincial Official Gazette within fifteen days after the calling of elections. From that date onwards representatives of candidatures may request from the DistrictCommissions the use of such premises and places.

3. On the fourth day after the announcement of candidates District Commissions shall allot the available premises and places according to the requests submitted and where such request are coincident, according to the principle of equal opportunity and, subsidiary, according to the preferences of the parties, federations or coalitions with the largest number of votes in the last equivalent election
in the same constituency. Zone Commissions shall communicate to representatives of each candidature the premises and places so allotted.

(https://www.legislationline.org/)

Article 58

1. Candidatures may have the right to advertise in the press and in private broadcasting stations, provided the expenses of such advertisement don't exceed the 20 per cent of the expense's limit established for parties, groups, coalitions or federations, as well as the candidatures regulated in Articles
175.2, 193.2 and 227.23 of this Law, according on each type of election process.

2. Advertising price for such electoral publicity may not exceed the current price applying to commercial advertising and no discrimination shall exist between candidatures in relation to insertion, price and location of publicity spaces, all of which shall expressly state their political condition.

SECTION VI

Use of publicly-owned media for the electoral campaign

Article 59

By ministerial order, special postage rates will be set for the mailing of campaign leaflets, which parties contesting the election will be eligible for with a maximum of one despatch per voter in each election.

Article 60

1. Spaces for electoral publicity in publicly-owned media and in private television stations may not be purchased.

2. In the course of the electoral campaign the parties, federations, coalitions and groups of electors standing for elections have the right to free spots in publicly-owned television and radio stations, according to the provisions in the following Articles.

Art 60 modified by Art 24 of OL 2/2011 of 28 Jan 2011

(https://www.legislationline.org/)

Article 61

The allocation of free spaces for electoral propaganda shall be made taking in account the total number of votes obtained by each party, federation or coalition in the previous equivalent election.

Article 62

1. Where the territorial coverage of the relevant media or its programming is smaller than the area concerned by the election, the allocation of spaces shall be made according to the total number of votes obtained by each party, federation or coalition in the constituencies contained within the territorial scope of the corresponding media or its programming of the corresponding media or its programming.

2. In the case of elections to the European Parliament, the allocation of space shall made according to the total number of votes obtained by each party, federation or coalition within the territorial coverage area of the corresponding media or its programming.

Article 63

1. For the allocation of free propaganda spaces in elections to either of the Houses of Parliament only the results of the previous election to the Congress of Deputies shall be taken into account.

2. If elections to the Congress of Deputies are being held at the same time as an election to a Legislative Assembly of an Autonomous Community or to Municipal elections, only the result of the previous election to Congress shall be taken into account for the allocation of spaces in the general programming of national media.

3. If elections to a Legislative Assembly of an Autonomous Community are being held at the same time as Municipal elections, only the result of the previous election to such Assembly shall be taken into account for the allocation of spaces in the media of the relevant Autonomous Community or in the corresponding regional programmes of national media.

4. In the case provided by the previous section, and where the rule of section two of this Article is not applicable, the allocation of spaces in the general programming of national media shall be done according to the results of the previous Municipal election.

(https://www.legislationline.org/)

5. If elections to the European Parliament are being held at the same time as elections to either of the Houses of Parliament or Municipal elections, only the results of the previous election to the

Congress or, where appropriate, to the Municipal Elections shall be taken into account for the allocation of spaces in the general programming of national media.

6. If elections to the European Parliament are being held at the same time as elections to the Legislative Assembly of an Autonomous Community, only the results of the previous election to said Assembly shall be taken into account for allocation of spaces in the media of said Autonomous Community or in the corresponding regional programmes of national media.

7. In cases for which no expressly provided in this Article, the competent Election Commissions shall define the criteria for the allocation of spaces in publicly-owned media in the event of simultaneous elections.

Article 64

1. The allocation of free electoral propaganda time in each publicly-owned media and its different programming areas of coverage shall be done according to the following allocation scale:

a) Ten minutes to parties, federations and coalitions that did not stand or did not obtained any seat in the previous equivalent election.

b) Fifteen minutes for parties, federations or coalitions that having obtained seats in the previous equivalent election, did not achieve 5 per cent of the total number of valid votes cast in the national territory or, where appropriate, in the constituencies referred to in Article 62.

c) Thirty minutes for parties, federations and coalitions who, having obtained seats in the previous equivalent election, achieved between 5 and 20 per cent of the total number of votes referred to in paragraph b).

d) Forty-five minutes for parties, federations and coalitions who, having obtained seats in the previous equivalent election, achieved at least 20 per cent of the total number of votes referred to in paragraph b).

2. The right to the free broadcasting times listed in the previous section only belongs to those parties, federations or coalitions that present candidatures in more than 75 per cent of the constituencies contained within the territorial broadcasting coverage or, where appropriate, within the programming of the relevant media. Municipal elections shall be subject to the special provisions of this Law.

(https://www.legislationline.org/)

3. Parties, associations or federations failing to fulfil the requirement of presentation of candidatures provided in the previous section are nevertheless entitled to fifteen minutes in the general programming of national media provided they have achieved in the previous equivalent election 20 per cent of the votes cast within the scope of an Autonomous Community. Said minutes shall be granted at similar times to those allocated to parties, federations and coalitions referred to in section 1.d) of this Article. In such case broadcasting shall be limited to the territory of the relevant Autonomous Community. This right is not cumulative with the right provided in the previous section.

4. Groups of electors who associate themselves to undertake their propaganda in publicly-owned media shall be entitled to a ten-minute broadcast provided they fulfil the requirement of presentation of candidatures established in section 2 of this Article.

Article 65

1. The Central Election Commission shall be the competent authority for allocate free-of-charge election propaganda spaces in publicly-owned media, whatever their legal status, on a proposal of the Committee referred to in the following sections of this Article.

2. A Radio and Television Committee, under the direction of the Central Election Commission, shall have competence for making an allocation proposal of free election propaganda spaces.

3. The Committee shall be appointed by the Central Election Commission and consist of one representative of each party, federation or coalition that stands for the election called and is already represented in the Congress of Deputies. Said representative shall have a proportional vote in relation to the Congress's total membership.

4. The Central Election Commission shall also choose the President of the Committee among the representatives appointed according to the previous section.

5. The Central Election Commission may delegate to Provincial Election Commissions the allocation of free electoral propaganda spaces in regional and local programmes of State-owned media and of media with a similar area of coverage which is also publicly-owned. In this case a committee shall be created in the territorial area concerned. Said Committee shall have the powers provided in section 2 of this Article and its composition shall take into account the parliamentary representation in the Congress of Deputies of said territory. This Committee shall act under the direction of the corresponding Provincial Election Commission.

6. In the case where only elections to the Legislative Assembly of a Autonomous Community are being held, the functions established in this Article in relation to State-owned media, shall be deemed to be restricted to the territorial scope of said Community

(https://www.legislationline.org/)

and shall be discharged in the manner prescribed in this Law by the Election Commission of the Autonomous Community or, where the latter is not yet constituted, by the Election Commission of the province whose capital is the Community's capital. In the same event the Election Commission of the Autonomous Communities shall have at least, in relation to the media controlled by the Community or by municipalities thereof, the competences assigned by this Article to the Central Election Commission, including authority over a Radio and Television Committee where it is so contemplated by the laws of the Autonomous Community governing elections to its Legislative Assembly. Article 66
Guarantee of political and social pluralism

1. The respect of political and social pluralism, as well as equality, proportionality, and neutrality information of the publicly-owned media during the electoral period, shall be guaranteed by the organisation of said media and their control in the manner prescribed by the Law. There shall be a right

of appeal against the decisions of the management bodies of the aforementioned media during the electoral period to the competent Election Commission in accordance with the previous section and the procedures established by the Central Election Commission.

2. During the electoral period, private stations must respect the principles of pluralism and equality. Similarly, in this period, private television must also respect the principles of proportionality and neutrality of information in electoral debates and interviews, as well as in the information regarding the electoral campaign in accordance with the instructions established for this purpose by the Central Election Commission.

Art 66 modified by Art 25 of OL 2/2011

Article 67

For the determination of the time and order of the broadcasting of the election propaganda spaces to which all parties, federations or coalitions taking part in the election are entitled according to this Law, the competent Election Commission shall take into account the preferences of parties, federations or coalitions according to the number of votes obtained by each of them in the previous equivalent election.

SECTION VII

Right of rectification
(https://www.legislationline.org/)

Article 68

When in any media facts concerning candidates or leaders of parties, federations, coalitions of groups of electors standing for the election are disseminated, and the formations concerned find such facts inaccurate and that their dissemination might damage them, they may exercise the right to demand rectification according to the Organic Law 2/1984, of March 26, with the following particularities:

a) If the information whose rectification is intended has been disseminated in a publication whose periodical nature does not enable to disseminate the rectification, within three days from the reception of the demand of rectification, the director of the media concerned shall have such rectification published at its expense in another publication of the same area and with a similar circulation, within the established term.

b) The oral hearing provided for in section 2 of Article 5 of the aforementioned Organic Law shall be held within four days following the date of the petition.

SECTION VIII Opinion polls

Article 69

In all elections, the publication of opinion polls between the date of calling of elections and the Voting day shall be governed by the following rules:

1. Those that undertake any survey or opinion poll shall, under their responsibility, accompanied it with the following specifications, which shall be as well included in every publication of such opinion polls:

a) Name and address of the body or entity, public o private, or of the natural person who has conducted the opinion poll, as well as of the body or person having commissioned it;

b) Technical characteristics of the opinion poll, which shall necessarily include the following particulars: sampling system, size of the sample, margin of error, representative level, procedure for the selection of surveyed persons and date of performance of the field work;

c) Full text of questions asked and number of persons who did not answer each of them.

(https://www.legislationline.org/)

2. The Central Election Commission shall ensure that the data and information of the published opinion polls do not contain any deliberate misrepresentations, concealment or wilfully alterations. It shall as well ensure the compliance with the specifications referred to in the previous paragraph and the respect of the prohibition imposed by section 7 of this Article.

3. The Central Election Commission may require from those who have conducted a published survey or opinion poll the additional technical information required for undertaking the necessary verifications.

Said information shall not include data relating to the questions that under the legislation in force are
for the firms or the client's private use.

4. Communications media who have published or divulged an opinion poll in contravention of the present Law, shall publish and disseminate within three days the rectifications required by the Central Election Commission, with the indication of their origin and of the cause of rectification. Publication shall be made or programmed in the same spaces or pages as the rectified information.

5. Where the sampling or the survey to be modified has been disseminated in a publication whose periodical nature does not enable to disseminate the rectification, within three days following the

reception of the demand of rectification, the director of the media concerned shall have such rectification published at its expense in another publication of the same area and with a similar circulation, within the established term.

6. Decisions of the Central Election Commission on opinion polls and surveys shall be notified to
the concerned parties and published. There shall be a right of appeal against them before administrative courts in the manner prescribed by the Administrative Jurisdiction Law, without being necessary to submit a previous administrative appeal.

7. During the five days previous the voting day, the publication and dissemination or reproduction of opinion polls by any media is prohibited.

8. If any body depending of Public Administration conducts opinion polls on voting intention during an election period, the results thereof if so requested shall be communicated to the political formations standing for election in the territory covered by the opinion poll, within forty-eight hours from the request.

(https://www.legislationline.org/)

Art 69.7 modified by Art 26 of OL 2/2011 of 28 Jan 2011

SECTION IX

Ballot papers and envelopes

Article 70

1. Election Commissions shall decide the official form of ballot papers for their respective constituency, according to the criteria established in the special provisions of this Law or in other administrative regulations.

2. The State Administration shall ensure availability of ballot papers and voting envelopes according to the provisions established in the following Article, without affecting the possibility of their preparation by political formations standing for the election.

3. The relevant Election Commissions shall check that ballot papers and voting envelopes prepared by political formations standing for the election are made in accordance with the official form.

4. Within two days from the announcement of candidatures/candidatures a sufficient number of ballots for each political formation standing for the election shall be sent, preferably by electronic format, to the competent Election Commissions, for its delivery, also preferably by electronic format, for reproduction and subsequent mailing of advertisements and electoral propaganda.

Art 70.4 modified by Art 27 of OL 2/2011 of 28 Jan 2011

Article 71

1. Preparation of ballot papers shall start immediately after the announcement of candidates.

2. If appeals have been submitted against the announcement of candidates in accordance with the provisions of Article 49 of this Law, the preparation of ballot papers shall be postponed in the constituency where said appeals have been made, until they are decided.

(https://www.legislationline.org/)

3. The first ballot papers prepared shall be immediately forwarded to Provincial Delegates of the
Electoral Census Office for the sending thereof to absent-residents living abroad.

4. Governments shall ensure the delivery of a sufficient number of ballot papers and voting envelopes for each polling station, one hour at least before the scheduled beginning of the voting.

SECTION X Postal voting

Article 72

Electors expecting to be absent from the place where they are entitled to exercise their right to vote or to be unable to vote in person on the Voting day, may vote by post, provided they have submitted a previous application for this purpose to the Provincial Delegation of the Electoral Census Office with the following requirements:

a) The elector shall apply to the respective Provincial Delegation, from the calling of the election and until the tenth day before the Voting day, for a certificate of registration in the Electoral Register. The application may be submitted at any Post Office station.

b) The application shall be submitted in person. The civil servant of the Post Office to whom it is delivered shall require the applicant to show his National Identity Card) and shall check the coincidence of both signatures. Under no circumstances photocopies of National Identity Card shall be accepted.

c) When a circumstance of illness or incapacity that shall be proved by the means of an official and free of charge medical certificate, prevents the personal submission of the application, such application may be submitted on the elector’s behalf by another person duly authorized by a notary’s or consulate’s

proxy, which is to be issued only for one individual and shall not include more than one elector nor give to the same person power to act on behalf of more than one elector. The corresponding Election Commission shall verify in each case the fulfilment of the conditions to which this section refers to.

d) Post office stations shall forward within three days all documents received to the relevant
Electoral Census Office.

