

**Qualified Law 28/2007, of November 22,  
amending Qualified Law on the Electoral System and Referendum**

The General Council at its meeting on 22 November 2007 has approved the following: Qualified Law 28/2007, of November 22, amending the Qualified Law on Electoral system and referendum.

**Statement of Motives**

Following the approval of the Constitution by referendum on 14 March 1993, the General Council approved a series of laws that reformed the existing regulatory framework and adapted it to the new situation, contributing to the institutional and democratic development of the country. Within the framework of this legislative development, on 3 September 1993 the Qualified Law on Electoral System and Referendum was approved in order to adapt the existing electoral system to the social and political reality that the new Constitution established.

This Qualified Law on Electoral System and Referendum was later amended on 26 November 1999, 15 December 2000 and 21 February 2005. The first amendment came to repair the comparative inequality existing between Andorran citizens from origin and those who are citizens from a derivative way or that had recovered citizenship after resignation. The second modification, by contrast, came to provide transparency and objectivity to the electoral proceeding by means of creating the Election Commission as an ad hoc body which guarantees the good operation of the election process. The last amendment, in the framework of the approval of the new Criminal Code,

repealed Chapter Six of Title I of the Law, relating to criminal infringement, which were regulated in the above mentioned Criminal Code.

Now, a new review of this text is necessary in order to adapt it technically to the Andorran social reality, which has changed considerably, as evidenced by the significant increase of the number of voters. Therefore, in order to facilitate the simplification, clarity and consistency of the election process, certain aspects the Qualified Law on Electoral System and Referendum are amended, affecting, broadly speaking, the publication of electoral lists, the preparation and presentation of candidates, and the organization of the election day and the voting process.

Regarding the electoral lists it has been defined with precision when they are final – from the moment of the call for election or referendum – and when they are provisional. This should contribute to a simplification of the management of the electoral register.

Likewise, it has been specified when a day is a calendar day or a working day in calculation of deadlines, which effects the time electoral lists are published, the submission of candidatures, as well as the complaints that might be.

As for the preparation and presentation of candidatures, the most important amendments focus on adapting the incompatibilities of candidates to the current legislation – especially in the field of civil service –, on specifying which errors may be amended in the

presentation or composition of the candidatures – all those that may be amended in a five-hour term –, and on clearly determining the role of those presenting them.

Regarding the organization of the election day and the voting process, changes are notable because they involve simplification and will quicken the process. The following amendments can be highlighted: a reduction in the period to cast the vote in court in order to make it coincide with the beginning of the electoral campaign; elimination of the obligation to carry out the elections in the town council and granting to communes the possibility to designate the polling stations that they consider necessary; simplification of the circuit to be followed by the voters to cast their vote; clear establishment of the circumstances in which a vote will be considered invalid when recounting ballots; and granting flexibility on the conditions to designate a candidate controller.

In addition to these amendments, which intend to improve technically the text of the Qualified Law on Electoral System and Referendum, two improvements have been introduced that, although unrelated to each other, resolve some situations that demanded an urgent solution. Firstly, it removes the inability for Andorrans who acquired citizenship through marriage, to exercise the right to appear on the election lists of the spouse's origin parish. And, secondly, it provides the procedure to be followed to call for elections because of the expiration of parliament's mandate, which was not regulated in the original law.

Finally, considering that when previous amendments of the Qualified Law on Electoral System and Referendum were approved the law was never published again in a format that integrated all of the amendments, we shall proceed now to adopt the revised text of the Law, which results from including in the initial text all of the amendments made to this date, and the new amendments now approved, with the re-enumeration of the articles and the modification of internal references when this has been necessary.

### **Title I. General Provisions**

#### **Chapter One. The right to vote**

##### *Article 1. The right to vote*

1. Suffrage is universal, free, equal, direct and secret.
2. The right to vote belongs to all Andorrans, of the legal age of majority, who possess the full use of their civil and political rights.
3. 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 final court decision, provided said decision expressly declares the inability to exercise the right to vote.

#### **Chapter Two. Election lists**

##### *Article 2. Inclusion on the election lists*

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The right to vote in the Andorran elections can be exercised by Andorrans who, enjoying the right to vote according to existing legislation, are nominally registered in the election list of their parish of residence or origin, on the date in which the said list is completed.

### *Article 3. Characteristics and content of the lists*

1. The election lists are permanent. Its development corresponds to local councils, who update and publish them biannually.
2. Elections and referendums are conducted according to the final election list, with the amendments provided for by law.
3. The election lists must contain the name and surname of the voter and his/her passport number. In addition, the final election list must contain the polling station and the polling bureau which would correspond to each voter.

### *Article 4. Electoral register*

1. The electoral register shall contain the name and surnames of each elector, his/her date and place of birth, his/her passport number, as well as the polling station and table where he/she should vote.
2. The electoral register that contains the electoral data is preserved in the archives of the Local council.

### *Article 5. Organization of the electoral register*

1. The local councils will organize by electronic means a copy of the electoral register which, for the purposes provided for by this law, shall be available for the General Council and the Government, if they require it.

