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REPUBLIC OF SAN MARINO

DELEGATED DECREE no. 117 of 13 December 2007[[1]](#footnote-1)

***We the Captains Regent of the***

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

*Having regard to Art.2 of Qualified Law no. 1 of 11 May 2007;*

*Having regard to the Congress of State Decision no. 15 adopted in its sitting of 3 December 2007;*

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

*Promulgate and order the publication of this delegated decree:*

**Special polling station for homebound voters in the territory**

Art. 1

The special polling station for homebound voters, destined to people affected by severe disability or illness preventing them from leaving their homes, shall be established in accordance with Art. 2 of Qualified Law no 1. of 11 May 2007.

Art. 2

Voters fulfilling the conditions in Art. 1, and whose status is certified by a doctor authorised according to the provisions in Art. 4 hereunder, shall be allowed to vote in their house, if located within the territory, by resorting to the special polling station.

Art. 3

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. 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. For the election of Township Councils and their Heads, the functions of the special polling station referred to in this Decree, shall be performed by the polling stations where voters are registered.

Art. 4

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 at least 15 days prior to 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, or to the Chairpersons of the polling stations according to Art. 3 of this Decree, 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

On election day and during voting hours, the Chairperson of the polling station shall reach the voter’s home in the Republic to collect the vote, at the time agreed upon with the homebound voter or his/her relatives. The Chairperson, escorted by security forces and accompanied by two scrutineers, one of whom serving as secretary, shall guarantee the free and secret expression of the vote, while respecting the needs related to the health conditions of the voter.

Art. 6

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

Such verification shall be noted in the report of the polling station operations.

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, 13 December 2007/1707 since the Foundation of the Republic*

*Mirco Tomassoni – Alberto Selva*

CAPTAINS REGENT

*Valeria Ciavatta*

MINISTER OF INTERNAL AFFAIRS

1. Delegated Decree no. 117/2007 was partially amended by Delegated Decree no. 53/2009, also included. [↑](#footnote-ref-1)