(https://www.legislationline.org/)

Article 73

1. On receipt of the application referred to in the previous Article, the Provincial Delegation shall verify the applicant's registration, enter the corresponding note on the Register so that no vote is cast in person on the Voting day and issue the certification applied for.

2. The Electoral Census Office shall send to the applicant the ballot papers and voting envelopes, together with the certificate referred to in the previous paragraph and an envelope containing the address of the Polling Station assigned to the elector. An information sheet shall be attached to the foregoing. Such documents shall be sent by registered mail, within the thirty-fourth day following the calling of elections and before the sixth day before the Voting day, to the address indicated by the elector, or failing this, to the address contained in the Register.

The acknowledgment of receipt of aforementioned documents must be personally signed by the applicant after producing evidence of his identity. If he is not at his place of residence, he shall be instructed to go in person or through the proxy referred to in paragraph c) of the previous Article to the corresponding Post Office station where, after producing proof of identity, he shall receive the necessary documents for postal voting. The contents of said papers shall be expressly mentioned in the aforementioned receipt.

3. Once the elector has chosen or, where appropriate, filled in the ballot paper, he shall introduce it into the voting envelope and seal it. If more than one election has been called, he must proceed in the same manner for each one. He shall then introduce the voting envelope or envelopes, and the
certificate into the envelope addressed to the Polling Station and send the latter by registered mail in all
cases before the third day previous Voting day. Such envelope is sent free of charge.

4. The Post Office must keep until Voting day all the correspondence addressed to Polling Stations and deliver it to them at 9 a.m. on the Voting day. Similarly, it shall continue deliveries of such material that it might receive before 20 h. on that day. The Post Office shall keep a record of all documents received, which shall be available for Election Commissions. Envelopes received after 20 h on the Voting day shall be forwarded to the corresponding District Election Commission.

Article 74

The Government, on a report by the Central Election Commission, shall make special stipulations in relation to the provisions of the two previous Articles for the postal voting of

(https://www.legislationline.org/)

personnel on Navy vessels merchants ships, or fishing boats, of personnel of the Spanish Armed Forces and of the State Security bodies and forces on duty abroad, as well as for the vote by post of citizens who are temporarily out of Spain between the calling of elections and Voting day.

Article 75

Exercise of the right to vote by persons living abroad.

1. In elections for Members of the Congress, Senators, Members of the Legislative Assemblies of the Autonomous Communities, Members of the Assemblies of the Autonomous Cities of Ceuta y Melilla and Members of the European Parliament, when in the latter case the person opts to vote in Spain, those Spanish people registered in the Census of Absent-Resident Voters who reside abroad must submit their request to vote via official form addressed to the competent Provincial Delegation of the Electoral Census Office no later than the twenty-fifth day after the calling for elections. This form shall be sent to those Spanish people registered in the aforementioned Census. It shall also be available in the consular offices from the day after the calling of elections and it may be obtained electronically. The application form shall be accompanied by a copy of the passport or of the National Identity Card issued by Spanish authorities or, failing this, by certification of the nationality or of the registration in the Consular Registry 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 to the registration address of the elector, the ballot papers and envelope or envelopes, two identical certificates of registration in the Census of Absent-Residents, as well as an envelope including the address of the corresponding Election Commission and another with the address of the Consular Office or Consular Section of the Diplomatic Missions in which he is registered.

3. This documentation must be sent by registered post no later than the thirty-forth day after the calling of elections in those provinces where the announcement of candidatures has not been challenged, and in the remaining provinces, no later than the forty-second day after the calling of elections.

4. Those electors who opt to exercise their right to vote by post must include in the envelope addressed to the corresponding Election Commission, the voting envelope or envelopes, the certificate of registration in the Census and copy of the passport or the National Identity Card issued by Spanish authorities or, failing this, the certification of the nationality or of the registration in the Consular Registry issued by the Spanish Consulate in

(https://www.legislationline.org/)

the country of residence, and send it all in the envelope addressed to the Consular Office or the Consular Section of the Diplomatic Mission to which the elector is registered, by registered post, no later than the fifth day prior to the date of the election.

5. Those electors who opt to cast their vote in a ballot box shall do it between the forth and second day, inclusive, prior to the date of the election by personally submitting the envelopes in those Consular Offices or Sections in which they are registered or in the places prepared for this purpose. To this end, the consular offices shall have a ballot box or ballot boxes supervised by a consular civil servant.

6. The elector shall prove his identity to the consular civil servant with the passport, a National Identity Card or a certification of nationality or registration in the Consular Registry issued by the Spanish Consulate in the country of residence, and after showing and handing one of the certificates of registration in the Census of Absent-Resident Voters previously received, he shall cast the envelope addressed to the competent Election Commission for its counting once the consular civil servant has placed the stamp of the Consular Office including the date it was cast.

7. During the days indicated for the casting of votes in the ballot box, the responsible persons in the consulate must establish measures to enable the exercise of the vote by the electors, as well as those measures necessary for the protection and custody of the ballot boxes, including their sealing at
the end of each day. The representatives of the candidatures standing for election may be present in the
consular offices during the days of the casting of votes in the ballot box.

8. Once the period for the casting votes in the ballot box is finished, the consular civil servant shall record minutes that shall contain the number of census certificates received and, where appropriate, any incidents that may have occurred, as well as the number of envelopes received by post prior to the conclusion of the period for voting by the ballot box. The following day, the envelopes cast by the electors and those received by post, together with the minutes recorded by the consular civil servant
shall be sent, by electoral despatch to the Office that the Foreign Affairs Ministry has established for this
purpose, which shall proceed urgently to send these envelopes to the corresponding Election
Commissions.

9. In all cases regulated in this Article, for the validity of the votes it shall be necessary that the envelope clearly has a postmark or other official stamp from the Post Office of the corresponding State or of the Consular Office or Consular Section of the corresponding

(https://www.legislationline.org/)

Diplomatic Mission, that certifies the fulfilment of the time limits required in each case.

10. On the day of the general counting, and before it starts, the competent Election Commission shall be formally constituted as an Electoral Board at 8 o'clock in the morning, with the polling controllers appointed by the competing candidatures.

11. Next, the President shall proceed to introduce into the ballot box or boxes the voting envelopes of the absent residents received up to that day and the Secretary shall write the names of the voters in the corresponding list. Next, the Commission shall count these votes and add the results to the result of the general counting.

12. The Government, after a report of the Central Election Commission, may provide the criteria and limit the cases in which this Article applies, as well as establishing other procedures for the vote of the absent residents that live in foreign States where the procedures provided in this Article are not viable.

Art 75 modified by Art 28 of OL 2/2011 of 28 Jan 2011

SECTION XI

Election proxies and polling controllers

Article 76

1. The representative of each candidature may grant a proxy to any citizen of age and in full use of his civil and political rights, for the representation of said candidature in election acts and events.

2. The proxy shall be granted before a Notary or before the Secretary of the relevant Provincial or Zone Election Commission, which shall issue the corresponding credential, according to the officially determined form.

3. Proxies must exhibit their credential and their National Identity Card to the members of Polling
Stations and other relevant authorities.

4. Employed workers and civil servants who prove their condition as proxies shall be entitled to a one-day paid leave of absence on the Voting day.

(https://www.legislationline.org/)

Article 77

Proxies shall have the right to access to election premises, to observe the development of voting and counting operations, to submit claims and protests and to receive the certificates contemplated in this Law, where these have not already been issued to another proxy or to a polling controller of the same candidature.

Article 78

1. The representative of each candidature may appoint, until three days before voting day, two polling controllers for each Polling Station by issuing credentials out of a counterfoil stub, with the date and his signature below the appointments.

2. The counterfoil leaves for each controller shall be divided into four parts. one as a parent document that shall be kept by the representative; the second one shall be handed to the controller (party proxy) as his credential; and the third and fourth ones shall be sent to the District Electoral Commission, which shall forward one of them to the relevant Polling Station to which the polling controller is appointed and the other to the Polling Station in whose election lists the polling controller
is registered, for his exclusion from voting at such Polling Station. The forwarding of the appointments to
District Commissions shall be up tol the third day before Voting day, and District Commissions shall send them to the Polling Stations in such a manner that they have already been received at the moment of their constitution on voting day333 .

3. Any person registered in the Electoral Register and who is legally an elector, may be appointed as polling controller.

For those electors not registered in the Electoral Register corresponding to the constituency where they are to perform as controllers, the relevant Zone Election Commission shall require the Electoral Census Office the urgent forwarding of their registration certificate in the Electoral Register, unless this has been previously handed-in by the person appointed as polling controller

4. Employed workers and civil servants who prove their condition as polling controllers shall be entitled during the Voting day and during the following day to the leave of absence provided by section
28 of this Law for members of Electoral Boards.

(https://www.legislationline.org/)

Article 79

1. Polling controllers shall exercise their right to vote at the Polling Station to which they have been accredited. Where the controller is not registered in the constituency corresponding to the Polling Station where he is to discharge his duties, he shall exercise his right of suffrage by postal voting under the provisions and to the extent established in Articles 72 and 73 of this Law.

2. One controller for each candidature may attend the Electoral Board, take part in its deliberations without voting rights and exercise at the station all other rights provided by this Law.

3. For the purposes of the previous section polling controllers of the same candidature accredited to a Polling Station may freely replace each other.

4. Any proxy may discharge the functions provided by section two of this Article in the absence of controllers of his respective candidature.

5. From the moment in which a person assumes his role as a polling controller, he shall no longer be able to exercise the function of proxy in other polling stations.

Art 79.5 modified by Art 29 of OL 2/2011 of 28 Jan 2011

SECTION XII

Constitution of Voting Boards

Article 80

1. The President, the two Members of each Electoral Board and their respective substitutes, if any, shall meet at the corresponding premises at 8 a.m. on the Voting day.

2. If the president has not attended he shall be replaced by his first substitute. Where the latter is also absent, he shall be replaced by the second substitute, and if the second substitute has not attended either, the first or the second Member, in this order, shall take over as President. Members who have not attended or who are acting as President shall be replaced by their substitutes.

(https://www.legislationline.org/)

3. No Electoral Board may be constituted without the presence of a President and two Members. Failing requirement, Members of the Board present, substitutes who have attended or, in their default, the competent administrative authority shall issue and sign a report of the facts and send it by registered mail to the Zone Commission and also notify it by telegraph or by telephone.

4. In such cases the Commission shall freely appoint the persons who are to constitute the Electoral Board and it may even decide that any of the electors present in the premises is appointed to this end. In all cases, the Commission shall inform the Public Prosecutor of the facts for the determination of a possible criminal liability of the Board members or of the substitutes who failed to attend.

5. Where, in spite of the provisions of the previous section, one hour after the time scheduled for the beginning of the election it has not been possible to constitute the Board, the persons mentioned in section three of this Article shall notify this circumstance to the Zone Commission, which shall call a new voting at the Polling Station within the two following days. A copy of the call shall be immediately
display at the door of the voting premises and the Commission shall proceed ex officio to the
appointment of the new Board’s members.

Article 81

1. Every Polling Station shall be equipped with a ballot box for each election to be held and with a polling booth.

2. It must also have a sufficient number of voting envelopes and ballot papers of every candidature, which shall be placed in the booth or next to it.

3. Ballot boxes, booths, ballot papers and voting envelopes shall correspond to the officially determined model.

4. If at the time scheduled for the constitution of the Board or at any later time any of the aforementioned items is missing, the President must immediately communicate it to the Zone Commission, which shall provide the necessary supply.

Article 82

(https://www.legislationline.org/)

1. The President and the Members are to receive, between eight and eight-thirty a.m. the credentials of the polling controllers appearing and shall check them against the counterfoil sheets in their possession. If they find them in conformity, they shall admit the polling controllers to the Board. If the President has not received the counterfoil sheets or doubts about the authenticity of the credentials, the identity of the polling controllers present or about both circumstances, he shall nevertheless grant them admission if they so demand, but he must state in the minutes his reservations for the relevant verification and, where appropriate, to enforce the corresponding liabilities.

2. Where more than two polling controllers attend on behalf of the same candidature the President shall only admit those who fist deliver their credentials, to which end he shall number the credentials by chronological order of delivery.

3. Counterfoil sheets received by the President must be attached to the election records. Credentials exhibited by the controllers shall be return to them after been checked by the President. Where the President has not received said sheets, he corresponding credentials must be attached to the election records at the end of the counting.

4. If a polling controller attends to the Board after eight-thirty a.m., once the minutes of the constitution thereof have been drafted, the President shall not admit him to the discharge of his functions, although such polling controller shall be entitled to vote in the polling station.

Article 83

1. At eight-thirty a.m. the President shall write the minutes of constitution of the Board, to be signed by the President himself, the Members and the polling controllers, and shall on request deliver a copy of such minutes to any candidature's representative, proxy or polling controller that request it.

2. The minutes shall include the names of the persons composing the Board as members and a list of names of the polling controllers, with a reference to their respective candidature.

3. If the President refuses or delays the delivery of a copy of the constitution minutes to those entitled to request it, the claimant or claimants shall write in duplicate a protest and sign it. One copy of the protest shall be attached to the electoral records and the other copy shall be sent by the claimant or claimants to the Election Commission responsible for the general counting, in accordance with the special provisions of this Law.

4. The President is obliged to give only one copy of the constitution minutes to each party, federation, coalition or group standing for the election.

(https://www.legislationline.org/)

SECTION XIII- The voting

Article 84

1. Once the Board's constitution minutes has been issued and the corresponding copies made, the voting shall begin at nine o'clock a.m. and continue without interruption until eight o'clock p.m. The President shall announce the beginning with the words: "Beginning of the voting" ("Comienza la votación").