2. The candidatures to elections to the General Council or to the local council elections have the right to obtain free copies of the election lists of the corresponding constituency, in which only the name, surname and address shall appear.

### *Article 6. Conditions of registration to lists*

1. The local councils shall register in the list of each parish the Andorrans who are registered in the population census, as well as those who have obtained the registration by parish of origin, and that comply with the requirements referred to in Article 1.

2. The Government, whenever it favourably resolves a citizenship case with full use of civil and political rights has to notify the decision to the local councils.

Every local council must include in the electoral register the person who has obtained the citizenship with full use of civil and political rights, in accordance with the paragraph above.

3. The voters registered in the population census and in the election list of a parish, and who forfeit their residency because of establishing residency abroad, will continue to be registered on the election list of that parish, unless they exercise the option provided for in Article 7.

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4. Andorrans residing abroad who are not registered in the electoral list of any parish may request their registration in the parish of origin, according with the provisions of Article 7, so far as they comply with the requirements of Article 1.

### *Article 7. Registration in the lists of the parish of residence or parish of origin*

1. Every voter registered in election lists of the parish of residence may opt to change to the list of their parish of origin, by demanding it to the local council and providing the documentation which proves their right to do so. It is understood that parish of origin refers to the residence of the parents at the moment of birth or adoption of the voter or, when it is the case, the parish of residence of the last generation of Andorran ancestors of the voters, or the parish of residence in the moment of obtaining or recovering the Andorran citizenship with full civil and political rights.

2. Voters who have obtained the Andorran citizenship by marriage may exercise the right to opt for the parish of origin of their spouse.

3. The voter who has opted for the registration in the election list of the parish of origin may obtain again the registration in the election list of their residence by demanding it to the local council and providing the documentation which justifies the residence.

### *Article 8. Publication of lists*

1. All the local councils shall publish in their notice board the provisional list of

voters on the dates of 30 March and 30 September each year, unless the date of the publication period is included in the election or referendum period. Each local council prepares the list in accordance with the records and the data at their disposal and corrects the observed errors and omissions, ensuring it is as complete as possible.

2. The local councils shall register all the persons who have obtained the right to vote in the parish since the previous publication of the election lists, and remove from the list the data of those who have lost the right to vote in that parish.

3. The local councils incorporate into the list, in a separate annex, all people who, without having to open any proceedings, could exercise the right to vote if they were of legal age of majority and will reach this age in the following six months, indicating the date from which their right to vote could be effective.

4. The lists of the electoral register shall be made public after three working days from the publication of the decree calling elections or a referendum in the Official Gazette of the Principality of Andorra. These lists are considered definitive.

### *Article 9. Changes and updates of the lists*

1. The options provided for in Article 7 may be exercised by requesting the change in lists at any time, except when referendum or elections have been called and until the conclusion of the elections.

2. Each year, from 15 March and 15 September, the local councils shall

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submit to each other the list of voters who have obtained the right to exercise the option provided for in this article, in order to remove them, only for electoral purposes, from the corresponding parish of residence or origin. Where an election or referendum has been called, this procedure shall take place within 3 working days from the date of the call, and only for the requests presented until the previous day to the call.

### *Article 10. Amendments and appeals against an inclusion in the lists*

1. The person who considers that he/she has the right to vote and is not registered in the provisional list of voters can request this registration to the local council within a period of 15 calendar days since the publication. He/she should submit this request in writing and providing the documentation which he/she considers appropriate.

2. Any voter can contest, alone or along with others, the right of a person to be in the provisional election lists, when he/she considers that they are not entitled to vote, or not in the parish in which they are registered. To this end, they shall submit the corresponding complaint to the local council, in the same conditions as those described in the previous paragraph.

### *Article 11. Decision of the local councils on amendments and complaints*

The local councils shall adjudge within eight calendar days on the petitions, by including or excluding the corresponding names from the provisional electoral lists; then a supplementary list will be published and exhibited to the public in the notice boards, establishing the

accepted and rejected demands with the corresponding motivations for the decision.

### *Article 12. Appeal of local council decisions*

1. There shall be a right to appeal to the courts against the decisions of the local councils within eight calendar days from publication thereof.

2. If the appeal is based on violation of a fundamental right it shall be dealt with by the preferential and urgent procedure provided for in the Constitution.

### *Article 13. Amendments of the lists as consequence of a sentence*

Following the notification of a final court decision acknowledging or rejecting someone's right to vote, the local councils must immediately and consequently amend the provisional or final election list, producing the proper effects in relation to the voting.

### *Article 14. Obtainment of citizenship and the right to be register*

When a proceeding to obtain Andorran citizenship is completed during the election or referendum period, the applicant shall not be entitled to be registered in the election list until the first revision of the list takes place following the completion of the existing election or referendum process.

## **Chapter Three. Candidatures**

### *Article 15. Eligibility*

All Andorrans of legal age of majority, in the full exercise of their civil and

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political rights, registered on election lists and provided they do not fall to any cause of ineligibility, are eligible.

