

Law governing Elections to the Assembly of the Republic

**Law no. 14/79 of 16 May 1979,
(Declarations of Rectification of 17 August 1979 and 10 October 1979),
as amended by
Decree-Law no. 400/82 of 23 September 1982,
Law no. 14-A/85 of 10 July 1985,
Decree-Law no. 55/88 of 26 February 1988, Law no. 5/89 of 17 March 1989,
Law no. 18/90 of 24 July 1990, Law no. 31/91 of 20 July 1991,
Law no. 72/93 of 30 November 1993,
Law no. 10/95 of 7 April 1995, Law no. 35/95 of 18 August 1995,
Organic Law no. 1/99 of 22 June 1999, Organic Law no. 2/2001 of 25 August 2001,
Organic Law no. 3/2010 of 15 December 2010,
Organic Law no. 1/2011 of 30 November 2011, Law no. 72-A/2015 of 23 July 2015,
Organic Law no. 10/2015 of 14 August 2015,
Organic Law no. 3/2018 of 17 August 2018,
and Organic Law no. 4/2020 of 11 November 2020**

In accordance with Article 164(d) and Article 167(f) of the Constitution the Assembly of the Republic hereby decrees the following:

TITLE I Electoral eligibility

CHAPTER I Eligibility to vote

Article 1 Eligibility to vote

- 1 - Portuguese citizens over the age of eighteen years are eligible to vote.
- 2 - Portuguese who are also held to be citizens of another state do not lose the eligibility to vote because of that fact.

Article 2 Ineligibilities to vote

The following are not eligible to vote:

- a) *Repealed*;
- b) Persons who clearly have a limitation or seriously impaired mental functions, even if they are not subject to monitoring, when they are admitted to a psychiatric establishment or declared as such by a board of two doctors;
- c) Persons who are deprived of political rights by a judicial decision that has transited in rem judicatam.

Article 3 Right to vote

Citizens who are registered on the electoral roll, be it in Portuguese territory or in Macao or abroad, are electors of the Assembly of the Republic.

CHAPTER II
Eligibility for election

Article 4
Eligibility for election

Portuguese citizens who are registered electors are eligible for election to the Assembly of the Republic.

Article 5
General ineligibilities

The following are ineligible for election to Assembly of the Republic:

- a) The President of the Republic;
- b) *Repealed*;
- c) Serving court judges and public prosecutors;
- d) Sitting judges who are not covered by the provisions of the previous paragraph;
- e) Full-time military personnel and members of militarised forces, while on active service;
- f) Serving career diplomats;
- g) Persons who are exercising diplomatic functions on the date on which nominations are submitted, if they are not included in the previous paragraph;
- h) Members of the National Electoral Commission.

Article 6
Special ineligibilities

1 - Directors and heads of tax offices and ministers of any religion or form of worship who possess jurisdictional powers may not be candidates for the constituency in which they exercise that activity.

2 - Portuguese citizens who have another nationality cannot be candidates for the constituency that includes territory of the country to which that nationality pertains, when they hold political office or high public office equivalent to them in the bodies of the State concerned, according to the criterion of Portuguese law.

Article 7
Public servants

Civilian public and state servants and the staff of other public-law legal persons do not require authorisation to stand for election as Members of the Assembly of the Republic.

CHAPTER III
Status of candidates

Article 8
Right to dispensation from functions

Candidates have the right to be dispensed from the exercise of their functions, be they public or private, for the thirty days before the date of the elections, and that time shall count as effective length of service for all purposes, including the right to remuneration.

Article 9
Obligatory suspension of office

Candidates who are mayors or who are substituting for mayors under the terms of the law may not exercise the respective functions from the date on which nominations are submitted until election day.

Article 10
Immunities

1 - No candidate may be remanded in custody, except in cases of flagrante delicto and for a crime that is punishable by a major prison term.

2 - In the event that criminal proceedings have been brought against any candidate and he is indicted by means of an indictment order or equivalent, the case may only proceed once the results of the elections have been proclaimed.

Article 11
Nature of mandate

Members of the Assembly of the Republic represent the whole country, and not the constituencies for which they are elected.

TITLE II
Electoral system

CHAPTER I
Organisation of constituencies

Article 12
Constituencies

1 - For the purpose of the election of the Members of the Assembly of the Republic, the electoral territory is divided into constituencies, each of which corresponds to an electoral college.

2 - The mainland constituencies match the areas of the administrative districts, are called by the same names and have their capitals as their seats.

3 - There is a constituency in the Madeira Autonomous Region and a constituency in the Azores Autonomous Region, and they are called by those names and have their seats in Funchal and Ponta Delgada respectively.

4 - Electors who reside outside Portuguese territory are grouped into two constituencies, one of which covers the whole of the territory of the European countries, and the other the remaining countries and the territory of Macao, and both have their seat in Lisbon.

Article 13
Number and distribution of Members of the Assembly of the Republic

- 1 - The total number of Members of the Assembly of the Republic is two hundred and thirty.
- 2 - The total number of Members of the Assembly of the Republic for the constituencies in Portuguese territory is two hundred and twenty-six, to be distributed in proportion to the number of electors in each constituency using d'Hondt's highest-average rule, in harmony with the criterion laid down in Article 16.
- 3 - There are two Members of the Assembly of the Republic for each of the constituencies referred to in paragraph (4) of the previous Article.
- 4 - The National Electoral Commission shall cause a chart with the number of Members of the Assembly of the Republic and their distribution by constituency to be published in Series I of the Diário da República between the sixtieth and the fifty-fifth days before the date on which elections are scheduled to be held.
- 5 - When elections are scheduled less than sixty days in advance, the National Electoral Commission shall have the chart with the number and distribution of Members of the Assembly of the Republic published between the fifty-fifth and the fifty-third days before the day on which the elections are scheduled to be held.
- 6 - The chart referred to in the previous paragraphs shall be drawn up on the basis of the number of electors according to the last update of the electoral roll.

CHAPTER II
Election regime

Article 14
Form of election

The Members of the Assembly of the Republic are elected from plurinominal lists in each constituency, and each elector may vote once for a single list.

Article 15
Organisation of lists

- 1 - The lists that are put forward for election must contain the names of the same number of effective candidates as there are seats attributed to the constituency to which they refer, and of a number of alternate candidates that may not be less than two or greater than the number of effective candidates and may not exceed five.
- 2 - The candidates on each list shall be considered to be ordered in the same sequence as that set out in the respective declaration of nomination.

Article 16
Criterion for election

Votes are converted into seats in accordance with d'Hondt's proportional representation method and in compliance with the following rules:

- a) The number of votes received by each list in the respective constituency shall be counted separately;
- b) The number of votes counted for each list shall be successively divided by 1, 2, 3, 4, 5, etc., and the quotients shall be placed in descending order in a series made up of as many terms as there are seats attributed to the respective constituency;

- c) The seats shall belong to the lists to which the terms of the series created under the previous rule correspond, and each list shall receive the same number of seats as it has terms in the series;
- d) In cases in which just one seat remains to be distributed and the next terms of the series are the same and from different lists, the seat shall go to the list that obtained the smallest number of votes.

Article 17

Distribution of places within lists

1 - Within each list the seats shall be awarded to the candidates in accordance with the order of precedence laid down in Article 15(2).

2 - In cases of the death of a candidate or an illness that causes a physical or psychological impossibility, the seat shall be awarded to the next candidate under the aforesaid order of precedence.

3 - The existence of an incompatibility between the functions performed by a candidate and his exercise of the office of Member of the Assembly of the Republic shall not prevent the award of a seat.

Article 18

Supervening vacancies in the Assembly

1 - Vacancies that arise in the Assembly of the Republic shall be filled by the next citizen on the respective list or, in the case of a coalition, by the next citizen from the party that put forward the candidate who gave rise to the vacancy.

2 - When application of the rule contained in the final part of the previous paragraph makes it impossible to fill the vacancy with a citizen who had been put forward by the same party, the seat shall be awarded to the next candidate on the list submitted by the coalition.

3 - In cases in which there are no longer any unelected effective or alternate candidates from the list to which the holder of the vacant seat belonged, the vacancy shall not be filled.

4 - Members of the Assembly of the Republic who are appointed to be members of the Government may not exercise their mandate until their governmental functions end, and they shall be substituted in accordance with paragraph (1).

TITLE III

Organisation of the electoral process

CHAPTER I

Scheduling the date of elections

Article 19

Scheduling elections

1 - The President of the Republic shall schedule the date of elections for Members of the Assembly of the Republic at least sixty days in advance or, in cases of dissolution, at least fiftyfive days in advance.

2 - In cases involving elections for a new legislature, the elections shall take place between the 14th of September and the 14th of October of the year in which the existing legislature ends.

Article 20
Election day

1 - Election day shall be the same in every constituency and must fall on a Sunday or national holiday.

2 - Abroad, voting in person starts on the day before that appointed for the election in national territory and ends on that day.

3 - Abroad, voting in person on the day before that appointed for the election runs from 8.00 am to 7.00 pm local time and, on election day, from 8.00 am until the time limit for voting in national territory, and the polling station, in conjunction with the candidates' delegates is tasked with ensuring that conditions are in place for freedom of voting throughout the two days of voting and its interruptions, together with the inviolability of the ballot boxes, which are sealed at the start of the election process.

CHAPTER II
Submission of nominations

SECTION I
Submission

Article 21
Power to submit

1 - Nominations are submitted by political parties acting alone or in coalition and are subject to registration of the party or coalition by the beginning of the period for submitting nominations, and lists may include citizens who are not registered members of the respective parties.

2 - No party may submit more than one list of candidates in the same constituency.

3 - No one may be a candidate in more than one constituency or appear on more than one list, failing which he shall be ineligible for election.

Article 22
Coalitions for electoral purposes

1 - Coalitions of parties for electoral purposes must be noted by the Constitutional Court, must be communicated to that Court by the time at which nominations are effectively submitted, in a document that is jointly signed by the competent organs of the respective parties, with a list of their names, initials and symbols, and must be announced in two of the most widely read daily newspapers within the same time limit.

2 - Coalitions cease to exist as soon as the definitive result of the elections is made public, but may turn themselves into coalitions of political parties under the terms and for the purposes of the provisions of Article 12 of Executive Law no. 595/74 of 7 November 1974.

3 - The provisions of Article 12(3) of Executive Law no. 595/74 of 7 November 1974 are applicable to coalitions of parties for electoral purposes.

Article 22-A
Decision

1 - On the day following the submission of a coalition for the Constitutional Court to take note of it, a chamber of the Court shall sit to consider the legality of the names, initials and symbols and whether they are the same as or similar to those of other parties, coalitions or fronts.

2 - The decision provided for in the previous paragraph shall immediately be published in the form of a public notice, which the President shall have affixed to the door of the Court.

3 - Within a time limit of twenty-four hours counting from the affixation of the public notice, the agents of any list that any coalition or party has put forward in any constituency may appeal the decision to the Plenary of the Constitutional Court.

4 - Sitting in plenary, the Constitutional Court shall decide the appeals referred to in the previous paragraph within a time limit of forty-eight hours.

Article 23

Submission of nominations

1 - The submission of nominations pertains to the competent organs of the political parties in question.

2 - Submission shall be made by the forty-first day before the planned date of the elections, before the president of the judicial district court whose seat is in the capital of the district or autonomous region that constitutes the constituency in question.

3 - The president of the judicial district court may delegate the competence referred to in the previous paragraph to a judge from a section of the central instance of the judicial district court in cases in which the latter judge will be responsible for conducting the nomination submission process to the end, within the ambit of the same court.

4 - (*Repealed.*)

Article 24

Requisites for submission

1 - Submission consists of delivering a list containing the names and other identity details of the candidates and of the list's agent, together with the declaration of nomination, and also, in cases of lists submitted by coalitions, an indication of which party is putting forward each of the candidates.

2 - For the purposes of the provisions of paragraph (1), identity details mean the following: age, parents, profession, place of birth and place of residence, together with the number, issuing archive and date of the person's identity card.

3 - The declaration of nomination shall be jointly or separately signed by the candidates, and must include the declaration that:

- a) They are not subject to any ineligibility;
- b) They are not candidates for any other constituency, and do not appear on any other list of candidates;
- c) They accept their nomination by the party or electoral coalition that is putting forward the list;
- d) They agree with the agent who is named on the list.