2. Only for reasons of force major the voting may not begin, or be suspended once in progress, in all cases under the President's responsibility by a written and reasoned decision. Immediately the President shall in all cases send a certified copy of said writing, either by hand, either by registered mail to the Provincial Commission to enable it to verify the existence of true and sufficient motives were and to declare or demand any resulting liabilities.

3. In the case of suspension of the voting none of the votes cast at the Polling Station shall be
taken in account or counted and the President shall immediately cause the ballot papers in the box to be destroyed and mention this fact in the report referred to in the previous section.

4. Notwithstanding the provisions or section 2 of this Article, the President shall interrupt the voting if the notice the lack of ballot papers of one of the candidatures and it is not possible to replace them with ballot papers supplied by the proxies or controllers of the respective candidature. In this case the President shall inform the Zone Commission of his decision for the latter to supply the ballot papers. The interruption may not exceed one hour and the voting shall be extended for as long a as it has been interrupted. Section 3 of this Article shall not apply in this case.

Article 85

1. The right to vote shall be proved by the registration of the elector in the certificates of the Electoral Register or by a special register's certificate and, in both cases, by to the elector's identification

with his National Identity Card, passport or driving license with the holder's photograph or, also, in the

case of foreigners, with the residence card.
(https://www.legislationline.org/)
2. The certified copies of the Electoral Register referred to in the previous paragraph shall only include citizens of legal age on the Voting day.

3. Similarly, shall be able to vote those who prove their right to be registered in that Section with
the evidence of the corresponding court's decision.

4. Where, despite production of the documents referred to in section 1, the Board, in their own judgment or by a public claim at that moment by a polling controller, a proxy or another elector, are in doubt of the identity of a person who is about to vote, the Board shall decide on the issue by a majority vote on the basis of documentary and oral evidence given by the electors present. In all cases, a report shall be sent to the relevant court, so that it may prosecute any person guilty of impersonation or of denial of his own identity.

5. The special electoral certificate enabling citizens to prove in exceptional circumstances their registration in the Electoral Register shall be regulated by the instructions of the Central Election Commission in relation to its issue, competent authority for said issue, term and cases where it applies.

Article 86

1. Vote shall be secret.

2. Electors may only vote in the section and at the corresponding Polling Station, except as provided in section 1 of Article 79. They shall proceed to the Polling Station one by one, after having gone, if they so wish, through the booth standing in the same room, at a place between the entrance and the polling station. Inside the booth the voter may choose the ballot paper and put it into the corresponding envelope.

3. Each elector shall give his name and surnames to the President. The Members of the Board and polling controllers shall check, by the examination of the lists of the Electoral Census or the corresponding certificates, the right to vote of the elector, as well as his identity that shall be certified as provided in the previous Article. Immediately afterwards, the elector shall personally hand to the President the voting envelope or envelopes, closed. Subsequently, in full sight of the public at all times, the President shall read aloud the name of the elector, adding "... votes", the President shall hand the envelope to the elector who shall cast it in the ballot box or boxes.

4. Members of the Board and, where appropriate, polling controllers, if they so wish, shall enter, on their own numbered list, the name and surname of voters in the order in which they have cast their vote, and state the number in which they are enlisted the electoral

register lists or, where appropriate, the special registration certificate produced. There shall be a numbered list for each of the Houses of Parliament and, where appropriate, for the Legislative Assemblies of Autonomous Communities,

(https://www.legislationline.org/)

Municipal Councils or the European Parliament. Every elector has the right to verify if his name and surname have been duly entered in the voter list that the Board draws up for each box.

Art 86.3 modified by Art 30 of OL 2/2011 of 28 Jan 2011

Article 87

1. Electors who cannot read or write, or who for reasons of physical disability are unable to pick up the ballot paper or introduce it in the envelope and hand it in person to the President, may provide themselves of the assistance of a companion of their own choice for said actions.

2. However, the Government on receipt of a report by the Central Election Commission, shall establish a procedure for the voting of the blind or visually impaired persons that shall allow them to exercise their right to vote guaranteeing the secrecy of the vote, that shall be applied in all cases, to the elections for the Congress and the Senate and the elections for the European Parliament and referenda.

Art 87.2 modified by Art 31 of OL 2/2011 of 28 Jan 2011

Article 88

1. At 20 h the President shall announce out loud the end of the voting. If some of the electors present in the premises or in its access have not yet voted, the President shall allow them to do so but shall not allow anybody else to vote.

2. The President shall then proceed to introduce in the ballot boxes the envelopes containing the ballot papers sent by post, after checking the compliance of the circumstances provided in the third paragraph of Article 73 and that the elector is duly entered in the Electoral Register's lists. Next, the Members shall enter the names of these electors in the numbered voter list.

(https://www.legislationline.org/)

3. Next, the members of the Board and the polling controllers shall vote, entering in the numbered voter-list the electoral Section corresponding to the polling controllers who do not figure in the Board list.

4. Finally, the voter numbered lists shall be signed by the Members and the polling controllers on the margin of each page and immediately below the last name entered therein.

Article 89

Two at least of the Board’s members must be present at all times.

Article 90

No authority may arrest the Presidents, Members or polling controllers of the Boards during voting time at which they must perform their duties, except in case of flagrant delicto.

Article 91

1. The President shall have within the polling premises exclusive authority to keep order, ensure
elector’s freedom and preserve the observance of the law.

2. The President shall ensure that the entrance of the voting premises is always free and accessible to all persons entitled to entry therein.

3. Without prejudice to Article 86, only the following persons shall have a right to enter the premises of election Sections: electors belonging to the Section, representatives of candidatures and candidates themselves, proxies and polling controllers, public notaries- to attest to any action relating to the voting that is not in breach of the secrecy of voting- agents of the public authorities when their presence is requested by the President, members of Election Commissions, first-instance judges and their delegates and finally any persons appointed by the Administration to obtain information about the results of the count.

(https://www.legislationline.org/)

4. Nobody may enter the premises of an election Section with weapons or instruments than can be used as such. The President shall immediately expel those who contravene this prohibition.

5. Notaries may attest, without any special authorization being required, any action relating to the voting, even those taking place outside their own catchment area, provided they occur in the same province. They shall also be available during the Voting day to parties, coalitions, federations and
groups, either at their own place of residence or in the place where they usually discharge their functions.

Article 92

Police forces posted for protection of Section premises shall assist Presidents at their request, either within or outside said premises.

Article 93

No election propaganda of any kind shall be undertaken in the premises of Sections or their vicinity. No groups shall be allowed that may obstruct, by any means, the access to said premises, neither shall be permitted the presence in the surroundings of persons who may obstruct or prevent free exercise of the right to vote. To this end Presidents shall take all measures they consider appropriate.

Article 94

Any incident having affected the order in Section premises, as well as the name and surname of those responsible for it, shall be recorded in the minutes of the voting.

SECTION XIV

Counting of votes in Polling Stations

Article 95

1. On conclusion of the voting the count shall begin immediately.

(https://www.legislationline.org/)

2. The count shall be public and shall not be suspended, except by reason of force major, even if more than one election is being held at the same time. The President shall immediately expel any person who in any way disturbs or obstructs the counting.

3. In the event of more than one election being held concurrently, the count of the corresponding ballot papers shall proceed in the following order: first, those for the European Parliament; next, those for the Congress of Deputies; next, those for the Senate; next, those for Municipal Councils, next; those for Legislative Assemblies of Autonomous Communities; finally, those for the Canary Islands' Insular Councils.

4. The count shall be undertaken with the President extracting the envelopes one by one from the corresponding ballot box and reading out loud the name of the candidature or, where appropriate, of the candidates. He shall show each ballot paper, after reading it himself, to the Members, to the polling controllers and to the proxies.

5. If a notary in the discharge of his duties, a representative of a candidature or a member of a candidature has doubts as to the contents of a ballot paper read out by the President, he may request at the moment to check such ballot himself and his request shall be granted.

Article 96

1. Votes cast in an envelope or in a ballot paper other than the official form, as well as ballot papers not placed in any envelope or in an envelope containing more than one ballot paper of different candidatures, shall be null and void. In the case in which an envelope contains more than one ballot paper for the same candidate, the vote shall be counted as only one valid vote.

2. In every electoral process invalid votes shall be considered those in which the names of the candidates have been amended, added, or crossed-out, or in which their order in the list has been altered, as well as those in which any inscription or expression has been introduced, or any other voluntary or deliberate alteration has been produced.

3. In the case of elections to the Senate, votes cast in ballot papers where more than three candidates have been ticked out for provincial constituencies, more than two names for each of the insular constituencies of Gran Canaria, Mallorca and Tenerife and of the cities of Ceuta and Melilla, or more than one for the remaining insular constituencies shall be null and void.

4. Similarly, votes cast in envelopes that have been altered in any of the manners mentioned in the previous sections shall be equally null and void.

5. Envelopes that do not contain a ballot paper shall be treated as valid blank votes. The same shall apply to unmarked ballot papers in elections to the Senate.

(https://www.legislationline.org/)

Art 96.2 modified by Art 32 of OL 2/2011 of 28 Jan 2011

Article 97

1. On completion of the count the total number of envelopes shall be checked against the number of the voters entered under section 4 of Article 86 of this Law.

2. Subsequently, the President shall ask whether there is any objection against the count and, if there is none, or once the Board has decided by a majority vote of the objections raised, he shall announce the results, with specification of the number of registered electors, registration certificates received, voters, void ballot papers, blank votes and votes obtained by each candidature.

3. The ballot papers taken out of the ballot boxes shall be destroyed in full view of those present, except those rejected or challenged, which shall be attached to the minutes and filed with it, after having been signed by members of the Board.

Article 98

1. The Board shall immediately make public the results by minutes of the count containing the data established in Article 97.2 and shall display it without delay on the outside or at the entrance of the premises. A copy of said minutes shall be handed on request to respective representatives of each candidature who are present at that time or, where appropriate, to polling controllers, proxies or candidates themselves. No more than one copy thereof shall be issued to each candidature.

2. A copy of the counting minutes shall also be handed to the person appointed by the Administration, and with the sole purpose of assisting the Government in the discharge of their duty to give provisional information on election results.

Article 99

(https://www.legislationline.org/)

1. Once all the previous proceedings have been completed, the President, Members and polling controllers of the Board shall sign the minutes of the sitting, that shall contain in full detail the number of electors allocated to the Polling Station according to the relevant electoral register lists and to the registration certificates produced; the number of electors who have cast their vote, the number of polling controllers who, though not being entered in the Polling Station list have nevertheless cast their
vote, and the number of void ballot papers, blank votes and votes obtained by each candidature, as well as a summary mention of protests and complaints that may have been raised by representatives of candidatures, members of the candidatures, their proxies or polling controllers or by electors
themselves on the voting and the count, as well as the Board's decision on each of them, and any dissenting opinions among Board's members. Similarly, the minutes shall also include any incident of those referred to in Article 94.

2. All representatives and members of candidatures, as well as their proxies and polling controllers, are entitled to be given immediately and free of charge a copy of said minutes and the Board may not fail in its compliance with this obligation.

Article 100

1. Following the above, the Board shall proceed to the preparation of election documentation which is to be divided into three envelopes.

2. The first envelope shall contain the whole election file, consisting in the following documents:

a) The original minutes of the Board's constitution.

b) The original minutes of the sitting.

c) The documents referred to in the latter and, in particular the numbered list of voters and those ballot papers rejected as null and void or against which an objection has been raised.

d) The list of the electoral register used by the Board for the voting. e) Registration certificates produced.

3. The second and third envelopes shall respectively contain a copies of the Board's constitution
minutes and of the minutes of the sitting.

4. Once all envelopes have been sealed, the President, Members and polling controllers shall sign them across the part where each envelope is to be opened at a later moment.

(https://www.legislationline.org/)

Article 101

1. When they have the relevant documentation ready, the President, Members and polling controllers who so wish shall immediately proceed to the First- Instance Court or to the Judge of Peace, having jurisdiction over the polling station area, for delivery of the first and the second envelopes. Police forces shall accompany them and, if necessary, provide transportation facilities.

2. Following the identification of the President and, where appropriate, of the Members and the polling controllers, the judge shall receive the documentation and deliver a receipt of its reception, stating the day and time of delivery.

3. Within ten hours following the receipt of the last set of documents, the judge shall personally proceed to the seat of the Election Commission responsible for the counting, and deliver the first envelopes, for which he shall be given a receipt in full detail.

4. Second envelopes shall be filed with the corresponding first-instance or peace court and may be later requested by Election Commissions for the general counting operations and by courts with jurisdiction for electoral appeals.

5. The Provincial Election Commission shall establish the necessary measures to facilitate the judge attendance referred in section 3 of this Article.

Article 102

1. Third envelopes shall be delivered to the civil servant of the Post Office official, who shall personally collect them at the polling station. At least one Member shall remain there until such the delivery is done.

2. On the day following the election the Post Office shall forward said envelopes to the Election
Commission responsible for the count.

SECTION XV General counting Article 103
1. The general counting shall be undertaken on the third day following the election by the corresponding Election Commission, in accordance with the special provisions of this Law.

2. The aggregate counting shall be a single operation and has a public nature.

(https://www.legislationline.org/)

Article 104

1. Each Commission shall meet with the representatives and proxies of candidatures willing to attend, at the premises where the Secretary thereof discharges his duties. The President shall write the minutes of the constituent sitting of the Commission that shall be sign by himself together with the Members and the Secretary, as well as those duly accredited representatives and proxies of the candidatures.

2. The meeting shall begin at ten a.m. on the day appointed for the count. If more than half plus one of the Commission's members have not attended, the sitting shall be postponed until twelve noon. If for any reason the sitting cannot be held at the latter time, the President shall convene a new one for the following day, announcing his decision to members present and to the public and informing the Central Election Commission. At the time so appointed the new meeting shall begin whatever the number of members present

Article 105

1. The counting sitting shall begin with the Secretary reading out the legal provisions relating to the operation.

2. Next, the Commission staff shall, under the supervision of the Commission itself, open one by one the envelopes referred to in the second paragraph of Article 100 of this Law.