### *Article 16. Causes of ineligibility*

1. The following are ineligible:
  - a) judges of the Constitutional Court.
  - b) members of the General Judiciary Council.
  - c) magistrates, high court judges, and members of the Attorney-General's Office.
  - d) members of the Electoral Commission.
2. The above established causes of ineligibility are also causes of disqualification.
3. No General Councillors or members of the Government may be in a candidature in the case of local council elections, neither members of the local council in the case of general elections, unless they have lost this condition by permanent resignation, submitted in writing, before the corresponding body. The body receiving the resignation letter shall communicate it in writing to the Government or local council, as appropriate, so the corresponding candidature can be validated.
4. Persons sentenced to imprisonment by a final court decision, during the term of their conviction, are also ineligible.

### *Article 17. Disqualification from elected positions*

The exercise of Civil Service, for civil servants with active work, and for persons which receive a salary on the basis of an employment relationship with the Public Administration, disqualifies them to develop any elected position in the Administration to which they are attached.

### *Article 18. Prohibition of being part of more than one candidature*

Nobody can be included in two or more candidatures in the same election. Neither can he/she be candidate simultaneously to the General Council and to the local council when both elections take place on the same day.

### *Article 19. Acceptance and number of candidates*

1. Acceptance to be included in a candidature shall be signed by the candidates. Without compliance of this requirement the candidature won't be valid.
2. Incomplete candidatures or any candidature including more candidates than positions to fill will be considered invalid.

### *Article 20. Presenters of candidatures*

1. No candidature shall be valid unless it is presented by the 0.5% of the parish or national electoral register, according to constituency, and in every case, by no less than ten presenters.
2. Each presenter will only be able to sign one candidature for a parish constituency and one candidature for a national constituency. To verify and

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count signatures, all those repeated in the same constituency will be removed.  
3. A candidate shall not be a presenter of his own candidacy.

### *Article 21. Communication of the number of voters*

When elections to the Council General or referendum have been called, the local councils will notify to the Government the number of registered voters in their respective final election lists on the first working day after its publication, for the purposes of the calculation referred to in Article 20.1.

### *Article 22. Presentation of candidatures*

1. Candidatures will be presented in an official document facilitated by the Government which shall contain the name of the candidature, the name of the candidates and their passport number. The presentation will be done in person by at least two of the signatories of the candidature, who will assume the legal representation of the candidature to all effects and who shall certify, by sworn statement or promise, that all the signatures of the presenters are true, under their responsibility. Illegible signatures shall be reproduced below with readable characters.

2. The presentation shall be submitted before the local council, in the case of parish constituencies, and before the Government, in the case of national constituencies, until 12:00 of the fifth working day since the date of the call of elections. The corresponding secretary shall state the submission, with the approval of the head of Government or consul, accordingly. Following this, the

local council or Government, according to the case, shall verify its content.

### *Article 23. Verification, proclamation and publication of candidatures*

1. While verifying, if amendable errors in the composition or presentation of candidatures are noted, this circumstance shall be immediately communicated to the respective legal representatives for its amendment until 17:00 of that day.

2. Once the candidatures are verified, their proclamation is done by the local council in the case of parish constituency, and by the Government when nationwide. Their publication is done the first working day after the conclusion of the presentation period.

### *Article 24. Appeals before the Electoral Commission*

1. The candidates and legal representatives of the candidatures may appeal to the Electoral Commission against a motivated rejection or proclamation of candidatures, within one working day from the date of publication of the rejection or proclamations thereof.

2. The Electoral Commission shall immediately demand the records to the corresponding local council or to the Government, which shall submit them within one working day after communicating this circumstance to the legal representatives of the other candidatures, who shall have another working day to make statements before the Electoral Commission.

3. The decision of the Electoral Commission shall be issued within one working day from the conclusion of this

period. Against it there shall be the right to appeal before the Administrative Section of the Higher Court of Justice, regulated by this law.

*Article 25. Substitution of a candidate because of sentence, death or disability*

If a candidate loses the right to stand for election by final court decision, communicated to the Government or the consuls, by death or disability, during the day established for elections, he/she shall be replaced by the following candidate in the list, without having to amend the ballot papers.

**Chapter Four. The Electoral Commission and the electoral campaign**

*Article 26. Duration of electoral campaign*

When calling elections or referendum the Government establishes the duration of the electoral campaign, which shall not be less than ten calendar days or more than fifteen natural days.

*Article 27. Functions and composition of the Electoral Commission*

1. The Electoral Commission supervises the good operation of the election process, in every referendum and election in the country, whether general or local, ensuring its objectivity and the equality of opportunities of all candidates. The General Council shall facilitate to the Electoral Commission the necessary resources to develop its functions, including premises for meetings, attendance of experts or technicians, and allowances and bonuses for its members.