4 - Each list shall be accompanied by the following documents:

- a) A certificate or authenticated copy of a certificate from the Constitutional Court proving that the political party is registered and the date of registration, and also, in cases of lists submitted by coalitions, documents proving fulfilment of the requisites laid down in Article 22(1);
- b) A certificate of the registration of each of the candidates and the agent on the electoral roll, to include the identity details referred to in paragraph (2) for each one.

Article 25

Agents

1 - The candidates on each list shall appoint one of their number or one of the electors registered in the respective constituency as agent to represent them in both the operations regarding the judgement of eligibility and in subsequent operations while, in the case of constituencies for voters resident abroad a voter registered in national territory can be appointed.

2 - The agent's address shall always be given in the nomination file, and when he does not reside in the seat of the constituency he shall choose a domicile there for the purpose of being notified.

Article 26

Publication of lists and verification of nominations

1 - Once the time limit for the submission of lists has passed, the judge shall have copies affixed to the door of the court building.

2 - In the two days after the end of the time limit for submitting nominations, the judge shall verify that the file is in order, the authenticity of the documents in it, and the eligibility of the candidates.

Article 27

Procedural irregularities

In the event the judge verifies the existence of a procedural irregularity, he shall immediately have the list's agent notified that it must be overcome within a time limit of two days.

Article 28

Rejection of nominations

1 - Ineligible candidates shall be rejected.

2 - The list's agent shall immediately be notified that the ineligible candidate or candidates must be substituted within a time limit of two days, failing which the whole list shall be rejected.

3 - In cases in which a list does not contain the full number of candidates, the agent must complete it within a time limit of two days, failing which the whole list shall be rejected.

4 - Within forty-eight hours of the end of the time limits laid down in (2) and (3), the judge shall have any rectifications or additions that are requested by the respective agents made to the lists.

Article 29

Publication of decisions

Once the time limit laid down in paragraph (4) of the previous Article, or that laid down in Article 26(2) if there are no changes to the lists, has passed, the judge shall have the rectified or completed lists affixed to the door of the court building, together with an indication of the lists that have been admitted or rejected.

Article 30

Challenges

1 - Within a time limit of two days following the publication referred to in the previous Article, the candidates, their agents and the political parties that are competing for election in the constituency may challenge the judge's decisions regarding the submission of nominations. Such challenges shall be made to the judge himself.

2 - In cases of a challenge lodged against the admission of any nomination, the judge shall immediately have the agent of the respective list notified that he has a time limit of twenty-four hours in which to respond, should he wish to do so.

3 - In cases of a challenge lodged against the non-admission of any nomination, the judge shall immediately have the agents of the remaining lists, even if they have not been admitted, notified that they have a time limit of twenty-four hours in which to respond, should they wish to do so.

4 - The judge must decide within a time limit of twenty-four hours counting from the end of the time limits provided for in the previous paragraphs.

5 - When there are no challenges, or those that have been made have been decided, the judge shall have a complete list of all the lists that have been admitted affixed to the door of the court building.

6 - A copy of the lists referred to in the previous paragraph shall be sent to the Director-General of the Interior or, in the autonomous regions, the Representative of the Republic.

Article 31

Lottery of submitted lists

1 - On the day following the end of the time limit for the submission of nominations and in the presence of those candidates and their agents who attend, the judge shall hold a lottery of the lists that have been submitted, for the purpose of allocating them an order on voting slips. A written record of the lottery shall be made.

2 - Holding the lottery and printing voting slips do not imply that nominations have been admitted, and must be considered to be without effect with regard to any list or lists that are definitively rejected under the terms of Article 28 et sequitur.

3 - The result of the lottery shall be affixed to the door of the court, and copies of the written record shall be sent to the National Electoral Commission and to the Director-General of the Interior or, in the autonomous regions, the Representative of the Republic.

SECTION II

Disputes regarding the submission of nominations

Article 32

Appeal to the Constitutional Court

1 - The judge's final decisions regarding the submission of nominations may be appealed to the Constitutional Court.

2 - The appeal must be lodged within a time limit of two days counting from the date of the affixation of lists referred to in Article 30(5).

Article 33

Legitimacy

The candidates, their agents and the political parties that are competing for election in the constituency possess the legitimacy to appeal.

Article 34

Lodging and passage of appeals

1 - The request for leave to appeal, which must set out the latter's grounds, shall be submitted to the court that handed down the decision against which the appeal is to be made, together with all the evidence.

2 - In cases of an appeal against the admission of any nomination, the court whose decision is the object of appeal shall immediately have the agent of the respective list notified that he, the candidates, or the political parties that put them forward have a time limit of twenty-four hours in which to respond, should they wish to do so.

3 - In cases of an appeal against the non-admission of any nomination, the court whose decision is being appealed shall immediately have the entity that challenged the nomination's admission under the terms of Article 30, if there is one, notified that it has a time limit of twenty-four hours in which to respond, should it wish to do so.

4 - The appeal shall pass to the Constitutional Court with the same case file.

Articles 35

Decision

1 - Sitting in plenary, and within a time limit of forty-eight hours counting from the date on which it receives the case file provided for in the previous Article, the Constitutional Court shall take a definitive decision, which it shall communicate to the judge by telegraph on the same day.

2 - The Constitutional Court shall hand down a single Ruling with regard to each constituency, in which it shall decide all the appeals regarding the competing lists in that constituency.

Article 36

Publication of lists

1 - The lists that are definitively allowed shall immediately be affixed to the door of the court and a copy of them shall be sent to the National Electoral Commission and to the General Secretary of the Ministry of Internal Administration and, in the autonomous regions, to the Representative of the Republic and municipal councils, and abroad, to the diplomatic missions and consular posts, which shall display them within a period of two days as notices affixed to the door of all the town halls in the constituency and of the said diplomatic and consular missions abroad.

2 - Within the period specified in the preceding paragraph, the electoral administration of the General Secretariat of the Ministry of Internal Administration shall post the allowed applications on the Internet.

3 - On the election days, the lists that are to be put to the ballot are again displayed as notices affixed to the door of and inside polling stations.

SECTION III

Substitution and withdrawal of nominations

Article 37

Substitution of candidates

1 - Candidates may only be substituted in the following cases and at least fifteen days before the elections:

- a) Elimination due to a definitive judgement in an appeal on the grounds of ineligibility;
- b) Death or illness that causes physical or psychological impossibility;
- c) The candidate withdraws.

2 - Without prejudice to the provisions of Article 15, substitution is optional, and substitutes shall be placed on the list after the last of the alternates.

Article 38

New publication of lists

In cases in which candidates are substituted or a decision to reject any list is annulled, there shall be a new publication of the respective lists.

Article 39
Withdrawal

- 1 - The withdrawal of lists is lawful up to forty-eight hours before election day.
- 2 - The party that put the list forward will notify the judge of such withdrawal, and the judge will then notify the General Secretariat of the Ministry of Internal Administration or, in the autonomous regions, the Representative of the Republic.
- 3 - It is also lawful for any candidate to withdraw by means of a declaration, to which he shall subscribe by means of a signature that must be authenticated by a notary, notwithstanding which the list that was submitted shall remain valid.

CHAPTER III
Formation of polling stations

Article 40
Polling stations

- 1 – Each parish shall have one polling station.

- 2 – The polling stations of parishes where the number of electors significantly exceeds 1,000 shall be divided into polling sections, at the initiative of the parish authority or the municipal authority, in such a way that the number of electors is adequate to the geographical reality and to the venues for conducting the electoral act, aiming, where possible, not to exceed that number significantly.

- 3 – By the thirty-fifth day before election day, the mayor shall decide on the division requests provided for in the previous paragraph, and shall immediately communicate them to the corresponding parish council and to the electoral administration services.

- 4 – The decision referred to in the previous paragraph may be appealed within a time limit of two days, at the initiative of the parish councils or of at least ten electors from any polling station, to the section of the local instance of the judicial district court with civil competence and jurisdiction in the area of the municipality, unless a section of the central instance of the judicial district court with civil competence is functioning at the seat of the municipality, in which case the appeal shall be lodged before that section.

- 5 – The definitive chart of polling stations and sections shall immediately be affixed at the municipal councils.

Article 40-A
Polling stations abroad

Each station or consular post corresponds to a polling station, which will be divided when more than 5000 voters are registered there to vote in person.

Article 40-B
Mobile advance polling stations

- 1 – In Portuguese territory, at least one polling station shall be established in each municipality in mainland Portugal and in the Autonomous Region of the Azores and Madeira.

2 – Where, in relation to any polling station, no voters have been registered to vote in advance, before the legal deadline, the mayor may order that it be exempted from operation.

3 – Where a number of voters significantly higher than 500 is registered at a polling station, the mayor can, within 24 hours of being notified by the electoral administration of the General Secretariat of the Ministry of Home Affairs, pursuant to Article 79-C(5), determine the necessary divisions, so that each station does not exceed this number.

4 – The members of the board of officers of polling stations shall be appointed in accordance with Article 47.

Article 41

Day and time for polling stations

1 - Polling stations shall convene on the day scheduled for the elections at 8.00 am throughout the national territory.

2 - Abroad, polling stations shall convene in accordance with Article 20(2)(3)

Article 42

Location of polling stations

1 - Polling stations must assemble in public buildings, preferably schools or seats of municipal councils or parish councils that offer the indispensable conditions in terms of capacity, security and access. In the absence of public buildings in acceptable condition, resort shall be had to a private building requisitioned for the purpose.

2 - The mayor or the chairman of the municipal administrative committee and, in the municipalities of Lisbon and Porto, the respective neighbourhood administrators, have the competence to decide the locations in which the electoral stations are to operate.

Article 42-A

Polling station venues abroad

Polling stations are established as follows:

- a) In consular posts and sections, including honorary consulates with powers to register voters, in the external delegations of Portuguese ministries and public institutions;
- b) If strictly necessary, in other places where it is possible to ensure the oversight of electoral operations by delegates of at least two of the candidates.

Article 43

Public notices about polling stations

1 - By the fifteenth day before that of the elections, mayors or the chairmen of municipal administrative committees shall, by means of public notices affixed in the customary places, announce the day, time and locations at which polling stations are to assemble and the divisions or reunifications of polling stations, if any.

2 - Where polling stations have been divided up, the notices will also list the citizens who should vote in each station.

3 - In polling stations operating abroad, the powers provided for in paragraph 1 lie with the chair of the registration board.

Article 44

Boards of officers of polling stations and sections

- 1 - In each polling station or section a board of officers shall be formed to arrange and direct the electoral operations.
- 2 - The board shall comprise a presiding officer, his alternate, and three other officers, who shall be a secretary and two scrutineers.
- 3 - Electors who cannot read and write Portuguese may not be appointed members of a board of officers and, save in the cases provided for in Article 47(3), members must be part of the electoral station to whose board of officers they are appointed.
- 4 - Save for reasons of force majeure or just cause, performance of the functions of member of the board of officers of a polling station or section is compulsory.
- 5 - The following causes justify disqualification:
 - a) Age over sixty-five years;
 - b) Illness or physical impossibility, as confirmed by the municipal health officer;
 - c) Change of residence to the area of another municipality, as confirmed by the parish council of the new residence;
 - d) Absence abroad, as duly confirmed;
 - e) Exercise of a professional activity that cannot be delayed, as duly confirmed by a hierarchical superior.
- 6 - Whenever the elector is able to do so, he shall invoke the cause that justifies the disqualification to the mayor at least three days before the election.
- 7 - In the case provided for in the previous paragraph the mayor shall immediately substitute the elector by appointing another elector who belongs to the polling station.

Article 45

Delegates for lists

- 1 - In each polling station or section there shall be a delegate and the respective alternate for each list of candidates for the elections.
- 2 - Delegates for lists are not required to be registered on the electoral roll for the polling station or section at which they are to exercise their functions.