3. Where the corresponding envelope from any of the polling stations is missing or its contents are incomplete, the third envelope referred to in Article 102 shall be used instead. Failing this and without

affecting the provisions of section 4 of Article 101, a copy of the minutes of the Board's sitting duly produced by a representative or proxy of a candidature, shall be used. Where contradictory copies are shown, none of them shall be taken into account.

4. Where there are double or different minutes from a polling station' s Board or where the number of voters shown in the record exceeds the number of the electors of the Board according to the electoral register lists and to the registration certificates produced –with the exception of votes cast by the polling controllers-, the Commission shall not include said votes in the count, unless this is due to a material, factual or arithmetical error, in which case the Commission itself shall rectify it.

5. The Commission's Secretary shall give the summary result of each polling station's Board and the Commission staff shall make the corresponding entries by means of a mechanical or electronic means leaving a documentary evidence of such entries, if

necessary.
(https://www.legislationline.org/)
6. Where the number of polling station's Boards makes it advisable, the Election Commission may be divided into two Sections for the performance of the operations referred to in the previous paragraphs, in which case one of the Commission's members shall act as secretary in one of the Sections.

Article 106

1. The Commission may not void any minutes, record or vote in the course of the general count. Its authority is limited to verifying without debate polling station Boards counts and aggregate numbers of votes admitted as such by the corresponding boards, on the basis of their minutes or of the copies thereof, except for cases referred to in section 4 of the previous Article where the Commission may only rectify the mere material, factual or arithmetical errors detected in said documents.

2. Representatives or proxies of candidatures may not make any complaint or raise any protest while minutes are being read, except for specific observations on the accuracy of the data under examination.

Article 107

1. The act of the general counting may not be interrupted. However, after twelve hours of sitting, the Commission may adjourn the proceedings until the following day, but cannot in any case leave incomplete the counting of votes of a particular Section.

2. The aggregate counting shall be completed not later than the sixth day after the election.
Article 108

1. On completion of the count, the Election Commission shall issue in triplicate minutes of the count of the relevant constituency which shall expressly state he number of electors in all polling stations' Boards according to the electoral register lists and the registration certificates produced, the number of voters, the votes obtained by each candidate or candidature, blank votes and void votes. After the end of the sitting a full account of the incidents taking place during the count, shall be issued. Both minutes of the sitting and minutes of the count shall be signed by the President, the Members, the Commission's Secretary and by duly accredited representatives and general proxies of the candidatures.

2. Representatives and proxies of candidates or candidatures have one day to make complaints and raise protests that only may refer only to facts or developments contained in the minutes of polling stations' Boards or in the minutes of the Election Commissions'

sitting for the general count.
(https://www.legislationline.org/)
3. The Election Commission shall decide in writing the aforesaid complaints within one day and immediately notify its decision to representatives and proxies of the candidate or candidature concerned. Such decision may be appealed by the general representatives or proxies before the Election Commission itself within one day. On the day after the submission of the appeal, the Election Commission shall forward the whole file, with their own report, to the Central Election Commission and notify it immediately to the representatives of the candidatures for the relevant constituency, and summon them to appear before the Central Election Commission on the following day. The Central Election Commission, after having heard both parties for a period not exceeding two days, shall decide the appeal in the course of the following day and transmit their resolution to the corresponding Election Commissions so that it may proclaim the elected candidates.

4. Where after the period referred to in the previous paragraph no complaints or protests have been received or the Central Election Commission has decide on all complaints, the appropriate Election Commissions shall proceed within the following day to proclaim elected candidates, for which purpose votes cast for each candidature plus blank votes shall be counted as valid votes.

4 bis. From the voting until the announcement of those elected, the Government through the State's Attorney and the Public Prosecutor may submit before the Special Chamber of the Supreme Court provided in Article 61 of the Organic Act of the Judicial Power a reasoned communication announcing the presentation, in a period no longer than fifteen days, of a demand seeking the illegalization or the executive measure provided in Articles 11 and 13 of the Organic Law 2/2006 on Political Parties, asking for the precautionary suspension of the announcement of those elected in the candidatures of the affected party, federations or coalitions. Similarly, they may request the precautionary suspension of the announcement of those elected from candidatures presented by groups of electors that may be linked
to the party against which the illegalisation demand or the executive measure has been filed, or to a political party illegalized by a final court decision. The Chamber shall decide on the suspension in the two days following the presentation of the communication.

Once the demand or the executive measure have been filed, the Chamber, when deciding on its admission, shall decide on the extension or not of the precautionary suspension until the conclusion of

the legal proceedings. When suspension is extended, if the court decision concluding the proceeding declares the illegalization of the party or its status as a successor of another illegal party, it shall also declare the non-announcement of those elected from the

(https://www.legislationline.org/)

candidatures of this party or from the candidatures of the federations or coalitions integrated by this party. The payment of the subsidies to which Article 127.2 refers shall not proceed while the adopted suspension measure is effective and shall only take place if the decision that finalises the judicial proceeding rejects the demand of illegalization or the executive measure.

In any moment of the electoral mandate of those elected in candidatures presented by groups of electors, the Government through the State's Attorney and the Public Prosecutor may submit before the Special Chamber of the Supreme Court provided by Article 61 of the Organic Act of the Judicial Power
the demand or the executive measure provided in Articles 11 and 13 of the Organic Law 2/2006 on Political Parties, requesting the declaration of the link between such groups of electors with an illegal party or with a party whose illegality is being sought.

Art 4bis added by Art 6 of OL 3/2011 of 28 Jan 2011

5. Minutes of proclamation shall be issued in triplicate and signed by the President and the Commission's Secretary and shall explicitly contain the following information: number of electors in the Sections of the constituency, of voters, of votes obtained by each candidate or candidature, of blank votes, of valid votes, of rejected ballot papers and of seats obtained by each candidate or list of candidates. A list with the names of elected candidates is also to be included and mention shall equally be made of complaints and protests raised before the Election Commission and the respective decision and also of appeals to the Central Election Commission, if any, with the latter's decision.

6. The Commission shall file away one of the copies of the minutes. The second copy shall be forwarded to the House of Parliament or Assembly or to the council where elected candidates are to sit, and the third one to the Central Election Commission, who shall proceed within forty days to publish the overall results and each constituency results in the State Official Gazette, without prejudice to continuation of proceedings on appeals against such declarations.

7. Certified copies of the aggregate count record shall be delivered to representatives of candidatures who so request and proclamation credentials shall equally be issued to elected candidates. The Election Commission may decide that said certifications and credentials be immediately sent to the candidates concerned through their representative.

(https://www.legislationline.org/)

8. On taking their seat and as a necessary condition for full investiture elected candidates shall swear or promise allegiance to the Constitution and compliance with all other legal requirements established by the corresponding acts or Organic provisions.

SECTION XVI Electoral appeals

Article 109

There shall be a right of appeal to courts against Election Commissions' decisions on proclamation of
elected candidates, as well as on election and proclamation of Presidents of Municipal Councils.

Article 110

The following are legally entitled to submit an election appeal or to oppose to any of such appeals:

a) Candidates proclaimed elected or not proclaimed elected.

b) Representatives of candidatures having stood for election in the relevant constituency.

c) Political parties, associations, federations and coalitions who have presented candidatures in that constituency.

Article 111

The Public Prosecutor Office shall represent the State and defend the process of law in all legal election proceedings.

Article 112

1. Election appeals shall be submitted before the appropriate Election Commission within three days following the declaration of elected candidates in the form of a written statement of the facts, legal grounds and purpose of the appeal.

(https://www.legislationline.org/)

2. The Administrative Chamber of the Supreme Court shall be the competent court for adjudging appeals arising from a general election and from elections to the European Parliament, and the Administrative Chamber of the Higher Court of Justice of each Autonomous Community shall be the

competent court for determining appeals arising from elections to the Autonomous Community
Assembly or to Municipal Councils elections.

3. On the day following presentation, the President of the relevant Election Commission shall forward to the appropriate Court's Chamber the appeal itself, the whole election file and a report from the Election Commission on the grounds for the Commission's decision which is being appealed. The President's decision shall be notified immediately to the representatives of candidatures having taken part in the election and shall include a summons to appear before the Court's Chamber within the two following days.

4. The Court's Chamber, on the day following the time limit for appearance of the interested parties, shall forward the appeal and accompanying documents to the Public Prosecutor Office and to all those acting as parties to the proceedings and direct that the whole file and the Election Commission's report be laid at their disposal, so that within a common and not extendable period of four days they
can make the allegations they deem relevant to the case. These allegations may be supported by documents which in their opinion may be conducive to supporting or challenging the grounds of the appeal. The Attorney-General's Office and the interested parties may also request the opening of the period for admission of evidence and propose the means of proof they think appropriate.

5. On the day following expiry of the term for allegations, the Court's Chamber may decide ex officio or on a party's request to open the period for admission of evidence and gathering of proofs it may see fit. This phase shall take place in accordance with the general rules for administrative legal proceedings, but its duration may not exceed five days.

Article 113

1. After the end, where appropriate, of the stage for gathering evidence, the Court's Chamber,
without any further proceedings, shall pass its judgement within four days.

2. The decision shall consist in one of the following judgments:

a) Rejection of the appeal.

(https://www.legislationline.org/)

b) Validity of the election and proclamation of elected candidates, which may include the mention of the list having obtained the largest number of votes.

c) Avoidance of decision to declare one or more candidates elected and proclamation of the candidate or candidates who ought to have been so declared.

d) Avoidance of the election held in one or more polling station Boards which may have been affected by invalidating irregularities, and the need to call new elections in that or those Boards. The call may be solely for polling in said Board or Boards or for a new election where it relates to the president
of a local authority, and it shall be held in any case within three months from the date of judgment.

Notwithstanding the nullity of the poll in one or more Boards or Sections, no new election will be necessary in said Boards or Sections where voidance does not affect the allocation of seats in the constituency.

Article 114

1. The decision shall be notified to the interested parties not later than the thirty-seventh day from the Voting day.

2. There shall lie no ordinary or extraordinary appeal from the decision of the Court, save for clarification of the judgement, and without prejudice to appeal on grounds of unconstitutionality to the Constitutional Court, which must be submitted within three days. The Constitution Court shall dispose of the appeal within the fifteen following days.

Article 115

1. The decision shall be notified to the corresponding Election Commission by sending a copy thereof in the prescribed form, with return of whole file, and must be executed immediately and on its exact terms.

2. The Court’s Chamber, ex officio or on the Public Prosecutor Office’s request, may also directly notify all authorities, bodies or institutions of any nature which may be concerned by the contents of the determination and it may also take such steps as it sees fit for full execution of all the orders contained therein.

Article 116

(https://www.legislationline.org/)

1. Electoral appeals are to be treated as a matter of urgency and given first priority for examination and final judgment in the Administrative Chamber of the competent court.

2. The Administrative Procedure Law shall apply where this Law makes no specific provision for matters of Election appeals.

Article 117

Court proceedings under this Law are free of charge. In the case where a party or parties have made unfounded allegations, they shall be ordered to defray the cost of the proceedings unless the court relieves them from such payment in view of exceptional circumstances acknowledged as such in the judgment.

SECTION XVII

General rules of procedure in Election appeals.

Article 118

1. The following shall be free, exempt from stamp duty and written on ordinary paper:

a) Applications, certificates and proceedings relating to formation and revision of the Electoral
Register and to registration therein.

b) All operations and supporting documents relating to the election process, including notary documents.

2. Copies to be issued of election documents may be made by any mechanical or electronic means of reproduction, but said documents shall only have effect if duly stamped and signed as in the same manner as their originals.

Article 119

Terms referred to in this Law cannot be extended and shall always be construed as expressed in natural days.

(https://www.legislationline.org/)

Article 120

The Administrative Procedure Law shall apply in all matters where this Law makes no explicit provision.

CHAPTER VII

Election expenses and subsidies

SECTION I

Election managers and election accounts

Article 121

1. Every candidature shall have an election manager in charge of income and expenses as well as of accounts generally. Candidatures nominated by each party, federation or coalition within the same province are to have a common manager.

2. The accounts shall comply in any case with the general principles of the General Accountancy
Scheme.

Article 122

1. Parties, federations or coalitions who nominate candidatures in more than one province shall also have a general manager.

2. The general manager shall be responsible for all election income and expenditure of the party, federation or coalition and its candidatures, as well as for the respective accounts, which must contain at least the detailed data referred to in section 2 of the previous Article. Candidates' managers shall act under the general manager's responsibility.

(https://www.legislationline.org/)

Article 123

1. Any citizen of voting age in full use of his civil and political rights may be appointed election manager. Provided that persons referred to paragraph b) of section 2 of Article 6 of this Law may not be appointed to this function.

2. Representatives of the Candidates and representatives parties, federations and coalition's
general representatives cannot be election manager at the same time.

3. Candidates cannot be election managers.

Article 124

1. The general managers and election managers of candidatures appointed in due time and in the manner prescribed by the relevant provisions of this Law shall notify to the Central Election Commission and to the respective Provincial Commissions the bank accounts opened for collection of funds.

2. The opening of accounts may be done, after appointment of the election manager, in any bank or savings bank. The notification referred to in the previous paragraph is to be sent within twenty four hours following the opening of the account.

3. Where candidatures nominated have not been officially declared as such or decide not to stand for election, the money paid into the account by third persons shall refunded to the parties, federations, coalitions or groups who have presented those candidatures.

Article 125

1. All funds intended to defray election expenses, whatever their origin, shall be paid into the accounts and all expenses shall be paid out of said accounts.

