

Regulations on the Electoral Census

The Organic Law from General Electoral Regime (LOREG)

Article 31

1. The electoral census contains the records of those meeting the requirements in order to be eligible to vote, and are not deprived, permanently or temporarily, of the right to suffrage.
2. The Electoral Census is composed of the census of voters resident in Spain and of the census of resident/absent voters living abroad.
3. There is a single Electoral Census covering all types of election, notwithstanding its possible extension for the Municipal elections and the elections to the European Parliament, pursuant to articles 176 and 210 of the present Organic Law.

Article 32

1. Recording in the electoral census is compulsory. Besides the name and surname(s), the only detail necessary for identifying the voter when voting, notwithstanding the provisions of article 85, the National Identity Document number will be included among the remainder of census details.
2. Municipal Councils automatically carry out the registration paperwork of those resident in their municipality.
3. Consular Offices or the Consular Sections of Embassies will automatically deal with registering Spaniards resident in their catchment area pursuant to the regulations.

Article 33

1. The Electoral Census is sorted by Territorial section.
2. Every voter is recorded in a Section. No one may be recorded in more than one Section, or more than once in the same Section.
3. If a voter appears registered more than once, the last registration takes precedence and the remainder are cancelled. If records are from the same date, the person concerned will be notified of this in order to choose between them within a period of ten days. Failing this, the authority with jurisdiction for this automatically determines which record should take precedence.
4. With the exception of the provisions of the previous section, recording will remain unchanged, except where there is a record of the voter's personal circumstances or conditions having changed.
5. Changes provided for pursuant to the preceding numbers will be notified immediately to the persons affected.

Article 34. Nature and validity of the Electoral Census

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

Article 35. Updating of the Electoral Census

1. For updating of the census, Municipal Councils will send monthly, in fixed terms by the Electoral Census Office, to the respective Provincial Delegation of the Electoral Census Office, a list documented previously established by instructions of the Organism, all the variations of the Register produced in that month.
2. If some Municipal Council does not fulfill its obligation under the preceding paragraph, the Director of the Census Office will report this to the Central Electoral Board to the same arrangements as appropriate.
3. The update corresponding to the first month of the year will also include, under the terms provided for in the previous paragraph, registrations, with the classification of minor, of residents who are to turn 18 years old between 1 January and 31 December the following year.

Article 36. Updating of the Census of residents living abroad.

1. In order to update the census of resident/absent voters living abroad, Consulates will deal with the paperwork, pursuant to the same procedure as Municipal Councils, for registrations and delistings of Spaniards living their catchment area, as well as their changes in place of abode produced in the same or in the application of registration changes to a new district. These latter can only be accepted if there is sufficient cause and justification for it.
2. In the closed census for each election, changes in registration in one district to another in the year prior to the date of calling the elections will not be taken into account.

Article 37. Updating of the Census responsible for the Civil Register and for the Central Register of Convicted Persons and Rebels

Those responsible for the Civil Register will notify Provincial Delegations of the Electoral Census Office monthly any set of circumstances that may affect registration in the electoral census.

Article 176

1. Without prejudice of that regulated in Title I, Chapter I, of this Law, foreign residents in Spain whose respective countries allow Spaniards to vote in municipal elections enjoy active suffrage in said elections, in terms of a treaty.

Similarly, all persons resident in Spain without Spanish nationality enjoy active suffrage in municipal elections if they:

- a) Are European Union citizens according to that provided in paragraph 2 of Section 1 of article 8 of the Constitutive Treaty of the European Community.
 - b) Meet the requirements to be voters demanded by this Law for Spaniards and have expressed the wish to exercise their right to active suffrage in Spain.
1. The Government will communicate the Electoral Census Office a list of Foreign States whose nationals, residents in Spain, must be registered in the Census.

Article 210

1. Not with standing that expressed in chapter I of title I of this Law, the following persons resident in Spain who, without having acquired Spanish nationality, have the right to active suffrage in the elections to the European Parliament:

a) Are European Union citizens according to the provisions of paragraph 2 of section 1 of article 8 of the Constitutive Treaty of the European Community.

b) Fulfill the elector requirements in this Law for Spaniards, and who have the right the active suffrage in their Member State of origin.

2. Nobody may vote more than once in the same elections.

3. In order for a non-Spanish citizen of the European Union to be able to exercise the right to active suffrage in Spain, he or she shall have previously opted to do so.

Article 210.bis

1. Not with standing the provisions of Chapter I of Heading I of this Law, all persons resident in Spain, who have not been granted Spanish nationality.

a) are citizens of the European Union pursuant to paragraph 21 of section 1, article 8 of the Constitutional Treaty of the European Community

b) meet the eligibility requirements set out by this Law for Spaniards and enjoy entitlement to passive suffrage in the Member state of origin are eligible for elections to the European Parliament.

2. Those contained in article 154.1. and 2 of the current Law ineligible for the European Parliament. Nevertheless, article 154.1 only applies to citizens of the European Union with entitlement to passive suffrage, when the performing of functions or duties referred to in the aforementioned article constitutes cause for ineligibility in the Member state of origin.