Article 46

Appointment of delegates for lists

- 1 - By the twenty-fifth day before the election, the candidates or agents of the different lists shall send the mayor of the city details of the delegates and alternates for the respective assemblies and polling stations.
- 2 - The delegates and alternates of the advance polling stations are appointed on the twenty-fifth day before the election.
- 3 - Each delegate and their alternate shall be presented in advance with a credential, to be filled in by the party or coalition, and this shall be submitted for signature and authentication to the authority referred to in paragraph 1 at the time they are named. It must include the name, parish registration number, the civil identification number and the identification of the electoral assembly where they will exercise their functions.
- 4 - It is not lawful for parties to challenge the election based on the absence of any delegate.

Article 47

Appointment of members of boards of officers

1 – By the twenty-fourth day before that of the election, the delegates shall meet at the seat of the parish council, as convened by the respective chair, to choose the officers of polling stations and sections thereof, with the mayor being immediately notified of this choice. Where the polling station has been divided up, only one delegate from each list of those who have been nominated by the candidates or by the agents of the different lists shall attend the meeting.

2 – In the absence of agreement, on the twenty-third or twenty-second day prior to that of the election, the delegate of each list shall write to the mayor proposing two citizens for each place yet to be filled, so that a choice can be made between them by a lottery held within 24 hours in the town hall, in the presence of the delegates of the lists competing in the election, in the polling section in question. If the delegates of the lists propose no citizens, it is the responsibility of the mayor to appoint the members of the board of officers whose places are unfilled.

3 – At polling sections where the number of citizens with the requirements needed to form boards of officers is demonstrably insufficient, the mayor has the competence to appoint the missing members from among the citizens who are registered on the electoral roll for the same parish.

4 – The names of the members of the board of officers chosen by the delegates for the lists or by the authorities referred to in the previous paragraphs shall be published in the form of a public notice, which shall be affixed to the door of the seat of the parish council within a time limit of 48 hours. During the following two days, any elector may challenge the choice before the mayor or the chairman of the municipal administrative committee on the grounds that the requirements laid down in this Law have not been met.

5 – The said authority shall decide on the challenge within 24 hours and, if he upholds it, shall immediately make a new appointment by means of a lottery to be held at the town hall or the neighbourhood administration building, in the presence of the delegates for the lists that are competing in the election at the polling section in question.

6 – By the twelfth day before that of the election, the mayor shall draw up the writ of appointment of the members of the boards of officers of the polling stations and shall notify the competent parish councils of said appointments.

7 – The mayor shall, in accordance with paragraph (2), immediately appoint substitutes for persons who are appointed members of a board of officers of an electoral station and who, at least three days before the elections, justify, as laid down by law, that it is impossible for them to exercise those functions.

8 – The provisions of the preceding paragraphs shall apply to the appointment of the officers of mobile advance polling stations, with the following adaptations:

- a) The meeting referred to in paragraph (1) shall be held at the town hall, upon convocation by the respective mayor;
- b) It is incumbent upon the mayor, for the purposes of the provisions of paragraph (3), to appoint the missing members of the boards of officers of polling stations from among the citizens enrolled on the electoral register of the parishes of their municipalities;
- c) The public notice referred to in paragraph (4) shall be affixed at the seat of the municipality;
- d) The complaint referred to in paragraph (4) shall be made to the mayor.

9 – For the purposes of the provisions of Article 40-B(3), the mayor can decide to establish more than one mobile advance polling station.

10 – In the case of polling stations operating abroad, the powers attributed to the mayor are deemed to lie with the chair of the registration board.

11 – In the case of polling stations operating abroad, the notice provided for in paragraph (4) shall be affixed to the door of the place where they meet on the day of the election, and the notification provided for in paragraph (6) shall be waived.

Article 48

Formation of boards of officers

1 - The board of officers of a polling station or section may not be formed before the time at which the station is scheduled to convene, or at a location other than that which was decided, failing which all the acts in which it takes part and the election shall be null and void.

2 - Once the board of officers has been formed, a public notice signed by the presiding officer and containing the names and electoral registration numbers of the citizens who comprise the board of officers, and the number of registered electors, shall immediately be affixed to the door of the building in which the polling station is assembled.

3 - Without prejudice to the provisions of paragraph (1), the members of the boards of officers of polling stations or sections must be present at the location in which each one is to operate one hour before the time at which electoral operations are scheduled to begin, so that those operations may commence at the set time.

4 - If, one hour after the time at which the station is scheduled to open, it has not been possible to form the board of officers because the members who are indispensable for it to operate are not present, the chairman of the parish council shall, subject to the unanimous agreement of the delegates for lists who are present, appoint substitutes for the absent members from among electors whose aptness is recognised and who are registered with that polling station or section, and from that moment on the appointment of the previous members of the board of officers who failed to attend shall be deemed to be without effect.

5 - Members of boards of officers of electoral stations are dispensed from the duty to present themselves at their employment, department or service on both election day and the following day, without prejudice to all their rights and benefits, including the right to remuneration, to which end they must provide adequate confirmation of their status.

6 - Abroad, the same right is granted to the board of officers who exercise functions in national official entities or services.

Article 49

Remaining on the board

1 - Once a board of officers has been formed, it cannot be changed, save in cases of force majeure. An account of any change and the reasons for it shall be given in a public notice affixed in the location indicated in the previous Article.

2 - For electoral operations to be valid, it is necessary for the presiding officer or his alternate, and at least two other officers, to be present at any given moment.

Article 50

Delegates' powers

1 - Delegates for lists have the following powers:

- a) To occupy the places closest to the ballot table, in such a way as to be able to monitor all the voting operations;
- b) At any moment in time, to consult the copies of the electoral roll books used by the polling station's board of officers;

- c) To be consulted and be given clarifications with regard to all the questions that are raised during the operation of the polling station, during both the voting phase and the counting phase;
- d) To lodge challenges, protests or counter-protests with regard to the voting operations, either orally or in writing;
- e) To sign the minutes and initial, close, and seal with wax all the documents regarding the voting operations;
- f) To obtain certificates of the voting and counting operations.

2 - Delegates for lists may not be appointed to substitute for members of boards of officers who fail to attend.

Article 50-A **Immunities and rights**

1 - Delegates for lists may not be detained while their polling station is operating, except for a crime that is punishable by a prison term of more than three years and in flagrante delicto.

2 - Delegates for lists enjoy the right enshrined in Article 48(5).

Article 51 **Electoral roll books**

1 – As soon as polling stations and sections have been defined and the members of the boards of officers have been appointed, the electoral registration commission must supply the latter, at their request, with two authenticated copies or photocopies of the electoral roll books.

2 – Where a polling station is divided up, the copies or photocopies shall only include those sheets in the books that correspond to the electors who are to vote in each polling section.

3 – The copies or photocopies provided for in the previous paragraphs must be obtained two days before the election at the latest.

4 – Delegates for lists may consult the copies or photocopies of the electoral roll books at any time.

5 – Dematerialised electoral roll books may be used as an alternative in polling stations and sections established abroad, provided that they meet the necessary technical conditions.

Article 52 **Other working items used by boards of officers**

1. The mayor shall deliver to each chair of the polling station or section thereof, not later than three days before the day designated for the election, a notebook intended for the minutes of the electoral operations, with the opening minutes signed by him/her and with all the leaves initialled by him/her, as well as such printed matter and maps as may be necessary.

2 - The mayor shall also deliver to each chair of the polling station or section thereof, up to three days before the day designated for the election, the voting slips as well as the respective templates in Braille.

TITLE IV
Election campaign

CHAPTER I
General principles

Article 53
Beginning and end of election campaigns

The election campaign period begins on the fourteenth day, and ends at midnight on the second day, before the day designated for the elections.

Article 54
Promotion, undertaking and scope of election campaigns

- 1 - Without prejudice to active participation by citizens, the promotion and undertaking of election campaigns always pertains to the candidates and political parties.
- 2 - Any candidate or political party can freely undertake an election campaign throughout the national territory.
- 3 - Electoral campaigns in constituencies abroad shall be promoted and carried out by postal or electronic means and by any other means authorized by the countries in which such campaigns take place, for all competing political forces.
- 4 - For the purposes of conducting a campaign by post, political parties and coalitions can obtain from the Ministry of Internal Administration a copy of the electoral rolls of voters residing abroad in digital format.
- 5 - Copies of the electoral rolls referred to in the preceding paragraph can only be used for the purpose provided for therein and must be destroyed after the end of the electoral campaign.

Article 55
Names, initials and symbols

- 1 - During election campaigns each party shall always use the respective name, initials and symbol.
- 2 - *Repealed.*
- 3 - Each coalition's name, initials and symbol must comply with the requisites laid down in the applicable legislation.

Article 56
Equal opportunities for candidacies

Candidates and the political parties or coalitions that put them forward have the right to equal treatment by public and private entities, so that they can conduct their election campaigns freely and under the best conditions.

Article 57
Neutrality and impartiality of public entities

- 1 - The entities and organs of the state, of the autonomous regions and local authorities, of other public-law legal persons, of state-owned enterprises and mixed economy enterprises, and of enterprises that hold public-service concessions or concessions for property in the public domain or public works, together with their officeholders when acting in that capacity, may not

directly or indirectly intervene in election campaigns or undertake any acts that favour or prejudice a candidacy to the detriment or advantage of one or more others, and must ensure equal treatment and impartiality in any intervention in electoral procedures.

2 - In the exercise of their functions the staff and agents of the entities referred to in the previous paragraph shall observe rigorous neutrality towards the different candidacies, as well as towards the different parties.

3 - The display of symbols, initials, stickers or other propaganda items by the officeholders of the organs and the staff and agents of the entities referred to in paragraph (1) during the exercise of their functions is prohibited.

4 - The regime provided for in the present Article is applicable as of the publication of the decree that sets the date for the elections.

Article 58

Freedom of expression and information

1 - During election campaigns no limitation may be imposed on the expression of political, economic and social principles, without prejudice to any civil or criminal liability.

2 - During election campaign periods no sanctions whatsoever may be imposed on media enterprises or their agents for acts that form part of the campaign, without prejudice to any liability they incur, which may only be actioned after election day.

Article 59

Freedom to meet

The freedom to meet for electoral purposes during an election campaign period is governed by the provisions of the general law on the right to meet, with the following special provisions:

- a) When it addresses meetings, rallies, demonstrations or parades in places that are public or open to the public and are to be held by a political party, the notice referred to in Article 2(2) of Executive Law no. 406/74 of 29 August 1974 must be issued by the competent organ of the party in question;
- b) Processions, parades and audible propaganda may take place on any day and at any time, subject only to the limits imposed by the maintenance of public order and by the freedom of transit and to work, as well as the limits derived from citizens' rest periods;
- c) Copies of the official record referred to in Article 5(2) of Executive Law no. 406/74 of 29 August 1974 must be sent to the President of the National Electoral Commission and the competent organ of the political party concerned;
- d) Orders to change routes or parades shall be issued by the competent authority, and shall be given in writing to the competent organ of the political party concerned and communicated to the National Electoral Commission;
- e) Use of the public places referred to in Article 9 of Executive Law no. 406/74 of 29 August 1974 must be divided up equally between those who are competing in the election in the constituency in which the places in question are located;
- f) Only the competent organ of the organising political party may request the presence of law enforcement officers at meetings it organises, and that organ shall be responsible for maintaining order when it does not make such a request;
- g) The limit referred to in Article 11 of Executive Law no. 406/74 of 29 August 1974 is hereby extended to two a.m. during election campaigns.
- h) The appeal provided for in Article 14(1) of Executive Law no. 406/74 of 29 August 1974 shall be made to the Constitutional Court within a time limit of forty-eight hours.

Article 60
Prohibition on divulging opinion polls

Repealed.

CHAPTER II
Election propaganda

Article 61
Election propaganda

Election propaganda means all activities that directly or indirectly aim to promote candidacies, be they undertaken by candidates, political parties, the officeholders of their organs, their agents or any other persons, particularly the publication of texts or images that express or reproduce the content of those activities.

Article 62
Right to broadcasting time

1 - Political parties and coalitions have the right of access to public and private radio and television stations for election propaganda.

2 - During the election campaign period radio and television stations shall reserve the following broadcasting times for political parties and coalitions:

- a) Radiotevisão Portuguesa, S.A., on all its channels including the international channel, and private television stations:

From Mondays to Fridays – fifteen minutes between seven p.m. and ten p.m.;

On Saturdays and Sundays – thirty minutes between seven p.m. and ten p.m.;

- b) Radiodifusão Portuguesa, S.A., in medium wave and frequency modulation broadcasts linked to all its regional broadcasters and its international programming:

Sixty minutes each day, of which twenty minutes to be between seven a.m. and midday, twenty minutes between midday and seven p.m., and twenty minutes between seven p.m. and midnight.

