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**REPUBLIC OF SAN MARINO**

DELEGATED DECREE no. 53 of 23 April 2009

# We the Captains Regent

**of the Most Serene Republic of San Marino**

*Having regard to Article 2 of Qualified Law no. 1 of 11 May 2007; Having regard to Article 4, paragraph 2 of Law no. 36 of 23 March 2009;*

*Having regard to Congress of State Decision no. 10, adopted during its sitting of 14 April 2009;*

*Having regard to Article 5, paragraph 3 of Constitutional Law no. 185/2005 and to Articles 8 and 10, paragraph 2 of Qualified Law no. 186/2005;*

*Promulgate and order the publication of the following Delegated Decree:*

# ELECTORAL PROCEDURES FOR THE SPECIAL POLLING STATION OF THE STATE HOSPITAL IN THE ELECTIONS OF THE HEADS OF THE TOWNSHIP COUNCILS AND OF THE TOWNSHIP COUNCILS AND AMENDMENTS TO DELEGATED DECREE NO. 117/2007 FOR HOME VOTING

**Art. 1**

1. Pursuant to the provisions of Article 4 of Law no. 36 of 23 March 2009 "Amendments to the Law on Township Councils – Law no. 22 of 24 February 1994", this Delegated Decree shall regulate the procedures for the election of the Heads of the Township Councils and of the Township Councils in relation to the voting of State Hospital or Rest Home in-patients.
2. This Delegated Decree also integrates and amends Delegated Decree no. 117 of 13 December 2007 "Special polling station for homebound voters in the territory".

# Art. 2

1. Under Article 4 of Law no. 36 of 23 March 2009, which refers to Article 22 of Electoral Law no. 6 of 31 January 1996, State Hospital or Rest Home in-patients shall exercise their right to vote in the special polling area established at the State Hospital, whose voting procedures shall remain open until 5:00 p.m.
2. Voters referred to in the preceding paragraph shall be allowed to vote upon presentation of the hospitalisation certificate. The Chairperson shall write in the report the surname, name and polling area where each voter is registered.

# Art. 3

1. Article 3 of Delegated Decree no. 117 of 13 December 2007 shall be replaced as follows:

"The functions of the special polling station for homebound persons, both for general elections and referenda, shall be attributed to the polling station envisaged by Art. 22, paragraph 3, of Law no. 6 of 31 January 1996, established at the State Hospital. For general elections and referenda, the composition of such polling station shall include two additional scrutineers, to be appointed according to Art. 23 of the Electoral Law, as amended by Art. 12 of Qualified Law no. 1 of 1 May 2007"

# Art. 4

1. Article 4 of Delegated Decree no. 117 of 13 December 2007 shall be amended as follows:

"In order to be eligible to vote according to Art. 2, a declaration by homebound voters stating their will to vote at home and containing the full address, shall be received by 2:00 p.m. of the thirteenth day preceding the day of general elections or referendum.

If the voter needs the assistance of another voter, according to Art. 35, paragraph 2 of Law no. 6 of 31 January 1996, the application for home voting may be signed by the assisting person.

The declaration above shall be accompanied by a medical certificate issued by a person authorised under Art. 35, paragraph 5. Such declaration shall certify the severe disability or illness impeding, in any way, the transportation of the voter to the polling station where he/she is registered, as well as the possible need to be assisted during the vote, according to the article mentioned above.

The Head of the Electoral Office shall inform the voter whether the Electoral Commission has accepted the application for home voting, after verifying the requirements set forth in this article.

The list of voters eligible to home vote shall be delivered to the Chairperson of the special polling station according to Art. 22, paragraph 3, of Law no. 6 of 31 January 1996, together with the electoral material.

The admission to home vote by the Election Commission, for general elections and the election of Township Councils and their Heads, shall apply for both the first and second round of voting."

# Art. 5

1. Article 6 of Delegated Decree no. 117 of 13 December 2007 shall be amended as follows:

"Votes expressed as provided for by the preceding article shall be collected and kept by the Chairperson of the special polling station in a dedicated box or envelope, which shall remain closed and sealed until ballot papers are inserted in the ballot box/boxes of the special polling station, after having compared their number with the number of home voters.

In the general elections and referenda, all ballot papers cast in the special polling station shall be delivered to the first polling station of Borgo Maggiore together with the report and the electoral material.

In the elections of the Heads of the Township Councils and of the Townships Councils, the ballot papers mentioned above shall be delivered to the first station or to the single station of each relevant polling area. The ballot papers cast by voters registered in the polling stations of Dogana shall be delivered to the first polling station of the polling area of Serravalle. Once all ballot papers have been delivered, the report of the special polling station shall be delivered by the Chairperson of the special polling station to the State Electoral Office, together with all electoral material.

The reports of the procedures carried out in the polling stations shall include the delivery operations and the number of cast ballot papers inserted in the relevant box/boxes.

The Election Commission shall adopt, through an ad-hoc regulation, the technical and operational provisions for the implementation of the right to vote regulated by this Decree."

*Done at Our Residence, on 23 April 2009/1708 since the Foundation of the Republic*

THE CAPTAINS REGENT

*Massimo Cenci - Oscar Mina*

THE MINISTER OF INTERNAL AFFAIRS

*Valeria Ciavatta*