2. The Electoral Commission consists of six members. Three of them must be magistrates of the Magistrate Court of Andorra, chosen by lot by the High Council of Justice. The remaining three members must be jurists or experts appointed by the Office of the Speaker on the basis of a common proposal from the parliamentary groups and independent general councillors. Substitute members shall also be appointed in this way, which shall also be three magistrates and three jurists or experts.

3. The full members and substitutes of the Electoral Commission shall be appointed in the following way:

a) those appointed by the general councillors, within ninety days from the first session of each new Parliament. The Office of the Speaker shall immediately communicate the appointments to the High Council of Justice.

b) those appointed by the High Council of Justice, in the first session that takes place after receiving the communication from the Office of the Speaker, as mentioned above.

4. The Office of the Speaker shall appoint the members if they are not appointed by the General Councillors in the above referred terms, after hearing the parliamentary groups and independent general councillors.

5. All appointments shall be notified to the General Secretary of the General Council, which shall convene the members to take their seats and constitute the Electoral Commission within the following month thereof.



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6. The appointments will keep full effects throughout the parliamentary period and until new appointments are made. The same day in which elections or referendum are called, the general secretary of the General Council shall convene the appointed members for the Electoral Commission to enter into operation, within the following five days.

7. The High Council of Justice appoints the President and Vice President of the Electoral Commission from among the Magistrates appointed by the institution as members of the Electoral Commission. The president has a deciding vote in the event of a tie. The Electoral Commission shall be validly constituted with the attendance of a minimum of four members, two of them shall be magistrates. The Electoral Commission may be convened by the President, on its own initiative or at the request of two members, depending on the urgency of the call.

8. The Secretary of the Electoral Commission is the general secretary of the General Council and participates in deliberations with voice but no vote. In particular, he/she has the responsibility of ensuring the immediate initiation of the Electoral Commission once each of the election process has been called.

### *Article 28. Competences of the Electoral Commission*

1. The Electoral Commission shall have the following responsibilities:

a) Submit to the public authorities or the media, all the observations about the development of the election process it

deems necessary, whether *ex officio* or at a party's request.

b) Determine any complaint or consultation submitted by interested parties in the development of the election process and related to the specific competences of the Election Commission.

c) Issue general provisions, whenever deemed necessary.

d) Communicate conducts that may be constitutive of an offence to the Attorney-General's Office.

e) Any other competence assigned by law.

2. Public authorities, candidatures or their candidates or proxies, election administrators, heads of media, and voters, all of them having a legitimate interest, as assessed by the Commission, shall be entitled to submit consultations, complaints or appeals before the Electoral Commission, according to the present law.

3. The Electoral Commission will adopt its decisions in the form of recommendations, resolutions or general provisions, which shall be published in the Official Gazette of the Principality of Andorra. Decisions shall be motivated to the extent necessary.

The resolutions and provisions shall be mandatory for all authorities and citizens and immediately executive, allowing the Commission to adopt all the necessary provisional measures that may be necessary in emergency cases.

4. Every hour and day will have the

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consideration of working days and working hours regarding the actions of the Electoral Commission, which notifies and informs of its decisions by the means it deems most appropriate, including by telephone. Consultations, complaints and appeals shall be submitted in writing on regular paper without the involvement of an attorney being necessary. The Electoral Commission may reject, with reasons, the admission of those being extemporaneous, notoriously unfounded, insufficiently reasoned or submitted by somebody who clearly has no legitimate interest.

5. Regarding other aspects of the operation of the Electoral Commission, it will be governed by the general provisions agreed by the Electoral Commission itself. These shall be published in the Official Gazette of the Principality of Andorra and shall govern until amended by the same or subsequent Electoral Commission.

6. There shall be a right to appeal against the provisions and resolutions of the Electoral Commission to the Administrative Chamber of the Higher Court of Justice, within twenty four hours following the notification of the decision. The same day in which the appeal is presented, the Chamber will submit it to the parties and to the Attorney-General's Office, so that they may formulate responses.

The Higher Court of Justice shall pronounce within the period of forty-eight hours, its understanding in compliance with respect to constitutional requirements.

### *Article 29. Propaganda and election rallies*

1. The electoral propaganda posters will be placed in public spaces that the local councils set aside for their exclusive use. Outside these areas, public spaces may not be used for posters, banners, stickers or similar objects.

2. The local councils will establish the spaces reserved for propaganda posters and they shall grant equal place for each valid candidature. The allocation of places shall be done by drawing of lots.

3. Local councils shall grant to the candidatures, on an equal basis, public premises for electoral campaign gatherings.

4. Interested parties who disagree with the decisions of the local councils regarding the issues provided in this article shall have a right to appeal, within two working days following the notification or publication of the decision, before the Electoral Commission, which shall decide within two working days following a report of the local council, if carried out.

### *Article 30. Enabling the means to campaign and express political platform*

1. The Government shall make available all personal, material and economic resources necessary for the proper development of the electoral campaign and the elections, without prejudice to the legal competences of the local councils.

2. The Government, in advance, will send to every voter in their registered address, an envelope containing the

political platform of the different candidatures. All of them shall have the same treatment in regard to the documentation included and their presentation.