- c) Private radio stations with a national scope, in medium wave and frequency modulation broadcasts linked to all their broadcasters, when they have more than one:

Sixty minutes each day, of which twenty minutes to be between seven a.m. and midday, and forty minutes between seven p.m. and midnight;

- d) Private radio stations with a regional scope:

Thirty minutes each day.

3 - Stations must indicate the planned schedule for the broadcasts to the National Electoral Commission at least ten days before the campaign begins.

4 - Radio and television stations shall record the broadcasts that correspond to the exercise of the right to broadcasting time and store the recordings for one year.

Article 63
Distribution of reserved times

1 - The broadcasting times reserved by Radiotevisão Portuguesa, S.A., by private television stations, by Radiodifusão Portuguesa, S.A. linked to all its broadcasters, and by private radio stations with a national scope shall be allocated proportionately to those political parties and coalitions which have put forward at least twenty-five per cent of the total number of candidates and are running in the same percentage of the total number of constituencies.

2 - The broadcasting times reserved by Radiodifusão Portuguesa, S.A.'s international and regional broadcasters and by private stations with a regional scope shall be divided up equally

between the political parties and coalitions which have put forward candidates in the constituency, or one of the constituencies, all or most of which is or are covered by the respective broadcasts.

3 - At least three days before the election campaign begins and using the criteria referred to in the previous paragraphs, the National Electoral Commission shall organise the same number of series of broadcasts as there are parties and coalitions with the right to them, and shall hold a lottery between those that are placed in identical positions.

Article 64

Publications of a journalistic nature

Repealed.

Article 65

Indoor performance venues

1 - The owners of indoor performance venues or other enclosed spaces that are normally used by the public and possess the conditions needed for them to be used in the election campaign must declare this fact to the mayor at least ten days before the election campaign begins, indicating the dates on and times at which the indoor venues or enclosed spaces can be used for that purpose. In the absence of such a declaration or in the case of a proven shortage, the mayor may requisition the indoor venues and enclosed spaces that he deems necessary to the election campaign, without prejudice to the spaces' normal and programmed activities.

2 - The time intended for election propaganda under the terms of the previous paragraph shall be divided equally between those political parties and coalitions that want it and have submitted nominations in the constituency in which the indoor venue is located.

3 - At least three days before an election campaign begins and after first consulting the agents of the lists, the mayor shall indicate the days and times that are allocated to each party and coalition, in such a way as to ensure equality between all of them.

Article 66

Graphic and audible propaganda

1 - At least three days before the election campaign begins, parish councils must establish special spaces in certain locations intended for putting up posters, photographs, mural journals, manifestos and notices.

2 - The number of spaces reserved in the locations provided for in the previous paragraph must be the same as the number of lists of candidates put forward for election in the constituency.

3 - Putting up posters and engaging in audible propaganda do not require authorisation or communication to the administrative authorities.

4 - It is not permitted to put up posters, write or make mural paintings on national monuments, on religious buildings, on the seats of entities that exercise sovereignty, the autonomous regions or local government, on traffic or road signs, or inside offices or buildings that are public or open to the public, including commercial establishments.

Article 67

Joint use or swapping

Political parties and coalitions may agree to the joint use or swapping of broadcasting times or publication spaces that pertain to them or of indoor performance venues whose use is allocated to them.

Article 68
Public buildings

Mayors must seek to ensure that the use of public buildings and enclosed spaces belonging to the state and other public-law legal persons is granted for election campaign purposes, dividing it up equally between those who are competing in the election in the constituency in which the building or enclosed space is located.

Article 69
Cost of use

1 - The use under the terms laid down in the previous Articles of the broadcasts of public and private radio and television stations, of publications of a journalistic nature and of public buildings and enclosed spaces shall be free of charge.

2 - Acting through the Ministry of Internal Administration, the state will compensate radio and television stations for the duly substantiated use corresponding to the broadcasts provided for in Article 62(2), by paying the sum set out in tables to be approved by the member of the government responsible for the media area until the sixth day prior to the opening of the electoral campaign.

3 - The tables referred to in the preceding paragraph shall be fixed for national television and radio by an arbitration committee composed of a representative of the electoral administration of the General Secretariat of the Ministry of Internal Administration, a representative of the General Inspectorate of Finance and a representative of each radio or television station, as appropriate.

4 - The tables referred to in the preceding paragraph shall be fixed for regional radio by an arbitration committee composed of a representative of the electoral administration of the General Secretariat of the Ministry of Internal Administration, a representative of the General Inspectorate of Finance, a representative of Rádio e Televisão de Portugal, S.A., one from the Associação das Rádios de Inspiração Cristã (ARIC), and one from the Associação Portuguesa de Radiodifusão (APR).

5 - When they make the declaration provided for in Article 65(1), or when the requisition provided for in the same paragraph has been made, the owners of indoor performance venues, or those who operate them, must indicate the price that is to be charged for their use, which may not exceed the net revenue to be gained from one quarter of the seating in the indoor venue in question at a normal performance.

6 - The price referred to in the previous paragraph and the other terms and conditions of use shall be the same for all candidacies.

Article 70
Political party organs

The provisions of the previous Articles are not applicable to publications of a journalistic nature that belong to political parties, on condition that the latter fact is set out in the publication's title section.

Article 71
Civic clarification

Acting via Radiotelevisão Portuguesa, Radiodifusão Portuguesa, the press and/or any other means of information, the National Electoral Commission is responsible for promoting the objective clarification of citizens about the significance of the elections to the life of the country, about the election process and about the voting process.

Article 72
Commercial advertising

Repealed.

Article 73
Telephone installations

1 - Political parties have the right to the installation of one telephone for each constituency in which they put forward candidates.

2 - Applications for telephone installations may be made as of the date on which the nominations are put forward, and installations must take place within a time limit of eight days counting from the application.

Article 74
Rentals

1 - As of the date on which the decree that schedules the date of the elections is published and until twenty days after the electoral act, tenants of urban property may, by any means including sub-rental for an amount not exceeding that of their rent, devote them, via parties or coalitions, to the preparation and undertaking of the election campaign, whatever the purpose of the primary rental and regardless of any provision to the contrary in the respective contract.

2 - The tenants, candidates and political parties in question are jointly responsible for all damages caused by the use provided for in the previous paragraph.

CHAPTER III
Electoral finances

Article 75
Accounting for revenues and expenses

Repealed.

Article 76
Contributions with pecuniary value

Repealed.

Article 77
Limit on expenses

Repealed.

Article 78
Review of accounts

Repealed.

TITLE V
Election

CHAPTER I

Suffrage

SECTION I

Exercise of the right to vote

Article 79

Casting a vote

- 1 - The right to vote shall be directly exercised by the registered elector.
- 2 - Without prejudice to the provisions of Article 97, no form of representation or delegation is permitted in the exercise of the right to vote.
- 3 - Electors residing in the national territory vote in person.
- 4 - Electors residing abroad vote in person or by post, depending on the choice made with the respective registration board abroad by the date of each electoral event.
- 5 - Abroad, only voters registered on the electoral roll at the consular post or section to which the place where they reside belongs will be allowed.

Article 79-A

Advance mobile voting

All voters registered in the national territory who wish to vote may cast a mobile vote in advance.

Article 79-B

Advance voting

- 1 - The following can vote in advance:
 - a) electors who are in hospital or who might be admitted to hospital due to illness;
 - b) electors who are in prison.
- 2 - Electors registered in national territory may also vote in advance:
 - a) when they have travelled abroad in the exercise of public duties;
 - b) when they have travelled abroad in the exercise of private duties;
 - c) when they have travelled abroad as official representatives of a national team, organized by a sports federation endowed with the status of public sports utility;
 - d) as students, researchers, professors and research fellows working abroad in higher education institutions, research units or equivalent recognized by the competent ministry;
 - e) if they are ill and undergoing treatment abroad;
 - f) if they are living with or accompanying the electors mentioned in the preceding paragraphs.
- 3 - Only advance votes received by the board of officers of the polling stations and sections by the day and time provided for in Article 41 will be considered.
- 4 - The lists competing in the election can, in general terms, appoint delegates to supervise advance voting operations, who enjoy all the immunities and rights provided for in Article 50-A.
- 5 - *Repealed.*
- 6 - *Repealed.*
- 7 - *Repealed.*
- 8 - *Repealed.*
- 9 - *Repealed.*
- 10 - *Repealed.*

Article 79-C

Casting a mobile vote in advance in national territory

1 – The electors referred to in Article 79-A shall exercise their right to vote at a mobile polling station established for this purpose in accordance with Article 40-B.

2 – Electors who intend to cast a mobile vote in advance must make this intention known by the postal or electronic means provided for this purpose by the electoral administration of the General Secretariat of the Ministry of Home Affairs between the fourteenth and tenth days prior to that of the election.

3 – The expression of intention to vote in advance must include the following information:

- a) Full name of the elector;
- b) Date of birth;
- c) Civil identification document number;
- d) Address;
- e) Municipality where they intend to cast their mobile vote in advance;
- f) Telephone contact and, where possible, email address.

4 – If there is any non-conformity in the data provided, the elector will be contacted by the electoral administration of the General Secretariat of the Ministry of Home Affairs within 24 hours, by electronic means or by post, with a view to clarifying it.

5 – The electoral administration of the General Secretariat of the Ministry of Home Affairs shall inform the mayors of the list of names of the electors who have opted for this mode of voting in their area of jurisdiction.

6 – The electoral administration of the General Secretariat of the Ministry of Home Affairs, through the security forces, shall arrange for voting slips to be sent to the mayors of the municipalities indicated by the electors pursuant to paragraph (3).

7 – To cast their vote, the elector shall go to their chosen polling station on the seventh day prior to that of the election, where they shall identify themselves by showing their civil identification document, indicating the parish on whose electoral roll they are registered.

8 – The presiding officer gives the voter the voting slip for their constituency and two envelopes, one white and one blue.

9 – The white envelope shall hold the voting slip and the blue envelope shall hold the white envelope and must contain spaces for filling in the name, civil identification number, municipality, parish and registration office used in the electoral registration.

10 – The voter shall complete the voting slip under conditions that guarantee voting secrecy, fold it into four, place it in the white envelope, and close it properly.

11 – The white envelope shall then be inserted in the blue envelope, which shall then be closed, legibly filled in and sealed with a security sticker, in a model to be approved by order of the General Secretary of the Ministry of Home Affairs.

12 – The presiding officer shall give the voter the duplicate of the sticker affixed to the blue envelope, which serves as proof that the vote has been cast.

13 – Once the voting operations have been completed, the officers shall draw up the minutes of the operations carried out, in as many copies as necessary, for the chairs of the general counting assemblies, sending them to the mayors for that purpose.

14 – The minutes referred to in the preceding paragraph must state the number of electors who cast their vote there in advance, explicitly stating the voter's name, the number of the civil identification document and the parish where they are registered, attaching the list of names of the voters registered to cast their vote at that polling station and any relevant events that should appear in the general terms.

15 – On the day after that of the advance voting procedure, the security forces shall collect the electoral material from the mobile polling stations over the whole national territory, for delivery to the local mayors, who shall arrange for it to be forwarded to the parish councils where the electors are registered.

16 – The recipient parish council of the votes received shall forward them to the presiding officer of the polling station by the day and time established in Article 41.

Article 79-D

Casting a vote in advance by hospital patients and prisoners

1 - Electors who are in the circumstances set forth in Article 79-B(1) can, by electronic means or by post, apply to the electoral administration of the General Secretariat of the Ministry of Internal Administration, by the twentieth day prior to that of the election, to cast their vote in advance. They must give the number of their civil identification document and attach documentary proof of the impediment they are invoking, issued by the attending physician and confirmed by the management of the hospital, or a document issued by the director of the prison, as appropriate.

2 - By the seventeenth day prior to that of the election, the electoral administration of the General Secretariat of the Ministry of Internal Administration shall send the mayor of the municipality where the electors in the circumstances stated in paragraph 1 are located, by registered mail with notification of receipt, the list of the names of the electors, and places involved, along with the number of voting slips, and white and blue envelopes.