2. Election managers and persons authorized by them for disposal of funds out of the accounts shall be responsible for ensuring that funds paid in and out are used for their proper purpose.

3. After the end of the electoral campaign the balance of said accounts shall be used to pay during ninety days following the poll expenses previously incurred.

(https://www.legislationline.org/)

4. All claims relating to election expenses that have not been notified to managers within sixty days after the voting day shall be void and not payable. The relevant Provincial Election Commission or, where appropriate, the Central Election Commission, may however allow exceptions to this rule on reasonable grounds.

Article 126

1. Persons who bring funds into the accounts referred to in the previous Articles shall state their name and address and their National Identity Card or passport, which must be shown to the appropriate employee of the bank or savings bank where the account has been opened.

2. Where the money is paid in on behalf of another person or of a body corporate, the name of such person must be stated.

3. Where payments into accounts are made by parties, the origin of the funds so paid in is to be stated.

SECTION II

Financing of elections

Article 127

1. The State shall, in accordance with the rules laid down by the special provisions of this Law, subsidize the expenses incurred by parties, federations, coalitions or group of electors taking part in elections to Congress of Deputies, Senate, European Parliament and Municipal Councils. Provided that the subsidy granted to each political group may not in any case exceed the amount declared in its statement of election expenses and verified by the Auditing Court in the discharge of its functions.

2. Both the accrued income and the payment of these subsidies to the political formations or any other individual or entity to which the corresponding credit had been transmitted on any grounds, shall be subject, when agreed by the Electoral Administration, to the showing of proof that those elected on behalf of political parties, federations, coalitions or groups of electors, have become Members of Congress, Senators, Members of the European Parliament or members of the relevant municipal authorities and have effectively entered the position for which they have been elected and in respect of which the entitlement to

(https://www.legislationline.org/)

such subsidies have been gained or shall be gained. The verification and certification of these provisions shall correspond to the governmental bodies of the institution in which such position shall be exercised.

3. In conformity with Article 4 of Financing of Political Parties Organic Law 3/1987, of July 2, the State shall not subsidize expenses such as those referred to this Article incurred by parties, federations, coalitions or group of electors who have engaged in a type of conduct contemplated in Article 9 of the Political Parties Organic Law 6/2002, of June 27, as a ground for the banning of a political party, as detected and appraised according to such Law, where, having regard to degree of reiteration or gravity of such conduct, there is no sufficient ground for initiating a legal banning procedure.

4. Subsidies contemplated in this present Article shall not apply on the same ground to said political formations who keeping or including in their executive bodies, parliamentary or political groups or candidates' lists persons convicted by a court of law, even if sentence is not yet final, for rebellion, terrorism or serious offence against the State's security as defined in criminal legislation17, unless the relevant formation has made public its rejection of both the aim of such actions and the means resorted to.

Art 127.2 modified by Art 32 of OL 2/2011 of 28 Jan 2011

Article 127 bis

1. The State shall give advanced payments on the aforesaid subsidies to parties, federations and coalitions having obtained at the latest election to Spanish Parliament, the European Parliament or, where appropriate, to Municipal Councils, and not having been later deprived of their entitlement

thereto under the previous Article. The advanced amount may not exceed 30 per cent of the subsidy received by the same party, federation or coalition at the latest election of the same description, nor the same percentage of the subsidy arising from application of Articles 175.3; 193.3 and 227.3 of this Law.

2. The above-mentioned advanced payments may be applied for between the twenty-first and the twenty-third day after the calling of elections.

3. Parties, federations or coalitions who have presented candidates in more than one province, shall present the application for advance payments through their respective general manager to the Central Election Commission. In all other cases the application

(https://www.legislationline.org/)

shall be presented by the respective manager to the relevant Provincial Election Commission, which shall forward the request to the Central Commission.

The Central Election Commission shall forward to the relevant body of the State General Administration the applications of advanced payment of election subsidies issued by the managers of the political parties, federations and coalitions, and shall reject those submitted by political formations that are not entitled to receive them according to the provisions of Article 127 of this Law.

4. From the twenty-ninth day from the calling of elections onwards, the State's Administration
shall make available the corresponding advanced payments to election managers.

5. Sums paid in advance to a party, federation or coalition shall be returned after the election in the amount exceeding the subsidy to which said party, federation or coalition is finally entitled.

6. Without prejudice to the provisions contained previous section, sums paid in advance shall be totally returned if no proof can be shown, according to Article 133.4 of this Law, of candidates elected on behalf of said political formations having effectively become members of the Congress of Deputies, Senate, European Parliament or the corresponding Municipal Council and of their having entered the exercise of the functions for which they have been so elected and which give a right to the subsidy provided for in this Law.

Article 128

1. No Public Administration office or corporation or other public sector body or company belonging to the State, a Autonomous Community, a Province or a Municipal Council or partly private- partly public company may bring funds into election accounts, and the same prohibition applies to any firms who supply services or goods or undertake works on a contractual basis for any Public Administration department.

2. Donations of funds to said accounts by foreign bodies or entities are also forbidden, except appropriations in the budget of the European Communities' institutions for the financing of elections to the European Parliament, and in Municipal Councils elections only for persons to whom Article 13.2 of the Constitution applies.

Article 129

No natural or legal person may contribute more than 10,000 Euros to the accounts opened by one party, federation, coalition or group for collecting funds for the elections that have been called.

(https://www.legislationline.org/)

Art 129 modified by Art 34 of OL 2/2011 of 28 Jan 2011

SECTION III

Election expenditure

Article 130

Expenses incurred by parties, federations, coalitions or groups standing for an election from the day of calling thereof to the date of proclamation of candidates, shall be deemed to be election expenses, provided they fall within one of the following categories:

a) The production of envelopes and ballot papers;

b) Propaganda and advertisements directly or indirectly aimed at promoting vote for their candidates, whatever the manner and the means used;

c) The hiring of premises for holding election campaign events;

d) Payment of remunerations or bonuses to temporary staff in the employment of candidates;

e) Means of transportation and travelling expenses of candidates and leaders of parties, federations, coalitions and groups and staff in candidates' employment;

f) Correspondence and posting;

g) Interests of loans received for the election campaign and due to be charged up to the date of payment of the relevant subsidy,

h) Whatever election expenses may be necessary for the organization and running of offices and services required for the election.

Article 131

1. No party, federation, coalition or group may make electoral expenses that exceed the limits established in the special provisions of this Law, which shall always be deemed in constant value Euros.

(https://www.legislationline.org/)

2. Where two or more elections by direct universal suffrage are held on the same date, parties, federations, coalitions or groups of electors taking part in said elections, may not incur additional election expenses exceeding by 25 per cent the maximum limits allowed for election to the Spanish Parliament.

Art 131.1 modified by Art 35 of OL 2/2011 of 28 Jan 2011

SECTION IV

Control of election accounts and allocation of subsidies

Article 132

1. From the calling of elections until the hundredth day after the poll, the Central Election Commission and Provincial Commissions shall ensure compliance with the rules laid down under the foregoing Articles of this Chapter. For that purpose the Central Election Commission may collaborate with the Auditing Court.

2. Central Election Commission and Provincial Commissions may require at any moment banking institutions and savings banks to provide statements of election accounts, the number and identity of payers and any other information the Commissions may deem necessary for the discharge of their auditing functions.

3. Similarly, they may require election managers to provide the accountancy information they deem necessary and they shall resolve in writing any consultation made to them by said managers.

4. Where their investigations bring to light a type of conduct that may be constitutive of an electoral offence, the Commissions shall inform the Public Prosecutor’s Office for the institution by the latter of the corresponding proceedings. The Commissions themselves shall punish infringements in these matters under Article 153 of this Law.

5. The Commissions shall equally notify the Auditing Court of the result of their own monitoring activity.

(https://www.legislationline.org/)

Article 133

1. Between one hundred and one hundred and twenty-five days after the election, parties, federations, coalitions or groups who satisfy the necessary conditions to obtain State subsidies, or who have requested advance payments on said subsidies, shall lay before the Auditing Court a detailed and duly documented account of their election income and expenses.

2. Said presentation shall be carried out by the general managers of parties, federations or coalitions who have nominated candidates in several provinces and by the manager of each candidate or candidatures in all other cases.

3. Financial institutions of any description having granted loans to parties or associations mentioned in paragraph one of this article, shall send to the Auditing Court a notice with full particulars of said loans, within the time limits prescribed in said paragraph.

4. The State, within 30 days following the parties' accounts submission to the National Audit Court, and until the procedures of the National Audit Court are fnished, shall pay the parties's electoral administrators, as an advanced payment, 90 per cent of the amount of the subsidies to which they are entitled, according with the overall results published in the Official State Gazette, after the deduction, where appropriate, of the advance payment referred to in Section 1 of Article 127.bis of this Law. In this case,, in order to be able to receive the aforementioned advance payment, the parties, coalitions, federations and groups of electors shall present a bank guarantee of 10 percent of the received subsidy, as well as, when decided by the Electoral Administration, a certificate issued by the relevant body that unequivocally shows that those elected on behalf of different political formations fully acquired the status of Member of Congress, Senator, Member of European Parliament or member of the corresponding Municipal Council and took up the position for which they have been elected and whose election has given or is giving the right to the subsidies provided in this Law. Such advanced payment shall not be granted when the political formation includes persons covered by the circumstance referred to in Paragraph b of Section 2 of Article 6 of this Law.

5. Within the same terms, the companies that have invoiced the parties and associations mentioned in Paragraph 1 for electoral expenses higher than 10,000 Euros shall inform the National Audit Court.

6. The State's Administration shall pay the amount of the corresponding subsidies to election managers of the formations entitled thereto, unless said managers have requested the Central Election Commission to pay the relevant sum wholly or partly to the financial institutions indicated, where appropriate, by the managers as a reimbursement of advanced payments or loans made previously by those institutions. The State Administration shall make the relevant payment in conformity with the

(https://www.legislationline.org/)

manager's notification unless said advanced payments or loans have been granted to political formations covered by sections 2, 3 and 4 of Article 127 of this Law. Said notification may not be revoked without the consent of the financial institution concerned.

Art 133.4 and 133.5 modified by Arts 36 and 37 respectively of OL 2/2011 of 28 Jan 2011

Article 134

1. 1. The Court of Auditors may, within a period of thirty days from the date indicated in section 1 of the previous article, seek the clarifications and additional documents that it deems necessary from all those who are obliged to submit accounts and reports pursuant to the previous article.

2. 2. Within two hundred days after the elections, the Court of Auditors, in the exercise of its auditing function, shall decide on the regularity of the election accounts, and in the event that irregularities have been detected in said accounts or violations of the restrictions established for election income and spending, it may initiate the disciplinary proceedings regulated by Organic Law
8/2007 on the funding of political parties and propose the non-award or reduction of the state subsidy to the party, federation, coalition or group in question. If it also detects signs of conduct constituting an offence, it shall notify the Public Prosecutor's Office.

3. 3. The Court, within the same period, shall submit the results of its audit by means of a reasoned report, comprising the declaration of the amount of regular spending justified by each party, federation, coalition, association or group of voters, to the Government and to the Commission established in The First Transitory Provision of the Organic Law on the Court of Auditors.

4. 4. Within the month following submission of the report of the Court of Auditors, the Government shall submit to the Cortes Generales (Spanish Parliament) an extraordinary funding proposal for the amount of the subsidies to be awarded, which shall be paid within one hundred days after approval by the Cortes Generales.

5. 5. Settlement by the competent body of the amount of the subsidies shall be carried out in accordance with the contents of the Audit Report approved by the Joint Parliamentary Committee for relations with the Court of Auditors and the provisions of Article 127(2), (3) and (4) of this law.

CHAPTER VIII

Electoral offences and infringements.

(https://www.legislationline.org/)

SECTION I

General provisions.

Article 135

1. For the purposes of this Chapter, civil servants are all persons who are be to be treated as such under the Criminal Code, all persons who discharge a public duty relating to elections and in particular Presidents and members of Election Commissions, as well as Presidents, members and polling controllers at polling stations' Boards and their respective replacements.

2. For the same purposes the Electoral Register –and authorized copies thereof-, minutes of proceedings, lists, certificates, counterfoil book sheets and appointment credentials of persons who are to take part in the election process, and any documents delivered by persons entrusted with issue of the same by this Law, shall be deemed to be official documents.

Article 136

Actions that can be deemed to be an offence under this Law and the Criminal Code shall be punished under the provisions providing for the higher penalty.

Article 137

The penalty of specific disqualification from eligibility in any election falling within the scope of this Law shall be imposed, in addition to the penalties laid down in the following Articles, for all offences referred to in this Chapter

Article 138

The Criminal Code shall apply in all matters not expressly provided for in this Chapter.

(https://www.legislationline.org/)

SECTION II Electoral offences.

Article 139

Public civil servants shall be liable to imprisonment for a term between six months to two years and to a fine between six months to twenty four months when:

1. Failure to comply with legal provisions relating to formation, maintenance and public exhibition of the electoral register.

2. Failure to comply with Organic rules on the constitution of Election Commissions and polling station Boards, as well as on voting, decision-making and counting.

3. Failure to issue minutes of proceedings, certificates, notifications and other election documents in the manner and at the time prescribed by the law.

4. Arousing doubt on a person's identity or on that person' rights without reasonable cause.

5. Suspension without reasonable cause of any election proceedings.

6. Rejecting, hindering or unduly delaying admission, examination or determination of protests and claims by pensions legally entitled thereto or failing to have the same put on record.