3. The Electoral Commission, within forty-eight hours shall pronounce on the appeals against the decisions of the Government or the Local councils, regarding the issues regulated in this article.

### *Article 31. Electoral propaganda in the media*

1. In the public media, the candidatures will have a free spot of the same length to present their electoral programmes and ask for the vote. In any case, time given in the general elections to parish candidatures shall not be more than one third of the time granted to national candidatures. In the local elections, each candidature shall be given the same amount of time.

2. The heads of the public media shall establish the duration of the spots in public radio and television for the different candidatures. They can also offer the broadcasting of debates or interviews with the different candidatures. In any case, the decisions adopted by the heads of the public media in the matters referred to in this section, shall be fully communicated to the representatives of the candidatures.

3. The Electoral Commission may establish, when needed, the general necessary provisions to ensure that the free spots and the development of electoral debates or interviews in public media, as well as the publication of electoral surveys paid with public funds

in public media, respect the electoral pluralism and neutrality of information.

4. From the call of elections until the completion of voting, the Electoral Commission shall resolve any appeal or complaint that any candidate or candidature may submit against the decisions and actions of the public media that may impact on the electoral process, on the basis of a violation against the respect for political and social pluralism or the neutrality of information, protected by this article. The appeal shall be submitted within forty-eight hours following the notification of the decision or the knowledge of the action and shall be resolved within the next forty-eight hours following a report of the affected media, if carried out. In urgent cases, the Electoral Commission shall provisionally adopt the necessary measures.

5. If the Electoral Commission considers that the appeals are notoriously frivolous they shall warn the appellant, and in the case of persistence, may impose a fine of between EUR 300.00 and EUR 3,000.00.

6. It is forbidden to include in any media adverts and publicity with institutional purposes that is paid for with public funds, from the calling of elections until the completion of the voting.

7. Any election survey funded by public authorities and conducted during the election period shall be immediately communicated to the Electoral Commission after its completion. The Electoral Commission, within the following twenty-four hours, shall submit it to the representatives of the candidatures and, when appropriate, to

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the parliamentary groups and independent general councillors represented in the General Council for general elections, or to parties and lists represented in the local councils, for local elections.

8. The private media may establish advertisement contracts with the candidatures, provided none are discriminated or rejected, and so far the advertisement does not offend the provisions contained in this Law or the constitutional principles. Electoral advertisements contracted with private media shall express this condition when broadcast. The Electoral Commission shall resolve all the appeals that might be submitted by the interested parties when they consider that the provisions of this section have been violated.

### **Chapter five. The conditions of vote**

#### *Article 32. Mode of voting*

The vote is cast in person at the polling station assigned to the voter or by judicial deposit at the Magistrate's court.

#### *Article 33. Voting by judicial deposit*

1. The vote by judicial deposit is only valid if the envelope and official ballots are delivered to the magistrate between the first day of the election campaign and before 13:00 on the day before election day.
2. The judicial deposit before the magistrate must be done by the voter himself, not being possible to delegate it to any other person.
3. Voters shall collect the ballots in the

corresponding town council. The envelopes, with the characteristics expressed in Article 37.2, are guarded by magistrates to whom the government will send enough.

4. The magistrates shall deliver the collected votes to the respective polling stations, constituted for this purpose. These votes are introduced into the ballot box at the beginning of the election day, and verified against the name and the surnames of the voter for the purposes of Article 40.

#### *Article 34. Polling stations*

1. The elections take place in each parish at polling stations specially set aside and designated by the local councils.

2. At each polling station the local councils may organize one or more polling bureaus, in which the voters will be distributed in alphabetical order to facilitate voting.

#### *Article 35. Election day*

1. All voting will be held on Sunday.
2. The polling station opens for voting at nine in the morning and closes at seven in the evening. All the persons who at this hour are in the room are allowed to vote.
3. All persons with the right to vote, may be absent from their workplace during two hours in order to make their vote effective. This absence is paid and compulsory for those who request it, and may not involve any employment consequence.

### *Article 36. Polling bureaux*

1. Polling bureaux shall be constituted in every polling station and they will be composed of two members of the local council and by polling controllers. The bureaux will be chaired by members of the local council in the order established by protocol. People registered as candidates shall not be part of the polling bureau. However, in the case that all the members of the local council are candidates, the Electoral Commission shall appoint by drawing of lots the two members of the local council that will be part of the bureau, excluding the major and minor consuls and the two heads of the candidate lists.

2. Each of the groups of voters who have presented a candidature can appoint a full polling controller and substitute polling controller for each polling bureau. The appointment shall be communicated to the local councils by the legal representatives of the candidature on the last working day prior to election day.

### *Article 37. Envelopes and ballots*

1. All ballot papers must be the same shape, size, colour and weight of paper in all polling stations. These characteristics are to be fixed by the Government.

2. The Government shall also prepare envelopes, being the same for the whole Principality. This envelopes shall be opaque and be marked by a stamp or other signal that make its replacement impossible or very difficult. Each local council will be provided with a sufficient amount of envelopes in relation to the

number of registered electors in the election lists. The remaining envelopes will be destroyed by the local council.