3 - By the sixteenth day before that of the election, the mayor of the municipality where the hospital or prison where the elector is an in-patient or a prison inmate will give notice of the lists competing in the election in compliance with the provisions in Article 79-B(4), informing which are the establishments where advance voting will take place.

4 - The mayor must be advised of the appointment of the delegates of the lists by the fourteenth day before that of the election.

5 - Between the thirteenth and the tenth days prior to that of the election, on a date and at a time previously announced to the respective director and to the delegates of the lists, the mayor will go to the hospital or prison that is taking care of the electors in the circumstances mentioned in paragraph 1, to comply, with such changes as may be dictated by the constraints of the hospital or prison systems in question, with the provisions in paragraphs 8 to 15 of the preceding article.

6 - The mayor may in exceptional circumstances be replaced, for the purpose of the action provided for in the preceding paragraph, by any duly accredited councillor from the municipality.

7 - The hospitals and prisons caring for the electors covered by paragraph 1 must ensure the conditions required for casting a vote in advance are in place.

Article 79-E

Casting a vote in advance by electors who are abroad

1 - Electors who are in any of the situations provided for in Article 79-B(2) may vote between the twelfth and the tenth days before that of the election, at the diplomatic or consular missions or the foreign delegations of the Portuguese ministries and public institutions indicated beforehand by the Ministry of Foreign Affairs, in accordance with Article 79-C(7) to (14).

2 - The functions provided for in Article 79-C (8) to (13) shall be carried out by a diplomatic officer appointed for this purpose, who shall send the electoral correspondence by the most expeditious means to the respective parish council.

3 - In the case of voters referred to in Article 79-B(2)(a), if the Ministry of Foreign Affairs recognizes that it is impossible for them to travel to the places referred to in paragraph 1, it will appoint a diplomatic official to collect the electoral correspondence in the period specified therein.

4 - The electoral operations provided for in the preceding paragraphs can be inspected by the lists who may appoint delegates until the sixteenth day before that of the election.

Article 79-F

Right of choice of electors residing abroad

1 - The choice between voting in person or by post by electors residing abroad is made at the respective registration board by the date of the assignment of each election.

2 - Electors registered abroad who do not exercise their right to choose between voting in person or by post by the date of holding each election, vote by correspondence.

3 - The option mentioned in the preceding paragraph can be changed at any time with the respective registration board abroad, except in the period between the date of assignment and the date of holding each election.

Article 79-G

Voting by post by electors residing abroad

1 - Postal voting is free for voters residing abroad, and the State must pay the respective postage.

2 - The Ministry of Internal Administration sends the voting slips of the citizens registered on the electoral rolls prepared by the foreign registration boards who choose to vote by post.

3 - The shipment is sent by the fastest registered mail service as soon as possible after the lottery referred to in Article 31(1) has taken place to the addresses indicated on the electoral rolls.

4 - Each voting slip is accompanied by two envelopes:

- a) One envelope is green; it is intended to hold the voting slip and does not contain any indications;
- b) The other is larger and white; it is to hold the voting slip envelope and is a postage paid envelope; the words "Station for collating and counting the votes of electors residing abroad - European Electoral Circle" or "Stations for collating and counting the votes of electors residing abroad - Electoral Circle outside Europe"; in the sender section it bears the name of the voter, their civil document identification number, address, consulate and country and, in the addressee section, it bears the address of the respective station for collating and counting the votes of electors residing abroad.

5 - The voter marks a cross in the respective square, against the list they are voting for and folds the bulletin into four, places it in the green envelope, and then closes it.

6 - The green envelope, duly sealed, is placed in the white envelope, along with a photocopy of the citizen's card or identity card, which the elector sends, once it has been closed, before the day of the election.

Article 80

Unicity of votes

Each elector is only permitted to vote once.

Article 81
Right and duty to vote

- 1 - Voting is a right and a civic duty.
- 2 - The persons in charge of enterprises, departments and services that are operating on election day must dispense their workers from work for enough time to exercise the right to vote.

Article 82
Secret ballot

- 1 - Under no pretext may anyone be obliged to disclose their vote or, save in the case of the collection of unidentifiable statistical data, be asked about that vote by any authority.
- 2 - No one may reveal which list they have voted or are going to vote for, either inside the polling station or within a distance of five hundred metres outside it.

Article 83
Requisites for exercise of the right to vote

For an elector to be admitted for the purpose of voting, he must be registered in the electoral roll book and his identity must be recognised by the board of officers.

Article 84
Location in which the right to vote is exercised

The right to vote shall only be exercised at the electoral station that corresponds to the location for which the elector is registered, save for the provisions governing the manner in which the right to vote early is exercised.

Article 85
Information on the place where voting takes place

Electors can find out where to cast their vote from their parish council, opened for that purpose on election day, and other ways of accessing this information are provided by the electoral administration.

SECTION II
Voting

Article 86
Opening of voting

- 1 - Once the board of officers has been formed, the presiding officer shall declare the electoral operations open, have the public notice referred to in Article 48(2) affixed, review the voting chamber and the board's working documents with the other members of the board of officers and the delegates for the lists, and display the urn in front of the electors so that everyone can verify it is empty.
- 2 - In the absence of any irregularities, and on condition that they are registered at that polling station or section, the presiding officer, the other officers and the delegates for the lists shall vote immediately.

Article 87

Board procedure regarding early votes

- 1 - Once the members of the board of officers have voted, in cases in which there are early votes the presiding officer shall open them and cast them into the urn in accordance with the provisions of the following paragraphs.
- 2 - The mayor hands the blue envelopes to tellers to see if the voter is properly enrolled.
- 3 - Once the notation has been made in the electoral roll book, the presiding officer shall open the white envelope and place the voting slip in the urn.
- 4 - Electors registered for mobile voting in advance, who have not voted can do so on the day of the election at the polling station where they are registered.

Article 88

Voting order

- 1 - Electors shall vote in in the order in which they arrive at the polling station, to which end they shall form a queue.
- 2 - The presiding officers of polling stations and sections must allow the members of boards of officers and delegates for candidacies from other polling stations and sections to exercise their right to vote as soon as they present themselves and display the respective writ of appointment or credential.

Article 89

Continuity of electoral operations and closure of voting

- 1 - Electoral stations shall operate without interruption until all the voting and counting operations are concluded.
- 2 - Electors shall be admitted to their polling station until seven p.m. After that time only the electors who are present may vote.
- 3 - The presiding officer shall declare voting closed as soon as all the registered electors have voted or, if it is past seven p.m., as soon as all the electors who are present inside the polling station have voted.

Article 90

Absence of voting at any polling station

- 1 - Voting may not take place at any polling station if its board of officers cannot be formed, if there is any tumult that causes the electoral operations there to be interrupted for more than three hours, or if there is a serious disaster in the parish on the day on which the elections are scheduled to be held or during the three preceding days.
- 2 - In the event that any of the situations provided for in the previous paragraph occurs, the following rules shall be applied in the following order :
 - a) If the result would be indifferent to the award of seats, there shall be no new voting;
 - b) Otherwise, new voting shall take place on the same day of the following week;
 - c) If it has proven impossible for the voting provided for in the previous paragraph to take place, the definitive count shall be made without taking the missing voting into account.
- 3 - The competence to recognise that it is definitively impossible for voting to take place, or to postpone it, pertains to the mayor.
- 4 - When new voting takes place, the members of the boards of officers may be appointed by the mayor.

Article 91
Policing polling stations

1 - The competence to ensure the electors' freedom, maintain order and generally regulate the policing of the station pertains to the presiding officer, to which end he shall take the steps that are necessary and shall be assisted by the other officers.

2 - The presence of persons who are manifestly drunk or drugged, or who are carrying any weapon or any instrument capable of being used as such, shall not be permitted in polling stations.

Article 92
Prohibition on propaganda

1 - All propaganda is prohibited inside polling stations and outside them up to a distance of five hundred metres.

2 - Propaganda also means the display of symbols, initials, signs, badges or stickers of any lists.

Article 93
Prohibition on the presence of non-electors

1 - The presiding officer of the electoral station must order any citizens who cannot vote there to leave the location where it is operating, save if they are candidates or agents or delegates for lists.

2 - Media agents are excepted from this principle, and may go to polling stations and sections in order to obtain images or other news items.

3 - Media agents must:

- a) Before they begin their work, identify themselves to the board of officers by showing a document confirming their profession and a credential from the media body they represent;
- b) Not take images, or come close in any way to the polling booths to an extent that might compromise the secret nature of the voting process;
- c) Inside the polling station or within a distance of five hundred metres outside it, not obtain other news items that might violate voting secrecy;
- d) In general terms, not disturb the act of voting.

4 - The images and other news items obtained in accordance with the previous paragraph may only be transmitted once all polling stations and sections have closed.

Article 94
Prohibition on the presence of any armed force and cases in which it may attend

1 - Save for the provisions of the following paragraphs, the presence of any armed force in the locations in which polling stations operate and within a radius of one hundred meters thereof is prohibited.

2 - When it is necessary to put an end to any tumult or prevent any aggression or violence in or near the polling station or section building, as well as in cases in which his orders are disobeyed, and after consulting the other officers, the presiding officer may request the presence of an armed force, whenever possible in writing or, in cases in which this is impossible, with a mention in the electoral minutes of the reasons for the request and of the period during which the armed force was present.

3 - If the commander of the armed force possesses sure indications that the members of the board of officers are being subjected to physical or psychological coercion that is preventing the presiding officer from making the request, the commander may intervene on his own initiative

in order to ensure the genuineness of the electoral process, but must withdraw as soon as the presiding officer or whoever is substituting for him asks him to do so, or when he verifies that his presence is no longer justified.

4 - When he believes it to be necessary, the commander of the armed force or someone whom he delegates and to whom he gives credentials may visit the polling station or section unarmed and for a maximum period of ten minutes, in order to make contact with the presiding officer or whoever is substituting for him.

5 - In the cases provided for in paragraphs (2) and (3), the electoral operations at the polling station or section in question shall be suspended, failing which the election in question shall be null and void, until the presiding officer considers that the conditions needed for the operations to continue are in place.

Article 95

Voting slips and templates in Braille

1 - Voting slips shall be rectangular in shape, with the size that is appropriate in order for indications of all the lists that are being put to the vote in each constituency to fit on them, and shall be printed on smooth, white, non-transparent paper.

2 - The names, initials and symbols of the parties and coalitions that are putting forward nominations shall be printed on each voting slip in harmony with the model attached in annexe to the present Law, to be laid out horizontally, one below the other, in the order that results from the lottery undertaken in accordance with Article 31, which names, initials and symbols must reproduce those set out in the Constitutional Court record or notation, as appropriate, and the symbols must rigorously comply with the composition, configuration and proportions of those so recorded or noted.

3 - On the line that corresponds to each party or coalition there shall be a blank square intended to be marked with the elector's choice.

4 - Braille templates of the voting slips, in all respects identical to these and with spaces corresponding to the squares of the competing lists, are produced.

5 - The State is responsible for printing voting slips and the producing the respective templates in Braille, through the electoral administration of the General Secretariat of the Ministry of Internal Administration, with the regular voting slips being printed by the Imprensa Nacional-Casa da Moeda, S.A.

6 - The electoral administration of the General Secretariat of the Ministry of Internal Administration or, in the autonomous regions, the Representative of the Republic, sends the voting slips and Braille templates to each mayor so that the latter can fulfil the provisions of Article 52(2).

7 - A number of voting slips equal to that of the voters registered in the polling station or section plus 20%, as well as no fewer than two Braille templates for each polling station or section, are sent in a closed, sealed envelope.

8 - The mayor and the presiding officers of polling stations or sections report to the presiding judge of the district court based in the capital of the district or autonomous region regarding the voting slips and Braille templates they have received, and on the day after the election the presiding officers of the polling stations or sections shall return to said officer all, unused ballots and the ballots spoiled or spoiled by the voters, as well as the Braille templates.

9 - In the case of polling stations operating abroad, the powers attributed to the mayor described in the preceding paragraph are deemed to lie with the chair of the registration board.

Article 96

Manner in which each elector votes

1 - Each voter, appearing in the polling station, gives their name and hands over their civil identification document to the president, if they have one.