7. Causing a clear prejudice to candidates in the discharge of their duties.

8. Failing to comply with the prescribed procedure for postal vote. First paragraph of Art 139 modified by Art 38 of OL 2/2011 of 28 Jan 2011

Article 140

1. Public civil servants shall be liable to imprisonment for a term from three to seven years and a fine between eighteen and twenty four months for having committed by abuse of office or position any of the following misrepresentations:

a) Altering without authorization dates, hours and place at which any electoral proceedings, including those of a preparatory nature are to be held, or announcing the holding thereof in a way that can be misleading to elector.

b) Omitting or stating the names of voters in any election proceedings a way that may be conducive to mistake about their authenticity of said names.

c) Altering, hiding or changing in any way the election envelope or the ballot papers handed in by the voter in the exercise of his right to vote.

d) Inaccurately carrying out the count of electors when preparing or rectifying the Register or during the polling or counting operations.

(https://www.legislationline.org/)

e) Persons unduly proclaimed.

f) Not telling the truth in oral statements that shall be made at election proceedings under this
Law.

g) Allowing, though being able to avoid it, someone to vote more than twice or to vote without being legally able to vote, or failing to make the due protest.

h) Printing, making or using ballot papers or election envelopes in contravention of the rule in force.

i) Failing to his duty relating to certifications on subsidies for election expenses contemplated in this Law.

j) Incurring any similar type of fraud connected with elections, by one of the means set out in
Article 302 of the Criminal Code.

2. Where misrepresentations referred to in this Article are due to gross recklessness, they shall be punished with a fine from twelve to twenty four months.

Art 140 modified by Art 39 of OL 2/2011 of 28 Jan 2011 (NB. This is a direct translation of the Spanish version which, unlike all other amendments, does not list the subsections of the Article now amended.)

Article 141

Offence for infringement of the conditions relating to vote by post

1. Any person who acts in contravention of the procedure established for postal voting shall be punished with the penalty of imprisonment for a term from three months to one year or with a fine between six and twenty four months.

2. Any person who takes part in any of the misrepresentations referred to in the previous Article shall be punished with the penalty of imprisonment for a term from six months to three years.

(https://www.legislationline.org/)

Art 141 modified by Art 40 of OL 2/2011 of 28 Jan 2011

Article 142

Offence for casting several votes or voting with no legal capacity

Any person who votes twice or more times at the same elections or who votes without legal capacity to do so, shall be punished with imprisonment for a term of six months to two years, fine between six months and two years and special disqualification for public employment or office for a term from one to three years.

Art 142 modified by Art 41 of OL 2/2011 of 28 Jan 2011

Article 143

Offences of absence or failure to comply with legal duties at Polling Stations

The President and the Members of Electoral Boards as well as their respective substitutes, who without legitimate cause abandon/leave them or without a reasonable cause fail to comply with the obligations under this Law for giving the reasons or previous notice of their absence, shall be liable to the penalty of imprisonment between three months and one year and a fine from six months to twenty four months.

Art 143 modified by Art 42 of OL 2/2011 of 28 Jan 2011

Article 144

Offences relating to electoral propaganda

1. Those who commit the following actions shall be punished with the penalty of imprisonment for a term from three months to a year or with a fine between six to twenty four months:

a) Undertaking propaganda acts once the period for the electoral campaign has finished.
(https://www.legislationline.org/)
b) Breaking the legal rules in relation to election banners and spaces allotted to them, as well as the rules in relation to meetings and other public events for electoral propaganda.

2. Members in active service of the Armed Forces and State Security Forces, of local and Autonomous Communities Police, Judges, Magistrates and Prosecutors and the members of the Election Commissions who disseminate electoral propaganda or undertake other electoral campaign activities,

shall be punished with the penalty of imprisonment for a term from six months to two years and a fine from six months to a year.

Art 144 modified by Art 43 of OL 2/2011 of 28 Jan 2011

Article 145

Offences relating to opinion polls

Any person who infringes the current regulation in relation to election surveys shall be punished with the penalty of imprisonment for a term from three months to a year, a fine between twelve to twenty four months and special disqualification for profession, occupation, industry or trade.

Art 145 modified by Art 44 of OL 2/2011 of 28 Jan 2011

Article 146

1. The following shall be punished with the penalty of imprisonment for a term from six months to three years or a fine between twelve and twenty four months:

a) Those who by reward, gift, remuneration or promises of such, require directly or indirectly the vote of any elector or induces him or her to abstain from voting.

(https://www.legislationline.org/)

b) Those who with violence or intimidation exert pressure on electors to prevent them from voting or to compel them to vote against their will or to reveal the secrecy of the vote.

c) Those who prevent of obstruct the entrance, exit or stay of the electors, candidates, proxies, polling controllers and notaries in the premises where election proceedings are undertaken/are developed.

2. Civil servants who make use of their competences for any of the ends indicated in this Article shall be liable for the penalties provided in the previous number, as well as for special disqualification for public employment or office for a term between one to three years.

Art 146 modified by Art 45 of OL 2/2011 of 28 Jan 2011

Article 147

Offences relating to disturbance of the order of the election act

Those who disturb the order in any electoral act/event or enter the premises where these are taking place, with weapons or instruments that can be used as such shall be punished with the penalty of imprisonment for a term from three months to one year or with a fine from six to twenty four months.

Art 147 modified by Art 46 of OL 2/2011 of 28 Jan 2011

Article 148

Where calumny and injury are committed during an election campaign and on the occasion and by reason thereof, prison penalties contemplated in the Criminal Code shall be imposed at their highest degree.

Article 149

(https://www.legislationline.org/)

1. The general managers and managers of the candidatures of parties, federations, coalitions or groups of electors who falsify the accounts, by undue entering or omitting contributions or expenses or by using any means that result into an increase or decrease in the accounts shall be punished with the penalty of imprisonment for a term from one to four years and a fine from twelve to twenty four months.

2. The Courts, assessing the seriousness of the fact and its circumstances, may impose the penalty mentioned in the previous paragraph in a lower degree.

Art 149.1 modified by Art 47 of OL 2/2011 of 28 Jan 2011

Article 150

Offences relating the undue misappropriation of electoral funds

1. General managers and managers of the candidatures, as well as persons authorized to make use of the electoral accounts, who misappropriate or divert funds for other purposes than those established in this Law, shall be punished with the penalty of imprisonment for a term from one to four years and a fine from six to twelve months, when the misappropriated or diverted funds don't exceed the amount of 50,000 Euros, and otherwise with the penalty of imprisonment for a term from two to six years and a fine from twelve to twenty four months.

2. The Courts, assessing the seriousness of the fact and its circumstances, the personal situation of the culprit and the aim pursued, may impose the penalty of imprisonment for a term from six months to a year and a fine from three to six months.

Art 150 modified by Art 48 of OL 2/2011 of 28 Jan 2011

SECTION III

Judicial procedure.

(https://www.legislationline.org/)

Article 151

1. Prosecution for punishment of the offences set out in the foregoing Articles shall be conducted in conformity with the Criminal Prosecution Organic Law and proceedings instituted under the provisions thereof shall have priority and be carried out with the greatest possible urgency.

2. Criminal action arising from said offences is a public one and does not require payment of any caution.

Article 152

The Court or the judge having competence for execution of final decisions delivered on proceedings for offences referred to in this Title shall cause them to be published in the Provincial Official Gazette and send a copy to the Central Election Commission.

SECTION IV

Election contraventions

Article 153

1. 1. Any violation of the mandatory rules established in this Law that does not constitute an offence shall be sanctioned by the competent Electoral Commission. The fine will be 300 to 3,000 EUR for authorities or officials and 100 to 1,000 EUR if committed by individuals.

2. 2. Violations of the provisions of this Law on the election polling system will be sanctioned with a fine of 3,000 to 30,000 EUR.

3. 3. For electoral infringements committed by political parties by exceeding the election spending limits the provisions of Organic Law 8/2007 of 4 July, on the funding of political parties, shall apply.

TITLE II

Special Provisions for the Election of Members of the Congress of Deputies and Senators

(https://www.legislationline.org/)

CHAPTER I

The right to be elected

Article 154

1. In addition to persons falling within Article 6 of this Law, any person discharging a function or holding an office appointed and paid for by a foreign State shall be ineligible as member of the Congress of Deputies or as Senator.

2. Nor are eligible to Congress of Deputies Presidents and members of the Government of Autonomous Communities and holders of any office freely appointed by said regional governments and members of Autonomous Bodies who by law or under a regional institutional rule are to be elected by the corresponding Legislative assembly.

3. Nobody can stand simultaneously as candidate to the Congress of Deputies and to the Senate.

CHAPTER II Incompatibilities

Article 155

1. The causes of ineligibility of the Members of the Congress of Deputies and Senators are also causes of incompatibility.

2. The following positions are also incompatible:

a) The President of the National Competition Commission.

b) Members of the Management Board of the Radio Televisión Española Corporation.

c) Members of the Cabinet of the Presidency of the Government or members of the Cabinet of any of the Ministries and the Secretaries of State.

d) The Delegates of the Government in Ports Authorities, Hydrographical Confederations, Toll
Motorway Companies and the bodies referred to in the following paragraph.

e) Presidents of Management Boards, Councillors, Managers, General Directors, Administrators and similar positions within public organizations, state monopolies and companies with a direct or indirect public majority shareholding, whatever its legal form, and publicly funded Savings Banks.

(https://www.legislationline.org/)

f) Deputies and Senators elected in candidatures presented by parties, federations or coalitions of parties, subsequently declared illegal by a final court decision, as well as those elected in candidatures presented by groups of electors declared linked to an illegalized party by a final court decision.

3. Nobody may be member of both of the two Houses of Parliament at the same time, nor simultaneously member of the Legislative Assembly of an Autonomous Community and member of the Congress of Deputies.

4. Senators designated/appointed by the Autonomous Communities, whether they are or not member of their respective Legislative Assemblies,

a) They may only discharge those activities to which they are expressly authorised by the Constitution and this Law, whatever their status is according to their appointment by the Autonomous Community.

b) They may only receive their salary that corresponds to them as Senators, unless they expressly opt for the one that corresponds to them as members or the Legislative Assembly.

5. Provisions or Article 6.4 of this Law shall apply where the relevant cause of incompatibility is the cause provided in section 2.f).

Art 155.2.a, 155.2.b and 155.2.d modified by Art 50 of OL 2/2011 of 28 Jan 2011

Art 155.2.f added by Art 7 of OL 3/2011 of 28 Jan 2011

Art 155.5 added by Art 8 of OL 3/2011 of 28 Jan 2011

Article 156

1. Members of the Congress of Deputies and Senators may sit in collective executive bodies or boards of directors of organizations, public entities or firms directly or indirectly controlled by the public sector through a majority stake, where their appointment to such bodies is to be made by the respective House of Parliament, by the Parliament as a whole

(https://www.legislationline.org/)

or by the relevant Autonomous Community's Legislative Assembly, but in this case they are only entitled to travelling and applicable daily allowances, which must comply with the State Administration's general regulations.

2. The sums to which they are entitled but which cannot be paid to them pursuant to the foregoing
Article, shall directly be paid into the Treasury by the relevant organization, entity or firm.

3. Under no circumstance may members of the House sit in more than two collective executive bodies or boards of directors referred to in section 1 of this Article.

Article 157

1. The mandate of member of Congress of Deputies or of the Senate shall be discharged as a full- time commitment as provided for in the Constitution and in this Law.

2. Pursuant to the foregoing section, the office of member of the Congress of deputies or senator shall be incompatible with the holding, personally or through a substitute, of any other position or the exercise of any profession or activity, whether private or public, on his own or on other persons' behalf, remunerated by salary, wages, tariff duty, professional fee or in any other way. Where a member of either House is transferred to a special administrative or employment situation in said position, profession or activity, he shall have the guarantee of reintegration into his rank and position in the terms laid down by the relevant regulations.

The full-time commitment and incompatibilities regime provided for in this Law shall apply in all cases and no option shall be allowed to receive payments or remunerations corresponding to positions or offices falling within said disqualifications.

3. In particular the mandate of member of Congress of Deputies or senator shall be incompatible with active work in the Public Service and with the holding of any other position in the employment or within the budgetary appropriations of constitutional bodies, Public Administration departments, quasi non-governmental organizations and public entities, firms directly or indirectly controlled by a majority public sector's stake or any other activity directly or indirectly on behalf of said bodies, firm or entities.

4. Notwithstanding the provisions of the previous section parliamentarians who are University professors may take part within their own University in teaching or research activities of a special nature, that do not involve management or supervision of services, provided that they may only receive for said activities the specific indemnities statutorily prescribed.

(https://www.legislationline.org/)

Article 158

1. Under no circumstance may members of Congress or senators receive more than one salary out of budgetary appropriations for constitutional bodies or of Public Administration in general, quasi- autonomous organizations or public entities and companies directly or indirectly controlled through a majority public-sector stake, nor may they opt for the salary of incompatible positions, except for the travelling expenses and daily allowances they may receive for their compatible activities.

2. In particular, members of Congress and senators may not receive retirement pensions or other payments from any public and mandatory social security scheme. Provided that entitlement to said retirement pensions shall be automatically recovered from the very moment of expiry of the parliamentary mandate.

Article 159

1. According to Article 157 of this Law the mandate of member of Congress or senator is incompatible with performance of private activities.

2. The following activities shall be in all cases incompatible with the parliamentary mandate:

a) Management, defence and direction of or advice to any public bodies or firms at the State, Autonomous Communities and local authorities level, in relation to matters to be decided by said bodies or firms, that directly affect the operation of a public service or have the aim of obtaining a public subsidy or guarantee. Provided that this does not apply to private activities carried out by those directly concerned in the exercise of their own acknowledged right, as well as to subsidies or guarantees whose grant results from automatic application of a general Law or Organic instrument.

b) The activity of contractor or guarantor of works, services, supplies and generally any contracts to be paid for by funds of bodies or firms the public sector at State, Autonomous Communities or local authorities level, or the holding of positions or offices involving management, representation, advice or provision of services in firms or companies that engage in such activities.

c) The holding of offices or positions that entail functions of management, representation, advice or provision of services in firms or companies with a licensing agreement or concession of a public monopoly.

d) Provision of advice services or other services individually or in partnership to bodies or firms of the public sector at State, Autonomous Communities or local authorities level.