3. For the purposes of the provisions in the previous paragraph, the local councils will communicate to the Government the number of registered electors in the final election lists.

### *Article 38. Ballot papers available to voters*

From the second working day prior to the beginning of voting by judicial deposit, the ballot papers will be available to electors, in every town council, in the regular office hours and until election day.

### *Article 39. Insulated booths*

There shall be one or more insulated booths placed in the premises where the voting takes place. The booths shall be properly illuminated, with a table or desk on top of which there shall be a sufficient number of ballots for each declared candidature, and blank ones.

### *Article 40. Procedures for voting*

1. At each polling station, after verification by the bureau that the interested person or party is registered in the electoral register, the following essential conditions shall be respected, in the order that best serves the organization of the polling station:

- The identification of the person who exercises the right to vote.
- To receive one or more envelopes, according to the electoral process in question.

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- To enter, completely alone, to any of the insulated booths to introduce the ballot paper or ballot papers that he/she chooses, into the envelope or envelopes without being seen by anyone.

- To insert the envelope or envelopes inside the ballot box or ballot boxes, as appropriate, with prior authorization from the President of the bureau.

2. A member of the bureau must count the number of voters who exercise their right to vote.

### *Article 41. Counting of votes*

1. When all voters who wish to vote have voted, in accordance with Article 35.2, the bureau shall proceed to practice the count of the votes.

2. Once the voting is finished and the boxes opened, the number of envelopes will be counted. If there is not a match with the number of voters, the President of the bureau will state it in the documentation of the counting.

### *Article 42. Valid votes, void ballots and blank votes*

1. Valid votes shall be considered those resulting from the total votes cast after subtracting the blank votes and void ballots.

2. The following are considered void ballots and will have no effect:

a) amended ballots, incomplete or with more or less candidates than the number of positions to fill, ballots which somehow indicate alterations or preferences in the order of the lists and,

in general, all those that contravene the sense of the voting.

b) Two or more ballot papers, not identical, included inside the same envelope.

c) Ballots with something written added.

d) Stained ballots if, according to the criteria of the bureau, it is been done with the purpose of identifying the ballot.

e) Ballot papers other than those provided by the Government.

f) Ballots papers included in an envelope along with any other item.

g) Ballots that do not correspond with the envelope of the constituency.

h) Ballots entered into the ballot box without an envelope.

i) Envelopes placed into the ballot box without a ballot paper.

3. The following shall be considered valid votes:

a) Two or more identical ballots included in one envelope. In this case one vote shall be considered valid.

b) Stained ballots if, according to the criteria of the Bureau, the stain has not been made with the purpose of identifying the ballot.

c) A ballot that breaks when opening the envelope to make the counting. In this case it shall be considered that the ballot is complete.

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4. Votes can not be declared void by other reasons than those prescribed by this Law.

5. Blank votes should be stated in the records in a different manner to void votes.

6. The valid and void votes that are the object of contestation by any member of the bureau or by a polling controller, shall be attached to the documentation, and their number shall be recorded.

### *Article 43. Preservation of ballots*

It shall be compulsory to preserve the uncontested ballots in the town council until fifteen days after the election has been finalized.

### *Article 44. Minutes of the counting*

1. The results of the vote are recorded in minutes which must be signed by all members of the polling bureau. A certified copy of these minutes must be immediately submitted to the Government.

2. The minutes must include the number of electors with the right to vote, the number of voters and the number of void ballots, the number of blank votes and the number of votes obtained by each candidature or each response in case of referendum.

3. It shall also be stated in the minutes if the number of votes does not match with the number of voters, or any other incident worthy of mention, in the opinion of the majority of the members of the bureau. If there were contested

votes, these shall be attached to the minutes.

### *Article 45. National minutes*

In elections to the General Council or referendum, the Government, in view of the minutes of the polling stations, shall make the general count and establish the national minutes, and the head of the Government shall announce the results.

### *Article 46. Appeal against the announcement of election results*

There shall be a right to appeal to the courts against the announcement of the election results, which if based on violation of a fundamental right, shall be dealt with by the preferential and summary procedure provided for in the Constitution.

## **Title II. General election**

### **Chapter One. Calling an election**

#### *Article 47. Dissolution decree of General Council and calling elections*

1. The mandate of the Councillors finishes four years after their election or on the day of the dissolution of the General Council as referred to in the Constitution.

2. The dissolution decree shall set the election date, to take place between the following thirty and forty working days, as well as the duration of the election campaign according to the provisions of Article 26.

3. If the call for elections takes place by simple expiration of the legal term of the mandate, the dissolution decree, which

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must be signed and issued within a maximum of five working days from the expiration of the mandate, must set the date of elections and establish the duration of the election campaign.

### *Article 48. Number of General Councillors*

The General Council consists of twenty eight general councillors, half of who is elected in an equal number for each of the seven parishes and the other half is elected in a national constituency.