2 - In the absence of a civil identification document, the identification of the voter shall be checked by means of any other official document containing a current photograph, or by two

voters who certify the individual's identity on their word of honour, or by unanimous recognition of the polling station officers.

3 - Once the voter has been identified, the presiding officer says their name and civil identification number aloud and, after checking the registration, gives them a voting slip.

4 - Whenever a voter requests a Braille template of the voting slip, it is given to the voter, overlaying the voting slip so that they can read it and cast their vote with a cross in the contour of the square of the list corresponding to their voting choice.

5 - The voter then enters the voting booth in the polling station and there, alone, marks a cross in the respective square of the list they are voting for and folds the voting slip into four.

6 - Returning to the ballot table, the voter hands the ballot to the presiding officer, who inserts it into the ballot box, while the tellers note that elector has voted by initialling the column in the electoral rolls and the line corresponding to the voter's name, intended for the purpose.

7 - After voting, any elector who asked for the Braille voting slip template returns it to the ballot table.

8 - If a voter accidentally spoils the voting slip they must ask for another one from the presiding officer, and give back the first one. The presiding officer shall write "spoiled" on the returned voting slip, initial it and retain it for the purposes of Article 95(8).

Article 97

Voting by disabled persons

1 - An elector who is affected by an obvious illness or physical disability and whose inability to undertake the acts described in Article 96 is verified by the board of officers, shall vote while accompanied by another elector of his choice, who shall ensure that his vote is cast as he intends it to be and who shall be bound to absolute secrecy.

2 - If the board of officers decides that that the obviousness of the illness or physical disability is not verified, they shall require presentation to them, upon the act of voting, of a certificate confirming that it is impossible for the elector to undertake the acts described in the previous Article, to be issued by the doctor who exercises public health authority powers in the municipality's area and to be authenticated with the respective department's seal.

3 - For the purposes of the previous paragraph, on election day health centres must remain open during the period in which electoral stations are operating.

4 - Without prejudice to the board of officers' decision on the admissibility of a vote, any of its members or any delegate for a political party or coalition may make a written protest.

5 - Voters with a visual impairment can, if they so wish, ask the officers to provide a Braille template to enable them to carry out the acts described in Article 96.

Article 98

Blank and null votes

1 - Votes shall be deemed blank votes when no mark of any kind has been made on the voting slip.

2 - Votes shall be deemed null votes when they are cast on a voting slip:

- a) On which more than one square has been marked, or when there are doubts as to which square has been marked;
- b) On which the square corresponding to a list that has withdrawn from the elections or has not been admitted has been marked;
- c) On which any cut, drawing or tear has been made, or when any word has been written.

3 - Voting slips shall not be deemed null votes when, although the cross has not been perfectly drawn or goes outside the borders of the square, it unequivocally demonstrates the elector's wish.

4 - An advance vote and a postal vote shall be considered void when the voting slip does not reach its destination under the conditions provided for in Articles 79-B, 79-C, 79-D, 79-E and 79-G or is received in an envelope that has not been properly closed.

Article 99

Doubts, challenges, protests and counter-protests

1 - Any elector who is registered at a polling station and any of the delegates for lists may raise doubts and lodge written challenges, protests or counter-protests regarding that station's electoral operations and may attach the documents he sees fit thereto.

2 - The board of officers may not refuse to receive the challenges, protests and counter-protests, and must initial them and attach them to the minutes.

3 - The challenges, protests and counter-protests must be the object of a decision by the board of officers, who may take it at the end if they believe that this will not affect the normal pursuit of the voting.

4 - All the board of officers' decisions shall be taken by an absolute majority of the members who are present, the grounds for them shall be given, and the presiding officer shall have a casting vote.

CHAPTER II

Counting

SECTION I

Partial counts

Article 100

Preliminary operation

Once voting has been closed, the presiding officer of each polling station or section shall proceed to count the voting slips that were not used and those spoiled by the electors and enclose them in the proper envelope, which the officer then closes and seals for the purpose of Article 95(8).

Article 101

Counting voters and voting slips

1 - Once the preliminary operation has been closed, the presiding officer of each polling station or section shall order that the number of those who have voted be determined by counting the notations that have been made in the electoral roll books.

2 - Once that count has been concluded, the presiding officer shall order that the urn be opened in order to check the number of voting slips that have entered it and, at the end of the count, shall replace them therein.

3 - In cases in which there is a discrepancy between the number of voters determined in accordance with paragraph (1) and the number of voting slips counted, the latter number shall prevail for counting purposes.

4 - The number of voting slips shall immediately be made public knowledge by means of a public notice, which shall be affixed to the main door of the polling station or section after first being read out loud by the presiding officer.

Article 101-A

Counting of in-person voting abroad

1 - The general terms of counting shall be determined in polling stations where more than 100 electors are registered for in-person voting.

2 - In polling stations where fewer than 100 electors are registered, voting slips shall be placed in closed and sealed envelopes in the presence of the voters who remain in the polling station, together with the electoral rolls and a minute, containing the number of electors registered to vote and the number of voters.

3 - In the circumstances described in the preceding paragraph, the envelopes shall be sent immediately, preferably through diplomatic channels, to the station for collating and counting the votes of Portuguese voters residing abroad, from the relevant constituency to the care of the General Secretary of the Ministry of Internal Administration, so that the respective officers can proceed with the count in the presence of the delegates of the lists.

Article 102

Counting votes

1 - One of the scrutineers shall unfold the slips one by one, and shall announce out loud which list has been voted for. The other scrutineer shall separately record on a blank sheet of paper or preferably on a clearly visible board, the votes attributed to each list, any blank votes, and any null votes.

2 - At the same time the presiding officer shall examine and display the voting slips and, with the help of one of the other officers, shall group them into separate batches corresponding to each of the lists that have received votes, blank votes, and null votes.

3 - Once these operations have ended, the presiding officer shall counter-check the counting by counting the slips in each of the separate batches.

4 - Delegates for lists have the right to subsequently examine the separate batches of voting slips, without altering their composition, and in cases in which they have doubts or objections in relation to the counting or the way in which the vote from any slip has been classified, they have the right to ask for clarifications or to lodge challenges or protests before the presiding officer.

5 - If the board of officers does not comply with a challenge or protest, the voting slips that are its object shall be separated, a note shall be made on the back of each one indicating the classification attributed by the board and the object of the challenge or protest, and they shall be initialled by the presiding officer and, if he so wishes, by the delegate for the list.

6 - Challenges or protests that are not complied with shall not prevent the voting slip from being counted for partial counting purposes.

7 - The count conducted in the above manner shall immediately be published by means of a public notice affixed to the main door of the polling station or section building, to include a breakdown of the number of votes for each list, the number of blank votes, and the number of null votes.

Article 103

Destination of voting slips that are null or the object of challenge or protest

1 - The void voting slips and those about which there has been a complaint or protest are, once they have been initialled, sent to the general counting assembly, with the documents that relate to them.

2 - In the circumstances provided for in Article 101-A(1), void voting slips and those about which a complaint or protest has been filed shall, once initialled, be sent to the general counting assembly of the respective constituency, to the General Secretary of the Ministry of Internal Administration, with the documents that relate to them.

Article 104

Destination of remaining slips

1 - The remaining voting slips shall be placed in packages that are duly sealed with wax and shall be entrusted to the safekeeping of the judge of the section of the local instance, or where appropriate the section of the central instance, of the judicial district court referred to in Article 40(4).

2 - Once the time limit for lodging judicial appeals has passed, or the latter have been definitively decided, the judge shall arrange for the destruction of the slips.

Article 105

Minutes of electoral operations

1 - The secretary has the competence to draw up the minutes of the voting and counting operations.

2 - The minutes must include:

- a) The electoral registration numbers and names of the members of the board of officers, and of the delegates for the lists;
- b) The times at which voting opened and closed and the location of the polling station or section;
- c) Any decisions which the board of officers took during the operations;
- d) The total number of registered electors and the total number of voters;
- e) The electoral registration numbers of the electors who voted early;
- f) The number and name of electors for whom a duplicate of the receipt for a postal vote referred to in Article 79(11) has been received without the corresponding voting slip reaching the board of officers, or vice-versa;
- g) The number of votes obtained by each list, the number of blank votes, and the number of null votes;
- h) The number of voting slips that were the object of challenge or protest;
- i) The counting discrepancies referred to in Article 101(3), if any, with a precise indication of the differences that were noted;
- j) The number of challenges, protests and counter-protests attached to the minutes;
- l) Any other occurrences the board of officers deems it necessary to mention.

Article 106

Dispatch to the general counting assembly

Within the twenty-four hours following the voting, the presiding officers of the polling stations and sections shall deliver the minutes, the electoral roll books and other documents regarding the election to the president of the general counting assembly, or send them to him by the safety of the post, or have them delivered by hand against issue of a receipt.

Article 106-A

Dispatch from constituencies abroad to the general counting assemblies

In the circumstances provided for in Article 101-A(1), the presiding officers of polling stations established abroad shall send to the chair of the general counting assembly of the respective constituency, in the care of the General Secretary of the Ministry of Internal Administration, preferably through diplomatic channels, the electoral rolls, minutes and other documents related to the vote.

Section II
Counting of voting of electors residing abroad

Article 106-B
Notice about stations for collating and counting the votes

By the fifteenth day before that of the election, the National Electoral Commission shall post and publish a notice on its website to announce the date and time when the stations for collating and counting the votes of electors residing abroad shall meet.

Article 106-C
Officers of stations for collating and counting the votes

- 1 - The board of officers needed to promote and direct the counting operations will be established at the stations for collating and counting the votes of the electors residing abroad.
- 2 - Each board of officers shall consist of a chair and their alternate, and the number of members and tellers needed to perform its assigned duties.

Article 106-D
Appointment of delegates of lists in the collation and counting stations

- 1 - In the stations for collating and counting the votes of electors residing abroad, one delegate and their alternate for each list of candidates can be allowed.
- 2 - By the twelfth day before the date of the election, the candidates or agents of the different lists shall write to the National Electoral Commission indicating their delegates and their alternates to the stations for collating and counting the votes of electors residing abroad.
- 3 - Each delegate and their alternate shall immediately be given a credential by the National Electoral Commission.

Article 106-E
Appointment of boards of officers at the collation and counting stations

- 1 - On the twelfth day before that of the election, the delegates of the different lists will meet in a venue provided by the electoral administration of the General Secretariat of the Ministry of Internal Administration and select the officers of the stations for collating and counting the votes of electors residing abroad, immediately informing the National Electoral Commission of their choice.
- 2 - In the absence of an agreement, the next day the delegate of each list proposes, in writing, to the National Commission of Elections two citizens for each place yet to be filled, two citizens for each place yet to be filled, so that a choice can be made between them within 24 hours.
- 3 - If not enough citizens have been proposed by the delegates of the lists to constitute the team of officers, it is the responsibility of the National Electoral Commission to appoint the missing members.
- 4 - The names of the boards of officers chosen by the delegates of the lists or by the entity referred to in the preceding paragraph shall be posted in a notice published within 24 hours by the electoral administration of the General Secretariat of the Ministry of Internal Administration and any elector can complain to the chair of the National Electoral Commission on the following two days, based on an infringement of the legally established requirements.
- 5 - The chair of the National Electoral Commission shall rule on the complaint within 24 hours and, if it is granted, they immediately proceed with the new appointment against which there can be no complaint.

6 - By five days before the day of the election, the National Electoral Commission shall draw up the documents for the appointment of the boards of officers of the stations for collating and counting the votes of the electors residing abroad.

Article 106-F

Constitution of boards of officers at the collation and counting stations

After the constitution of the boards of officers, a notice from the electoral administration of the General Secretariat of the Ministry of Internal Administration shall immediately be published; it will be signed by the presiding officer of each station and contains the names of the citizens who make up the boards of officers and the number of electors registered abroad and subject to scrutiny by this station.

Article 106-G

Electoral rolls

Once the stations for collating and counting the votes of electors residing abroad have been established, the electoral administration of the General Secretariat of the Ministry of Home Affairs shall arrange for two copies or photocopies to be taken of the electoral rolls to be given to the tellers or, provided that the necessary technical conditions are met, shall make the dematerialised electoral rolls available.