(https://www.legislationline.org/)

e) Any stake above 10 per cent acquired wholly or partly after the date of election as member of Congress of Deputies or the Senate, unless acquired by inheritance, in firms or companies contracting for works, services, supplies or any other services generally paid out of funds of public sector entities or firms at State, Autonomous Communities or local authorities level.

f) Offices of President, member of the Board of Directors, administrator, Director-General, manager or similar positions, as well as the provision of services in credit or insurance institutions or in any other companies or entities with a basically profit-.making purpose and having normally recourse to savings and to credit.

g) And any other activities that are by nature incompatible with parliamentary commitment and obligations laid down in the relevant regulations.

3. The following shall be the only exceptions to the prohibition of public and private activities referred to in Article 157.2 of this Law and in this Article:

a) The administration of personal and familiar estate. Provided that this activity shall in no case be deemed a private one, where the parliamentarian, his spouse or any person related to him by a similar link emanating from life in common and underage descendants possess jointly or separately a stake above 10 per cent in companies or other professional concerns of any description engaged in agreements, concessions or contracts with public sector bodies or firms at State, Autonomous Communities or local authorities level.

b) Literary, scientific, artistic or technical production and creation, as well as publications arising there from, where this does not fall within any of the situations contemplated in Article 157.2 of this Law or sections 1 and 2 of this Article.

c) Private activities other than those set out in section 2 of this Article that may be authorized by the relevant Committee of either House on the parliamentarian’s request. Such request and the ensuing authorization shall be entered in the register of private activities referred to in Article 160 of this Law.

Article 160

1. Members of Congress of Deputies and Senators shall deliver in writing, pursuant to the Rules of Procedure of each House, a declaration of all activities which may constitute a cause of disqualification under this Organic Law and of any other activities that currently bring or might bring an economic profit,

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as well as of their private estate, both on becoming members of either House and when losing their parliamentary status and whenever there is a change in their economic condition.

2. Declarations on activities and estate shall be made separately and in accordance with the forms prescribed by the Boards of both Houses at a joint meeting, and shall be entered in a Register of Interests to be instituted in each House under the direct authority of the respective President for the purpose of the present Article and those of the respective Rules of Procedure. The declaration of activities shall comprise:

a) Any current activities which may constitute a cause for disqualification under section 2 of Article
159.

b) Those whose practice may, according to the law, be compatible with parliamentary duties. c) In general any activities that bring or likely to bring an economic reward.

The contents of the Register of Interests shall be available for public view, except as regards
parliamentarians' private estate.

All procedures relating to the Register of Interests and to activities of members of the Congress of Deputies and senators, shall correspond to the President of each House with the exception of the provisions contained in the other sections of this Article and in Article 159.3.

3. Cases of presumptive incompatibility shall be determined at a plenary sitting of the House concerned, on the corresponding committee's proposal. The resolution shall state the reasons thereof and where it is about private activities, it shall be on the basis of the situations set out in section 2 of Article 159. Where the resolution declares that a cause of disqualification exists, the member concerned must choose between his seat or the disqualifying position, activity, source of income or stake, and if he fails to exercise said option, he shall be deemed as having relinquished his seat.

4. Where one of the Houses declares in the appropriate plenary sitting the reiteration or continuation by one of its members of the activities referred to in paragraph a) of section 2 of Article
159 or of the provision of services referred to in paragraph d) of said section and Article,

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further performance by said member of such activities or services shall be construed as resignation from his seat, which shall take effect in the manner provided for by the Rules of Procedure of the relevant House.

CHAPTER III Electoral system

Article 161

1. The constituency for election of members of the Congress of Deputies and senators shall be each of the Spanish provinces. Each of the cities of Ceuta and Melilla shall also be a constituency.

2. The previous section does not apply for elections to Senate, to the insular provinces, where the constituencies for this purpose shall be each of the following islands or groups of islands: Mallorca, Menorca, Ibiza-Formentera, Gran Canaria, Fuerteventura, Lanzarote, Tenerife, Hierro, Gomera and La Palma.

Article 162

1. The Congress consists of three-hundred fifty Deputies.

2. Each province shall elect a minimum of two members, each of the cities of Ceuta and Melilla being represented by one member.

3. The other two-hundred and forty-eight members shall be distributed among the provinces proportionally to their population, according to the following method:

a) An allocation quota shall be obtained by dividing the total population of peninsular and insular provinces into two-hundred and forty-eight.

b) Each province shall be allocated the number of members in round figures resulting from division of its population by said quota.

c) The rest shall be allocated by assigning one number of each of the provinces whose quotient, as obtained according to the foregoing paragraph, has a bigger decimal fraction.

4. The Decree calling for the election shall specify the number of members to be elected in each constituency, according to this Article.

(https://www.legislationline.org/)

Article 163

1. The allocation of seats according to the results of the counting shall be effected under he following rules:

a) No account shall be taken of candidatures having polled less than 3 per cent (three per cent) of the votes validly cast in the constituency.

b) The rest of candidatures shall be arranged in a column in descending order according to the number of votes obtained by each of them.

c) The number of votes polled by each list of candidates shall be successively divided by 1,2,3, etc. up to the number of seats to be filled in the constituency, which shall form a similar table to the one shown below, and the seats shall be allotted to the candidates or list with the biggest quotients in the table, by descending order.

Example: 480’000 valid votes cast in a constituency electing 8 Deputies. Voting divided between 6
candidatures.

A(168.000 votes) B(104.000 votes) C(72.000 votes) D(64.000 votes) E(40.000 votes) F(32.000 votes)

Division 1 2 3 4 5 6 7 8

A
168.000
84.000
56.000
42.000
33.600
28.000
24.000 21.000

B
104.000
52.000

34.666
26.000
20.800
17.333
14.857 13.000

C 72.000 36.000 24.000 18.000 14.400 12.000 10.285 9.000

D
64.000
32.000
21.333
16.000
12.800
10.666
9.142
8.000

E
40.000
20.000
13.333
10.000
8.000
6.666
5.714
5.000

F
32.000
16.000
10.666
8.000
6.400
5.333
4.571
4.000

As a result: candidature A obtains four seats, candidature B two seats and candidatures C and D one seat each one.

(https://www.legislationline.org/)

d) Where different lists happen to have the same quotient in the table, the corresponding seat shall be allotted to the lit having polled the largest number of votes and if two lists have the same number, the first tie shall be resolved by drawing lots and successive ones in alternate order.

e) Seats allotted to each list shall be assigned to the candidates contained therein by the order in which they are entered.

2. In each of the constituencies of Ceuta and Melilla the seat shall be allotted to the candidate who has polled the largest number of votes.

Article 164

1. In the event of death, incapacity or resignation of a member of the Congress of Deputies, his seat shall be assigned to another candidate or, where appropriate, to the substitute candidate of the same list entitled thereto according to his place in the list.

2. Vacancies of members elected for Ceuta and Melilla shall be filled by their respective substitute, as nominated pursuant to Article 170 of this Law.

Article 165

1. Each provincial constituency shall elect 4 (four) senators.

2. Each insular constituency shall elect the following number of senators: Gran Canaria, Mallorca and Tenerife three each; Ibiza-Formentera, Menorca, Fuerteventura, Gomera, Hierro, Lanzarote and La Palma one each.

3. The cities of Ceuta and Melilla shall elect two senators each.

4. Autonomous Communities shall also appoint one Senator and a further senator for each million inhabitants in their territory. The appointment shall be made by the respective Legislative Assembly in the manner provided for by the relevant Self-Government Statute, which shall ensure in any case an adequate proportional representation. For the purposes of said appointment the precise number of senators for each Autonomous Community shall be determined on the basis of the population census in force on the date of the last election to the Senate.

(https://www.legislationline.org/)

CHAPTER IV

Call of elections. Article 167

1. Elections to the Congress of Deputies, to the Senate or to both Houses of Parliament at the same time shall be announced by a Royal Decree.

2. Except in the case contemplated in Article 99, paragraph five, of the Constitution, the relevant Royal Decree shall be issued with the countersign of the Prime Minister, on his proposal and under his sole responsibility, after deliberation in the Council of Ministers.

3. In the event of early dissolution of the Congress of Deputies, of the Senate or of both Houses, the dissolution Decree shall also include the call of a new election to the House or Houses so dissolved.

4. The President of the Congress of Deputies shall countersign the Decree for dissolution of the Houses of Parliament and call of a new election in the case contemplated in Article 99.5 of the Constitution.

CHAPTER V

Election procedure

SECTION I

Candidates' representatives before election authorities.

Article 168

1. For the purpose of Article 43 of this Law each of the parties, federations and coalitions intending to take part in the election shall notify in writing to the Central Election Commission the appointment of a representative-general before the ninth day after the calling of elections. Said notification must
include the acceptance of the person so appointed.

(https://www.legislationline.org/)

2. Each representative-general must appoint before the Central Election Commission the representatives nominated by the candidates of his party, federation or coalition for each constituency. The appointment shall be made before the eleventh day after the calling of elections.

3. The Central Election Commission shall notify within two days to Provincial Election Commissions the name of representatives of candidates for the respective constituency.

4. Candidates' representatives shall in any case appear before the corresponding Provincial Election Commission in order to state their acceptance prior to the presentation of the respective candidature.

5. Promoters of groups of electors shall appoint their candidates' representatives at the moment
of presentation of the lists of said candidates before the Provincial Commissions.

SECTION II

Presentation and proclamation of candidates

Article 169

1. Each Provincial Election Commission shall be the Electoral Commission competent for all the proceedings established in Title I, CHAPTER VI, Section III of this Law, in relation to the presentation and announcement of candidates for elections to the Congress of Deputies and to the Senate.

2. Every candidature shall be presented through a list of candidates.

3. Groups of electors willing to present candidatures shall need the signatures of at least 1 per cent of the electors entered in the Electoral Register of the constituency. Parties, federations or coalitions which hadn't obtained any seat in any of the Houses in the previous elections shall need the signature of at least 0'1 per cent of the electors entered in the Electoral Register of the constituency in which they intend to be elected. No elector may give his signature to more than one candidature.

4. The presented candidatures and the announced candidatures of all the constituencies shall be published in the Official State Gazette.

Art 169.3 modified by Art 51 of OL 2/2011 of 28 Jan 2011

(https://www.legislationline.org/)

Article 170

The nomination papers presented for the constituencies of CEUTA and MELILLA shall include the name of a substitute candidate.

Article 171

1. Candidatures to the Senate are indivisible for voting and counting purposes but may be grouped in lists for presentation and for conduction of the election campaign.

2. Every candidature to the Senate shall include a substitute candidate. Art 171.2 modified by Art 1 of OL 8/2010 of 4 Nov 2010

SECTION III

Ballot papers and election envelopes

Article 172

1. For the purposes of Article 70.1 of this Law Provincial Election Commissions are the Election
Commissions competent for elections to the Congress of Deputies or to the Senate.

2. Ballot papers designed for election of members of the Congress of Deputies must contain the following particulars: the initials and symbol of the party, federation, coalition of group electors presenting the candidates, the name and surname of candidates and substitute candidates with an indication of their order on the list and, where appropriate, the situation referred to in Article 46.7 of this Law.

3. Ballot papers designed for election of senators shall be printed only on one side, unless the number of candidates exceeds the number establish by the provisions of this Law where they shall be printed in both sides, and shall contain:

a) Name or acronyms and symbol of the entity nominating the candidate or candidates, be it a party, federation, a coalition or an electors' group. Below said name or initials the ballot paper must include the names of the respective candidate or candidates, these being set out in order freely established by entity which presents each candidature.

b) Candidates names shall be displayed from left to right, from top to bottom and from larger to smaller, in the bases of the number of votes obtained by the total of the candidates presented by each of the parties, federation and coalitions in the last elections

(https://www.legislationline.org/)

to the Senate in the corresponding constituency. Candidatures presented by groups of electors, as well as those of the parties, federations or coalitions that did not stand in the last elections to the senate, shall be listed subsequently in the order decided by draw in each constituency.

The same rule shall apply to parties or federations which, having stood for elections as separate entities and obtained representation in the Senate in a constituency, decide subsequently to stand as part of a coalition in the same constituency.

c) The name of each candidate shall be preceded by a square space and voters shall cross out the square or squares corresponding to the candidate or candidates of their choice.

d) An information sheet, addressed to the electors and establishing the maximum number of candidates they may vote for each constituency, as well as stating that any amendment in the ballot shall result in such a vote being void and null.

SECTION IV Aggregate counting Article 173
In elections to the Congress of Deputies or to the Senate, the Provincial Election Commissions shall be
the competent bodies for general counting operations.

CHAPTER VI

Election expenses and subsidies

Article 174

1. General Managers of political parties, federations and coalitions shall be appointed by the respective general representatives in a written notification to the Central Election Commission to be handed in before the eleventh day after the calling of elections. Said statement shall include the appointees' acceptance.

2. Managers of the candidatures shall be appointed by the respective representatives together with the nomination of said candidates in a written communication to the Provincial Election Commission, which shall include the appointee's explicit acceptance. Provincial Election Commissions shall notify to the Central Election Commission the name of the managers so appointed in their constituency.

(https://www.legislationline.org/)

Article 175

Subsidising expenses in elections to the Congress and the Senate.

1. The State subsidises expenses arising from electoral activities in accordance with the following rules:

a) 21,167.64 for each seat obtained in the Congress of Deputies or in the Senate.

b) 0.81 EUR for each of the votes obtained by each list of candidates for Congress, at least one of whose members has obtained a seat.

c) 0.32 EUR for each of the votes obtained by each candidate who has obtained a seat in the Senate.