### *Article 49. Composition of candidatures in the parish constituencies*

The candidatures of parochial constituencies shall necessarily include two candidates, accompanied by three substitutes.

### *Article 50. Composition of candidatures in the national constituency*

The candidatures of national constituencies shall consist of an ordered list of 14 candidates and 3 substitutes, which will determine the elected general councillors based on the election results, and the correlative order of substitutes in the case of a vacancy.

### *Article 51. Prohibition on standing in two constituencies*

The same person, whether candidate or substitute, may not stand simultaneously in a list for a parish constituency and in a list for a national constituency.

### *Article 52. Procedures for voting by constituency*

1. The elections for general councillors in parish constituencies and in national constituency shall take place on the same day and in the same polling stations.

2. To this end, two ballot boxes shall be placed in each polling station. The first box, white, will be reserved for the election of parish candidatures and envelopes and ballots shall be white. The second box, blue, shall be used for the election of national candidates and envelopes and ballots shall be blue.

### *Article 53. Certification of the results and minutes*

1. On the same day of the election, the polling bureaus shall certify the results of the candidatures in their respective polling station. These certificates shall be sent immediately to the Government, which shall make the final count for the national constituency and determine all candidates elected.

2. The government shall take minutes and the head of government shall announce the names of all the elected candidates, irrespective of the origin of their election.

### *Article 54. Disqualification criteria for the position of general councillor*

In addition to the causes of disqualification provided for in Articles 16 and 17, the position of general councillor is incompatible:

a) with the position of head of Government, Minister or a high position within the Government.

b) with the consul or councillor of the local council.



c) with any local council position of free appointment.

d) with any employment activity that involves a salary from the General Council or the Government, or from semi-public institutions, not having obtained a leave of absence.

e) with the exercise of any function delegated by the government that exceeds the period of six months.

### **Chapter Two. Electoral system**

#### *Article 55. Voting for candidatures in parish constituencies*

The voters shall vote for the candidatures of the parish constituencies without altering them, otherwise the ballot paper or vote will be void.

#### *Article 56. Voting for candidatures in the national constituency*

The candidatures of the national constituency shall be voted in their totality, with those that somehow, indicate alterations or preferences in the order of the lists being considered void.

#### *Article 57. General councillors elected in parish constituencies*

1. The candidates of the most voted candidature in the parish constituencies shall be announced general councillors.

2. If in the event of a tie in the election between two or more candidatures, there shall be an election between those candidatures on the following Sunday.

3. If in the new election there was

another tie, as soon the counting is finished, there shall be a draw consisting of placing a ballot paper of each candidature inside the box, and the fist candidature which leaves the box shall be elected. The extraction of the ballot shall be done by the President of the polling bureau with total impartiality.

#### *Article 58. Councillors elected in the national constituency*

1. For the determination of the general councillors in the national constituency, the proportional system called the “highest remainder” shall be used.

2. To this end, the number of seats shall correspond to each candidate as a result of dividing the number of votes and the electoral quotient. Once completed, if this operation has not filled the fourteen positions of general councillor, the remaining seats shall be allocated to those candidatures already represented, and that have the higher remainder, according to the number of existing vacancies. In the event of a tie in the allocation of the remainders, it shall be resolved in favour of the candidature with the highest number of absolute votes. If there is also a tie in the number of absolute votes, it shall be resolved by the drawing of lots.

3. The electoral quotient is determined by dividing the total number of valid votes by fourteen. If the obtained electoral quotient was a number with decimals, it shall be rounded to the higher whole number.

4. The remainder is that one obtained mathematically from dividing the total number of votes of each candidature by

the electoral quotient. The surplus votes of each candidate are those which have not reached the number expressed by the electoral quotient. Example:

Electoral quotient =  $8,350 : 14 = 596.42$   
(597 to rounding)

candidature A = 3,000 votes:  $597 = 5$   
seats + 15 remainder = 5 seats.

candidature B = 2,550 votes:  $597 = 4$   
+ 162 remainder = 4 seats.

candidature C = 1,975 votes:  $597 = 3$   
+ 184 remainder = 3 seats.

candidature D = 825 votes:  $597 = 1$  seat  
+ 228 remainder = 2 seats.

**Title III. The local council elections**

*Article 59. Duration of mandate and call for municipal elections*

1. The mandate of the councillors of the local council has duration of four years.
2. The head of government fixes, by decree, the date of elections to be held during the first twenty days of December of the election year. The same decree, which shall be published between thirty and forty working days prior to the date of the elections, has to establish the length of the election campaign, in the terms provided in Article 26.

*Article 60. Composition of the local council*

1. The local councils shall be composed of between ten and sixteen local councillors, always in an even number.

2. The local councils, elected in accordance with this Law, may amend the number of councillors within the margin expressed in the first paragraph, provided that this modification is approved by 2/3 of its members. For this agreement to have effect for the following elections, it shall be adopted a year prior to the holding of elections.