Article 106-H

Other work elements of the officers at the collation and counting stations

The electoral administration of the General Secretariat of the Ministry of Internal Administration will provide the presiding officers of the stations for collating and counting the votes of electors residing abroad with a notebook intended for the minutes of the electoral operations, with the opening entry signed by him/her and with all the leaves initialled by him/her, as well as such printed matter and maps as may be necessary.

Article 106-I

Operations of the stations for collating and counting the votes

1 - The stations for collating and counting the votes of electors residing abroad begin their work at 9 am on the tenth day after the election in a venue provided by the electoral administration of the General Secretariat of the Ministry of Internal Administration.

2 - The electoral administration of the General Secretariat of the Ministry of Internal Administration shall arrange for the white envelopes sent by that date to be grouped by the consular office and consular section where the registration was conducted, and handed over to the presiding officer of the respective polling station.

3 - The electoral administration of the General Secretariat of the Ministry of Internal Administration shall also provide for the minutes and voting slips referred to in Article 101-A(2) of this minute be handed over to the presiding officer of the polling station.

4 - The presiding officers of the polling stations will deliver the bundles of white envelopes to the tellers, who that the elector has voted and initial the electoral rolls in the column intended for that purpose and on the line corresponding to the elector.

5 - Next, the presiding officers of the polling stations have the voters counted for the records entered in the electoral rolls.

6 - When this count has been completed, the presiding officers of the polling stations have the white envelopes counted, which are immediately destroyed.

7 - Once the white envelopes have been destroyed, the presiding officers of the polling stations order the green envelopes to be opened in order to check the number of voting slips collected.

8 - The provisions of Articles 101 to 106 of this law are then followed, *mutatis mutandis*.

Article 106-J

General counting of the election in foreign residents' constituencies

1 - A general counting assembly is established with each station for collating and counting the votes of electors residing abroad, and it shall comprise:

- a) One member of the National Electoral Commission appointed by the latter by the eighth day after the election, who shall be the chair;
- b) One judge, appointed by the Supreme Judicial Council;
- c) Two lawyers of recognized merit appointed by the chair;
- d) Two mathematics teachers who teach in Lisbon, appointed by the member of the Government responsible for education;
- e) Two chairmen of the station for collating and counting the votes of electors residing abroad appointed by the chair;
- f) The secretary of the Lisbon Court of Appeal, who acts as secretary and does not vote.

2 - The general counting assemblies must be formed by the tenth day after the day of the election, and should be published by a notice from the electoral administration of the General Secretariat of the Ministry of Internal Administration, while the appointments provided for in b) and d) of the preceding paragraph should be communicated to the National Electoral Commission by the ninth day after the day of the election.

3 - The candidates and agents of the lists can be present, without the right to vote, but with the right to make a complaint, protest or counter-protest, at the work of each general counting assembly.

4 - The general counting assembly will consolidate the results obtained by the stations for collating and counting the votes of electors residing abroad with the results determined in the in-person vote of electors residing abroad.

SECTION III

General counting

Article 107

General count for each constituency

The competence to determine the results of the election in each constituency and proclaim the candidates who are elected pertains to a general counting assembly, which shall begin its work at nine a.m. on the second day after that of the election, at the location designated for the purpose by the president of the general counting assembly.

Article 108

General counting assemblies

1 - A general counting assembly comprises:

- a) The president of the judicial district court whose seat is in the capital of the constituency or, if it is impossible for him to do so or it is more convenient, a judge of a section of the judicial district's central instance to whom he delegates this function;
- b) Two jurists chosen by the president;
- c) Two mathematics teachers who teach in the seat of the constituency, to be appointed by the Minister with responsibility for Education and Culture or, in the autonomous regions, by the Representative of the Republic;
- d) Six polling station or section presiding officers, to be appointed by the judicial district court with jurisdiction at the seat of the district or autonomous region;

e) A clerk of the court from the secretariat at the seat of the judicial district court, who shall be appointed by the president after consulting the court administrator, and who shall serve as secretary.

2 - The general counting assembly must be formed at least two days before the election, and the names of the citizens who comprise it shall immediately be made public knowledge by means of a public notice affixed to the door of the buildings designated for the purpose in accordance with the previous Article. The appointments provided for in subparagraphs (c) and (d) of the previous paragraph must be communicated to the president at least three days before the election.

3 - Candidates and agents of lists may be present during the work of the general counting assembly, without votes, but with the right to make challenges, protests and counter-protests.

4 - Citizens who form part of general counting assemblies are dispensed from the duty to present themselves at their employment, department or service during the period in which the assemblies operate, without prejudice to any of their rights and benefits, including the right to remuneration, on condition that they prove they have exercised their functions by means of a document signed by the president of the assembly.

Article 109

Items used in the general count

1 - The general count shall be conducted on the basis of the minutes of the polling station operations, the electoral roll books and other documents accompanying them.

2 - If the items from any polling station are missing, the count shall begin on the basis of the items that have already been received, and the president shall schedule a new session for within the next forty-eight hours for the purpose of concluding the work, and in the meantime shall take the necessary steps to redress the shortcoming.

3 - In the Azores and Madeira Autonomous Regions the general count may be based on telegraphic correspondence transmitted by the mayors or the chairmen of the municipal administrative committees.

Article 110

Preliminary operation

1 - At the beginning of its work, the counting assembly shall decide about the voting slips regarding which there have been challenges or protests and, where appropriate, shall correct the count made by the respective polling station.

2 - The assembly shall verify the voting slips that are deemed null and, once they have been reconsidered in accordance with a uniform criterion and where appropriate, shall correct the count made at each of the polling stations.

Article 111

General counting operations

The general count consists of:

- a) Verifying the total number of registered electors and of actual voters in the constituency;
- b) Verifying the total number of votes obtained by each list, the number of blank votes, and the number of null votes;
- c) Distributing the seats of Member of the Assembly of the Republic between the different lists;
- d) Determining the candidates elected for each list.

Article 111-A

End of the general count

1 - Without prejudice to the provisions of the following paragraph, the general count shall be concluded by the tenth day after the election.

2 - In cases in which the voting at any polling station or section is delayed or declared null and void, the general counting assembly shall meet on the day after that on which the voting takes place or is recognised to be impossible in accordance with Article 90(3), in order to complete the counting operations for the constituency.

Article 112

Proclamation and publication of results

The results of the general count shall be proclaimed by the president, and then published by means of a public notice affixed to the door of the buildings that are designated for the purpose in accordance with Article 107.

Article 113

Minutes of the general count

1 - Minutes of the general count shall immediately be drawn up and shall include the results of the respective operations, any challenges, protests and counter-protests lodged in accordance with the provisions of Article 108(3), and the decisions taken in relation to them.

2 - Within two days after that on which the general count is concluded, the president shall send two copies of the minutes to the National Electoral Commission by safety of the post or by hand delivery against the issue of a receipt.

Article 114

Destination of documentation

The electoral roll books and other documentation submitted to the general counting assembly shall be delivered to the judicial district court with jurisdiction at the seat of the district or autonomous region.

Article 115

National election chart

Within the eight days following receipt of the minutes of the general counts for all the constituencies, the National Electoral Commission shall draw up an official chart showing the result of the elections and shall cause it to be published in Series I of the *Diário da República*, to include:

- a) The number of registered electors, by constituency and total;
- b) The number of voters, by constituency and total;
- c) The number of blank votes, by constituency and total;
- d) The number of null votes, by constituency and total;
- e) The number and respective percentage of votes attributed to each party or coalition, by constituency and total;
- f) The number of seats attributed to each party or coalition, by constituency and total;
- g) The names of the Members of the Assembly of the Republic who have been elected, by constituency and by party or coalition.

Article 116
Certificate or photocopy of the count

The secretariat of the judicial district court with jurisdiction at the seat of the district or autonomous region shall issue certificates or photocopies of the minutes of the general count to the candidates and the agents of each list that stood for election, as well as to any party that requests one, even if it did not put forward any candidates.

CHAPTER III
Electoral disputes

Article 117
Judicial appeals

1 - Irregularities that occurred during voting or the partial or general counts may be considered in a judicial appeal, on condition that they were the object of a challenge or protest lodged at the time of the act in which they occurred.

2 - In addition to the person who lodged the challenge, protest or counter-protest, candidates, their agents and the political parties who are competing for election in the constituency may appeal against the decision on the challenge or protest in question.

3 - The appeal submission shall specify the factual and legal grounds for the appeal and shall be accompanied by all the evidence, including a photocopy of the minutes of the station at which the irregularity occurred.

Article 118
Competent court, procedure and time limits

1 - Appeals shall be lodged before the Constitutional Court, within a time limit of twenty-four hours counting from the affixation of the public notice referred to in Article 112.

2 - In the case of appeals regarding constituencies in the autonomous regions, the appeal may be lodged before the Constitutional Court, and the grounds provided to it, by telegraphic means or telex, without prejudice to the subsequent dispatch of all the evidence referred to in paragraph (3) of the previous Article.

3 - The President of the Constitutional Court shall immediately cause the agents of the lists that are competing in the constituency in question to be notified that, should they wish to do so, they, the candidates and the political parties must respond within a time limit of twenty-four hours.

4 - The Constitutional Court sitting in plenary shall take the definitive decision on the appeal within the forty-eight hours following the end of the time limit provided for in the previous paragraph, and shall immediately communicate its decision to the National Electoral Commission.

Article 119
Nullity of elections

1 - The voting at any polling station and the voting throughout the constituency shall only be held null and void when it is verified that there have been illegalities that might influence the general result of the election in the constituency.

2 - Once the election at a polling station or for the whole constituency has been declared null and void, the corresponding electoral acts shall be repeated on the second Sunday following the decision.

Article 120
Verification of credentials

1 - The Assembly of the Republic shall verify the credentials of the candidates who are proclaimed elected.

2 - For the purposes of the previous paragraph, the National Electoral Commission shall send the Assembly of the Republic a copy of the minutes of the general count.

TITLE VI
Unlawful acts regarding elections

CHAPTER I
General principles

Article 121
Simultaneous existence of more serious crimes and disciplinary liability

1 - The sanctions imposed in the present Law do not exclude the imposition of other, more serious ones for the commission of any crime that is provided for in criminal legislation.

2 - The infractions provided for in the present Law also constitute disciplinary offences when committed by agents who are subject to that requirement.

Article 122
General aggravating circumstances

In addition to those provided for in criminal law, the following constitute general aggravating circumstances with regard to unlawful acts regarding elections:

- a) The fact that the infraction influences the result of the vote;
- b) The fact that the infraction is committed by a member of the board of officers of a polling station or section or an agent of the electoral administration;
- c) The fact that the agent of the unlawful act is a candidate, a delegate for a political party or an agent of a list.

Article 123
Punishment of attempted and foiled crimes

Attempts to commit crimes and foiled crimes are punished in the same way as consummated crimes.

Article 124
No suspension or substitution of penalties

The penalties imposed for wilful electoral infractions may not be suspended, or substituted by any other penalty.

Article 125
Suspension of political rights

Repealed.

Article 126
Prescription period

Proceedings for electoral infractions prescribe after a time limit of one year counting from the undertaking of the punishable fact.

Article 127
Constitution of political parties as civil parties

Any political party may constitute itself a civil party to proceedings for criminal electoral infractions committed within the area of constituencies in which it put forward candidates.

CHAPTER II
Electoral infractions

SECTION I
Infractions regarding the submission of nominations

Article 128
Nomination of ineligible citizens

Any person who does not possess the capacity to be elected and who wilfully accepts his own nomination shall be punished by a prison term of between six months and two years and a fine of between ten thousand and one hundred thousand escudos.

SECTION II
Infractions regarding election campaigns

Article 129
Breach of duties of neutrality and impartiality

Citizens who are encompassed by Article 57 and who breach the duties of neutrality and impartiality laid down therein shall be punished by a prison term of up to one year and a fine of between five thousand and twenty thousand escudos.

Article 130
Improper use of names, initials or symbols

Anyone who uses a party or coalition's name, initials or symbol during an election campaign with the intention of prejudicing or defaming it shall be punished by a prison term of up to one year and a fine of between one thousand and five thousand escudos.

Article 131
Use of commercial advertising

Repealed.