2. For elections to the Cortes Generales or any of its Chambers, the election spending limit shall be the result of multiplying by 0.37 EUR the number of registered voters in the constituency where each party, federation, coalition or group presents its lists of candidates.

3. In addition to the subsidies referred to above, the State shall subsidise the parties, federations, coalitions or groups for electoral expenses derived from sending envelopes and ballot papers or election advertising and publicity directly and personally to voters according to the following rules:

a) 0.18 EUR per voter shall be paid in each of the constituencies in which a list has been submitted to the Congress of Deputies and to the Senate, provided that the respective list of candidates has obtained the number of Deputies or Senators or votes necessary to form a Parliamentary Group in one or the other Chamber.

b) The amount subsidised will not be included in the limit stipulated in section 2 of this article, provided that it has been proven that the activity referred to in this section has been carried out.

4. The amounts mentioned in the previous sections refer to constant euros. The updated amounts are fixed by order of the Ministry of Economy and Finance within five days of the election announcement.

5. Subsidies will not be provided in the cases established in Article 127(2), (3) and (4) of this Law.

(...)

(https://www.legislationline.org/)

Article 192.

1. The general administrators of political parties, federations and coalitions are appointed before the
Central Electoral Commission, in accordance with the provisions of Article 174.

2. The administrators of the lists of candidates of political parties, federations and coalitions are appointed, in writing, before the corresponding Provincial Electoral Commission by their respective general representatives between the fifteenth and the twentieth day after the announcement of elections. Said document shall express acceptance of the designated person. The Provincial Electoral Commissions notify the Central Electoral Commission of the administrators appointed in their district.

3. The promoters of the voter groups appoint the administrators of their lists of candidates before the
Provincial Electoral Commission, within two days after the presentation of the list of candidates.

Article 193. Subsidising municipal election expenses.

1. The State subsidises expenses arising from electoral activities in accordance with the following rules:

a) 270.90 EUR for each Councillor elected.

b) 0.54 EUR for each of the votes obtained by each list of candidates, at least one of whose members has been elected Councillor.

2. For municipal elections, the election spending limit shall be the result of multiplying by 0.11 EUR the number of registered voters in the constituency where each party, federation, coalition or group presents its lists of candidates. For each province, those that contest the elections in at least 50 per cent of its municipalities may also spend another 150,301.11 EUR for each of the provinces in which they meet said condition.

3. In addition to the subsidies referred to above, the State will subsidise the parties, federations, coalitions or groups for electoral expenses derived from sending envelopes and ballot papers or election advertising and publicity directly and personally to voters according to the following rules:

a) 0.18 EUR per voter shall be paid in each of the constituencies in which representation has been obtained in the Local Authorities in question, provided that the respective list of candidates has submitted lists in 50% of the municipalities with more than 10,000 inhabitants of the corresponding province and has obtained representation in at least 50 per cent of them.

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b) The amount subsidised will not be included in the limit stipulated in section 2 of this article, provided that it has been proven that the activity referred to in this section has been carried out.

4. The amounts mentioned in the previous sections refer to constant euros. The updated amounts are fixed by order of the Ministry of Economy and Finance within five days of the election announcement.

5. Subsidies will not be provided in the cases established in Article 127(2), (3) and (4) of this Law.

Article two hundred and twenty-six.

1. The general administrators of political parties, federations and coalitions are appointed in accordance with the provisions of Article 174(1) of this Law.

2. The administrators of the list of candidates in each province are appointed, in accordance with the provisions of Article 174(2), before the twenty-first day after the announcement of elections.

Article two hundred and twenty-seven. Subsidising election expenses for the European Parliament.

1. The State subsidises expenses arising from electoral activities in accordance with the following rules:

a) 32,508.74 EUR for each seat obtained.

b) 1.08 EUR for each vote obtained by each list of candidates, at least one of whose members has obtained a seat in the European Parliament.

2. For elections to the European Parliament, the election spending limit shall be the result of multiplying by 0.19 EUR the number of registered voters in the electoral sections where the dissemination of ballot papers has been requested.

3. In addition to the subsidies referred to above, the State will subsidise the parties, federations, coalitions or groups for the electoral expenses derived from sending envelopes and ballot papers or election advertising and publicity directly and personally to voters, in at least one Autonomous Community, according to the following rules:

a) 0.13 EUR per voter shall be paid, provided that the list of candidates has obtained at least one MEP
and at least 15 per cent of the valid votes cast.

b) 0.09 EUR per voter shall be paid, provided that the list of candidates has obtained at least one MEP
and at least 6 per cent of the valid votes cast.

c) 0.025 EUR per voter shall be paid, provided that the list of candidates has obtained at least one MEP
and at least 3 per cent of the valid votes cast.

d) 0.016 EUR per voter shall be paid, provided that the list of candidates has obtained at least one MEP
and at least 1 per cent of the valid votes cast.

The amount subsidised will not be included in the limit stipulated in section 2 of this article, provided that it has been proven that the activity referred to in this section has been carried out.

4. The amounts mentioned in the previous sections refer to constant euros. The updated amounts are fixed by order of the Ministry of Economy and Finance within five days of the election announcement.

5. Subsidies will not be provided in the cases established in Article 127(2), (3) and (4) of this Law.

ADDITIONAL PROVISIONS Seventh.
1. In the case of elections to the Cortes Generales as a result of the provisions of Article 99(5) of the
Constitution, the royal decree calling the elections is issued the day after the expiration of the period of two months, counted from the first vote for the investiture. Said royal decree is published the same day of its issuance and enters into force the same day of its publication. The royal decree calling the elections indicates the date of the elections that will be held on the forty-seventh day after the announcement.

2. For the electoral procedure resulting from this announcement, the provisions of this Organic Law apply, with the following specific stipulations:

a) The Provincial and Area Electoral Commissions shall be established on the day following the date of the election announcement and their composition shall be identical to that of the moment at which they completed their mandate. If the mandate has not been completed, it shall be deemed extended and
said extension shall be considered, for all purposes, a new appointment.

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b) The political parties, federations and coalitions designate a general representative, in writing, before the Central Electoral Commission in the five days following the announcement.

The general representatives and the representatives of the lists of candidates in each of the constituencies that have accepted their appointment for the immediately preceding elections to Cortes Generales in accordance with Article 168 of this Organic Law shall continue to exercise their respective functions. To this end, within five days following the announcement, parties, federations and coalitions will file a written submission of continuation of appointments before the Central Electoral Commission.

Within the same five-day period following the announcement, the parties, federations and coalitions shall notify the Central Electoral Commission of changes in the appointments of general representatives and representatives of the lists of candidates in each of the constituencies.

Within two days, the Central Electoral Commission shall notify the corresponding Provincial Electoral Commissions of the continuation of the representatives of the lists of candidates, the changes that have occurred or, if applicable, the new appointments. The new representatives shall accept their appointment in accordance with the provisions of Article 168 of this Organic Law.

c) Groups of voters and parties, federations or coalitions that have not obtained parliamentary representation in any of the Chambers will not need to again collect the signatures required by Article
169(3) of this Organic Law to submit lists of candidates when they have already submitted them for the immediately preceding elections to Cortes Generales and the number of valid signatures has exceeded the required number.

d) Parties and federations that establish a coalition agreement to stand jointly in the elections must notify the Central Electoral Commission or the Provincial Electoral Commission if the scope of the coalition is limited to the constituency, within five days following the announcement. In the event that their intention is to maintain, in the same terms, the coalition agreement under which they stood in the previous general elections, they only have to expressly communicate this intention by means of a written submission addressed to the Central Electoral Commission or to the Provincial Electoral Commission if its scope is limited to the constituency.

e) The lists of candidates, signed by the representatives of the parties, federations and coalitions or by the promoters of the groups of voters, are submitted to the Provincial Electoral Commission between the eighth and thirteenth day after the announcement.

During this same period, the representatives and promoters may express, through a written document addressed to the Provincial Electoral Commission, their intention to maintain the lists of candidates presented for the immediately preceding elections to Cortes Generales.

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A statement of acceptance of the maintained list of candidates, as well as documents proving their eligibility conditions, must accompany the application to maintain the lists of candidates.

In the event that new lists of candidates are submitted or the lists of candidates submitted to the immediately preceding elections to Cortes Generales are modified, the representatives shall, within the period referred to in the first paragraph of this point, submit the written presentation of each list of candidates in the terms referred to in Article 46 of this Organic Law.

In the constituencies where, in accordance with the provisions of Article 162 of this Organic Law, the number of Deputies to be elected has changed with respect to the immediately preceding elections to Cortes Generales, the representatives of the lists of candidates may not submit an application to maintain the lists of candidates and must, within the period stipulated in the first paragraph of this letter, submit the written presentation of each list of candidates in the terms referred to in Article 46 of this Organic Law.

f) The submitted lists of candidates, as well as those lists expressly maintained in accordance with the provisions of the previous point, must be published on the fifteenth day after the announcement.

g) The Provincial Electoral Commissions announce the candidates on the twentieth day after the announcement.
h) The announced lists of candidates shall be published on the twenty-first day after the announcement. i) The election campaign, which shall commence on the thirty-eighth day after the announcement, lasts
eight days. However, voters may directly and personally be sent envelopes and ballot papers or election
advertising and publicity from the thirty-first day after the announcement.

j) The election campaign shall end at midnight (00:00) on the day immediately before the vote.

k) Once the postal vote has been requested, the Office of the Electoral Census shall send ballot papers and envelopes to the voter by certified mail, together with the rest of the documentation referred to in Article 73(2) of this Organic Law, from the twenty-seventh day after the announcement and before the sixth day before the vote.

l) In accordance with the provisions of Article 75 of this Organic Law, Spaniards that are registered in the census of absent-resident voters may apply to vote through an official form addressed to the corresponding Provincial Delegation of the Electoral Census no later than the twenty-fifth day after the announcement.

m) The application that Spaniards registered in the census of absent-resident voters who reside abroad have submitted for the immediately preceding elections to Cortes Generales and accepted by the Office of the Electoral Census, will be considered valid and will not

need to be resubmitted for the new
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electoral process, provided that said Spaniards remain enrolled in the census of absent-resident voters in force for the new elections.

n) The Provincial Delegations of the Office of the Electoral Census shall send the documents referred to in Article 75(2) of this Organic Law no later than the twenty-seventh day after the announcement, in those provinces where the announcement of candidates has not been challenged and, in the remaining provinces, no later than the thirty-fifth day after the election announcement.

ñ) The time periods set out in points l) and n) are also applicable to Spanish voters who are temporarily abroad and whose voting procedure is regulated by Royal Decree 1621/2007 of 7 December, regulating the voting procedure for Spanish citizens who are temporarily abroad.

o) The appeal against the announcement of candidates and lists of candidates provided for in Article
49(5) of this Organic Law may be filed until the fortieth day after the election announcement. The Special Chamber of the Supreme Court shall reach a decision within two days of the appeal being filed. An application for amparo [protection against violations of the rights and freedoms of the Constitution] before the Constitutional Court must be requested the following day and the Constitutional Court shall issue its decision thereon in the two following days.

p) The provision in Article 71(2) of this Organic Law shall not apply and, consequently, the preparation of ballots for the list of candidates against which an appeal has been filed in the corresponding
constituency shall not be postponed.

q) The Central Electoral Commission may decide to extend or shorten the periods established in section
2 of this additional provision, in an exceptional manner and by means of a reasoned agreement, and whenever this favours the exercise of the right to vote with full guarantees.

r) Copies of the census of residents in Spain shall be delivered to the representatives of the lists of candidates between the twenty-eighth and twenty-ninth days after the election announcement, and copies of the census of absent-resident voters who live abroad, between the thirty-fifth and thirty-sixth days after the announcement, with the information on voting applications available until the thirty- fourth day after the announcement.

s) The distribution of free time for election campaigning on each publicly owned media outlet and in their different areas of programming is limited to half the time provided for in the scale contained in Article 64 of this Organic Law.

t) In accordance with the provisions of Article 174 of this Organic Law, the general representatives of political parties, federations and coalitions shall appoint a general administrator, in writing, before the Central Electoral Commission before the seventh day after the announcement. Likewise, the respective representatives shall appoint the administrators of the lists of candidates, in writing, before the Provincial Electoral Commissions in the presentation thereof. The Provincial Electoral Commissions shall notify the Central Electoral Commission of the administrators appointed in their constituency.

The general administrators and administrators of the lists of candidates in each of the constituencies that have accepted their appointment for the immediately preceding elections to Cortes Generales in accordance with Article 174 of this Organic Law shall continue to exercise their respective functions. To this end, within ten days following the election announcement, parties, federations and coalitions shall file a written submission of continuation of appointments before the Central Electoral Commission.

Within the same ten-day period following the announcement, the parties, federations and coalitions shall notify the Central Electoral Commission of the changes in the appointments of general administrators and of the lists of candidates in each of the constituencies. The Central Electoral Commission shall then notify the corresponding Provincial Electoral Commission of the continuation of the administrators of the lists of candidates, the changes that have occurred or, if applicable, the new appointments.

u) For the determination of electoral expenses and subsidies, the provisions of Article 175 of this
Organic Law shall apply, with the following modifications:

1. The amounts provided for in section 1 to subsidise the expenses that arise from electoral activities shall be reduced, according to the votes and seats obtained by each list of candidates, by thirty per cent.

2. The election spending limit provided for in section 2 shall be reduced by fifty per cent. The percentages of expenditure provided for in Articles 55(3) and 58(1) shall be understood to refer to this reduced limit.

3. The contracts to be concluded by the contracting bodies of the State General Administration with competence in this matter, whatever their amount, related to the holding of the elections to Cortes Generales when they have been called in application of Article 99(5) of the Constitution, are declared to be urgent. These contracts will be subject to the exceptional procedure regulated in Article 113 of the consolidated text of the Law on Public Sector Contracts, approved by Royal Legislative Decree 3/2011, of
14 November.

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