*Article 61. Local council candidatures*

The candidatures, which shall be presented by 0.5% of the parish census, and in any case, not by less than ten presenters, shall consist of an ordered list of as many candidates as local councillors to be elected in the parish and two substitutes. Voters shall vote for the entire list, without being allowed to alter the order or indicate their preferences for any candidate.

*Article 62. Allocation of seats*

1. After elections are completed, the most voted candidature in each parish will be directly allocated half of the local councillors, whatever is the difference in votes with the other candidatures. The other half of the local councillors shall be proportionally distributed among all candidatures, including the most voted, applying the system described in Article 58, adapting it to the number of local councillors to be shared proportionally.
2. In case of a tie between two or more candidatures, it would correspond to each of them being allocated an equal part of the half directly assigned to the most voted candidature and, if an exact distribution was not possible, the remaining seat or seats would be added

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to the number of local councillors to be shared proportionally.

### *Article 63. Announcement of results*

On election day the polling bureaus shall issue a certificate of the election results in their respective polling station and submit it immediately to the Government. The Government shall verify the certificates and take minutes of the results.

### *Article 64. Election of major and minor consuls, censure motion and resignation*

1. The major and minor consuls shall be elected among and by the local councillors. They may not hold more than two consecutive complete mandates.

2. The major and minor consuls shall cease to hold office if a censure motion is presented, with a local councillor as alternative candidate, and obtains the positive vote of the absolute majority of the members of the local council.

3. If the censure motion does not succeed, the local councillor presented as an alternative candidate, may not be presented again throughout the rest of the mandate.

4. The major or minor consul may submit their permanent resignation from office, remaining members of the local council. Their substitution will be made through the same system by which they were elected, and this should take place during the fifteen natural days following the presentation of their resignation.

5. Any local councillor may present before the major or the minor consul

his/her permanent resignation, which will have effect from fifteen calendar days after it has been presented. The following candidate after the last one elected from the list shall substitute him/her.

### *Article 65. Disqualification of members from the local council*

In addition to the grounds of disqualification provided for in Articles 16 and 17, the position of local councillor is incompatible with the position of head of government, minister or high government position.

### *Article 66. Incompatibility of major and minor consuls*

In addition to the incompatibilities under the previous article, the positions of major and minor consuls are incompatible with any activity that is on the payroll of the General Council, of the Government, of another local council, of semi-public entities, or state companies, or public bodies, or organs or administrations that depend on some foreign state, not having acquired the leave of absence.

## **Title IV. Referenda**

### **Chapter One. Referendum on constitutional reform**

#### *Article 67. Call for constitutional referendum*

1. Upon approval of a draft amending the Constitution by the General Council, and according to the provisions therein, the syndic general shall submit it to the co-princes, so that they can jointly and simultaneously call for a referendum.

2. The date of the referendum shall be established by the General Council, and in all cases will take place before thirty days from the communication to the co-princes.

### *Article 68. Ballots and envelopes*

The Government shall prepare and deliver ballot papers and official envelopes to the local councils and the magistrates. The question, as proposed by the General Council and the two alternatives responses “YES” and “NO”, shall be contained in differentiated ballots papers. There shall also be blank ballot papers.

### *Article 69. Participation of groups of voters*

The groups of voters that support any of the options in the referendum, shall legally be considered as candidatures and are subject to the same requirements for submitting signatures, in accordance with the third chapter of the first title of this law.

### *Article 70. Announcement of results*

Once the counting is completed, in accordance with the provisions of Article 45, the government shall establish the national minutes of the referendum result. The Amendment of the Constitution shall be approved if the number of affirmative votes issued by the Andorran people exceeds the number of negative votes. The head of Government shall immediately announce the result of the referendum.

### *Article 71. Ratification of constitutional reform*

Once the draft amendment of the Constitution is approved by the Andorran people in a referendum, the general syndic shall submit it to the co-princes for their ratification. A certified copy of the national minutes accrediting the result shall be attached to the text of the amendment.

## **Chapter Two. The advisory referendum**

### *Article 72. Call for advisory referendum*

The head of the Government shall request the co-princes to call a referendum on political matters, when its holding is approved in accordance with the provisions of the Constitution.

### *Article 73. Establishment of date and referendum question*

The Government, with the agreement of the General Council shall establish the date of the referendum and the referendum question.

### *Article 74. Announcement of local and national results*

The announcement of the results shall be done in a manner that clearly shows the will expressed by the voters of each and every one of the parishes and of the whole Andorran people.

### *Additional Provision*

The calendar that establishes the holiday days set by the government shall be used for the calculation of working days.

### *Final provision*

This Law shall come into effect on the date following the day of publication in the Official Gazette of the Principality of Andorra.

Casa de la Vall, 22 November 2007

Joan Gabriel Estany  
Syndic General

We the co-princes sanction and enact it and we do order its publication in the Official Gazette of the Principality of Andorra.

Joan Enric Vives Sicilia  
Bishop of Urgell  
Co-prince of Andorra

Nicolas Sarkozy  
President of the French Republic  
Co-prince of Andorra