Article 132

Breach of duties of radio and television stations

1 - Failure to fulfil the duties imposed by Articles 62 and 63 constitutes an administrative offence, and each infraction is punishable by a fine:

- a) Of between seven hundred and fifty thousand and two million five hundred thousand escudos, in the case of radio stations;
- b) Of between one million five hundred thousand and five million escudos, in the case of television stations.

2 - The National Electoral Commission has the competence to impose the fines provided for in paragraph (1).

Article 133

Suspension of the right to broadcasting time

1 - A candidacy's exercise of the right to broadcasting time shall be suspended when:

- a) It uses expressions or images that may constitute a crime of defamation or libel, offence to the democratic institutions, call for disorder or insurrection, or incitement to hatred, violence or war;
- b) It engages in commercial advertising.

2 - The suspension shall be graduated between one day and the number of days remaining in the campaign, depending on the seriousness and degree of frequency of the offence, and shall encompass the exercise of the right to broadcasting time on all radio and television stations, even if the fact that caused it only occurred on one of them.

3 - The suspension is independent of any civil or criminal liability.

Article 134

Proceedings for suspending exercise of the right to broadcasting time

1 - The suspension of the exercise of the right to broadcasting time shall be the object of a request to the Constitutional Court by the Public Prosecutors' Office, acting on its own initiative or at the request of the National Electoral Commission or of any other party or group of citizens that is intervening in the referendum.

2 - The competent organ of the candidacy whose right to broadcasting time has been the object of a suspension request shall immediately be notified by telegraphic means that it should contest the request within a time limit of twenty-four hours, should it wish to do so.

3 - The Constitutional Court shall requisition the records of the broadcasts that prove necessary from the radio or television stations concerned, and those records shall immediately be made available to it.

4 - The Constitutional Court shall decide within a time limit of one day and, in cases in which it orders the suspension of the right to broadcasting time, shall straight away notify the respective radio and television stations of the decision for the purpose of immediate compliance.

Article 135

Violation of the freedom to conduct electoral meetings

Anyone who impedes the holding or continuation of an electoral propaganda meeting, rally, procession or march shall be punished by a prison term of between six months and one year and a fine of between five thousand and fifty thousand escudos.

Article 136

Illegal meetings, rallies, marches and parades

Anyone who promotes meetings, rallies, marches or parades in contravention of the provisions of Article 59 shall be punished by a prison term of up to six months.

Article 137

Breach of the duties of the owners and operators of indoor performance venues

Owners or operators of indoor performance venues who do not fulfil the duties imposed in Article 65(2) and Article 69 shall be punished by a prison term of up to six months and a fine of between ten thousand and fifty thousand escudos.

Article 138

Breach of the limits on graphic and audible propaganda

Anyone who breaches the provisions of Article 66(4) shall be punished by a fine of between five hundred and two thousand five hundred escudos.

Article 139

Damage to election propaganda material

1 - Anyone who wholly or partially robs, steals, destroys, tears or disfigures electoral propaganda material that has been affixed, or in any way renders it unusable or illegible, or places any material over it with a view to hiding it, shall be punished by a prison term of up to six months and a fine of between one thousand and ten thousand escudos.

2 - The facts provided for in the previous paragraph shall not be punished if the propaganda material was affixed to the agent's own home or establishment without his consent, or if it contains manifestly out-of-date subject matter.

Article 140

Misappropriation of correspondence

Any post office employee who misdirects, withholds or fails to deliver election propaganda circulars, posters or papers from any list to their addressee shall be punished by a prison term of up to one year and a fine of between five hundred and five thousand escudos.

Article 141

Propaganda after an election campaign has ended

1 - Anyone who, on the day of the election or the day before it, engages in electoral propaganda by any means shall be punished by a prison term of up to six months and a fine of between five hundred and five thousand escudos.

2 - Anyone who, on the day of the election, engages in propaganda in, or within the five hundred metres immediately around, polling stations shall be punished by a prison term of up to six months and a fine of between one thousand and ten thousand escudos.

Article 142

Revealing or divulging poll results

Anyone who breaches the provisions of Article 60 shall be punished by a prison term of up to one year and a fine of between five thousand and one hundred thousand escudos.

Article 143
Failure to account for expenses and unlawful expenses

Repealed.

Article 144
Unlawful revenues pertaining to candidacies

Repealed.

Article 145
Failure to provide accounts

Repealed.

SECTION III Infractions regarding elections

Article 146
Breach of the right to vote

Repealed.

Article 147
Abusive admission or exclusion of votes

Repealed.

Article 148
Impeding voting by abuse of authority

Repealed.

Article 149
Multiple votes

Anyone who votes more than once shall be punished by a prison term of between six months and two years and a fine of between twenty thousand and one hundred thousand escudos.

Article 150
Disloyal agents

Anyone who accompanies a blind or disabled person to vote and wilfully expresses the latter's wish in a manner that is not faithful thereto shall be punished by a prison term of between six months and two years and a fine of between five thousand and twenty thousand escudos.

Article 151
Breach of voting secrecy

1 - Anyone who in, or within the five hundred metres immediately around, a polling station employs coercion or an artifice of any kind or uses his dominant influence over an elector to make the latter reveal how he voted shall be punished by a prison term of up to six months.

2 - Anyone who in, or within the five hundred metres immediately around, a polling station reveals which list he is going to vote or has voted for shall be punished by a fine of between one hundred and one thousand escudos.

Article 152

Coercion and fraudulent artifice in relation to electors or candidates

1 - Anyone who employs violence or threats towards any elector or who employs deceptions, fraudulent artifices, false news or any other unlawful means in order to compel or induce him to vote for a given list or to refrain from voting shall be punished by a prison term of between six months and two years.

2 - Anyone who employs violence or threats towards any candidate or who employs deceptions, fraudulent artifices, false news or any other unlawful means in order to compel or induce him to withdraw from standing for a given list shall be punished by a prison term of between six months and two years.

3 - The penalty provided for in the previous paragraphs shall be increased if the threat was made with the use of a weapon or the violence was undertaken by two or more persons.

Article 153

Abuse of public or equivalent functions

Citizens who are invested with public authority, staff or agents of the state or of another public legal person and ministers of any denomination who make improper use of their functions in order to, or who, during the exercise of those functions, use them in order to, compel or induce electors to vote for a given list or lists or refrain from voting from them, shall be punished by a prison term of between six months and two years and a fine of between ten thousand and one hundred thousand escudos.

Article 154

Dismissal or threat of dismissal

Anyone who dismisses or threatens to dismiss someone from their employment, impedes or threatens to impede someone from obtaining employment, or imposes or threatens to impose any other sanction in order to ensure that he votes or refrains from voting for, or because he did vote or refrain from voting for, a certain list of candidates, or because he participated or refrained from participating in the election campaign, shall be punished by a prison term of up to two years and a fine of between five thousand and twenty thousand escudos, without prejudice to the nullity of the sanction imposed on the employee and the latter's automatic reinstatement if the dismissal has already taken effect.

Article 155

Electoral corruption

1 - Anyone who, in order to persuade someone to vote or refrain from voting for a given list, offers, promises or grants public or private employment or any other thing or advantage to one or more electors or, by agreement with the latter, to a third party, even when the thing or advantages so used, promised or obtained are dissimulated in the form of pecuniary compensation given to the elector for travel or accommodation expenses or of payment for food or beverages or on the pretext of expenses in relation to the election campaign, shall be punished by a prison term of up to two years and a fine of between five thousand and fifty thousand escudos.

2 - The same penalty shall be imposed on any elector who accepts any of the benefits provided for in the previous paragraph.

Article 156

Failure to display the urn

1 - Presiding officers of polling stations or sections who do not display the urn in front of the electors before voting begins shall be punished by a fine of between one thousand and ten thousand escudos.

2 - If it is verified that there were voting slips in the urn that was not displayed, the presiding officer shall also be punished by a prison term of up to six months, without prejudice to the provisions of the following Article.

Article 157

Placing slips in urns and misappropriation of urns or voting slips

Anyone who fraudulently places voting slips in an urn before or after voting begins, who takes possession of an urn that contains voting slips that have been collected but not yet counted, or who takes possession of one or more voting slips at any point in time between the opening of the electoral station in question and the general count of the election shall be punished by a prison term of between six months and two years and a fine of between twenty thousand and two hundred thousand escudos.

Article 158

Frauds by officers of polling stations and general counting assemblies

1 - Members of the boards of officers of polling stations or sections who wilfully note or consent to the notation of the vote of an elector who has not voted or do not make that notation with regard to an elector who has voted, who change the list that was voted for when the voting slips are read, who subtract or add votes from or to a list during the count, or who falsify the truth of the election in any way shall be punished by a prison term of between six months and two years and a fine of between twenty thousand and one hundred thousand escudos.

2 - The same penalties shall be imposed on members of a general counting assembly who commit any of the acts provided for in the previous paragraph.

Article 159

Obstructing monitoring

1 - Anyone who impedes any of the delegates for lists from entering or leaving electoral stations, or who in any way tries to oppose their exercise of any of the powers granted to them by the present Law shall be punished by a prison term.

2 - If the person in question is the presiding officer, the term shall not be less than six months in any case.

Article 160

Refusal to receive challenges, protests or counter-protests

Electoral station presiding officers who illegitimately refuse to receive challenges, protests or counter-protests shall be punished by a prison term of up to one year and a fine of between one thousand and five thousand escudos.

Article 161

Obstruction by candidates or delegates for lists

Candidates or delegates for lists who seriously disturb the normal pursuit of electoral operations shall be punished by a prison term of up to one year and a fine of between one thousand and ten thousand escudos.

Article 162

Disturbing polling stations

Repealed.

Article 163

Failure to attend by an armed force

Whenever the presence of an armed force is necessary in the cases provided for in Article 94(2), its commander shall be punished by a prison term of up to one year if it unjustifiably fails to attend.

Article 164

Failure to fulfil the duty to participate in the electoral process

Anyone who is appointed to be part of the board of officers of an electoral station and fails to take up those functions or leaves them without justified reason shall be punished by a fine of between one thousand and twenty thousand escudos.

Article 165

Falsification of electoral roll books, voting slips, minutes or documents with regard to the election

Repealed.

Article 166

Slanderous accusation

Anyone who

wilfully and without grounds accuses someone else of the commission of any infraction provided for in the present Law shall be punished by means of the penalties applicable to slanderous accusation.

Article 167

Challenges and appeals in bad faith

Anyone who in bad faith lodges a challenge, appeal, protest or counter-protest, or who challenges decisions of electoral organs by means of an appeal for which there are manifestly no grounds, shall be punished by a fine of between five hundred and ten thousand escudos.

Article 168

Failure to fulfil other obligations imposed by law

Anyone who fails to fulfil any obligations that are imposed upon him by the present Law or to practise the administrative acts needed to execute them promptly, or unjustifiably delays their fulfilment, and whose failure or action is not a crime as provided for in the previous Articles, shall be punished by a fine of between one thousand and ten thousand escudos.

TITLE VII

Final provisions

Article 169

Certificates

At the request of any interested party the following shall obligatorily be issued within a time limit of three days:

- a) The certificates needed to accompany the file used to submit nominations;
- b) The certificates regarding the general count.

Article 170

Exemptions

The following are exempt from all charges or fees, stamp duty and judicial tax, as appropriate:

- a) The certificates referred to in the previous Article;
- b) All documents intended to accompany any challenges, protests or counter-protests at electoral stations or the general counting assembly, or any challenges or appeals provided for by law;
- c) The notarisation of documents for electoral purposes;
- d) Judicial powers of attorney for use in challenges and appeals provided for in the present Law, which powers of attorney must specify the purposes for which they are intended;
- e) Any applications or requests, including judicial ones, regarding the election process.

Article 171

End of time limits

1 - When any procedural act provided for in the present Law involves the intervention of public entities, departments or services, the end of the respective time limits is deemed to refer to the end of the normal opening hours of the competent departments, services or official offices.

2 - For the purposes of the provisions of Article 23, the opening hours of judicial secretariats shall be as follows, to apply throughout the country :

- From nine thirty a.m. to twelve thirty p.m.;
- From two p.m. to six p.m.

Article 172

Remissions

1 - Abroad, the general rules contained in this law, *mutatis mutandis*, will apply to anything that is not already expressly regulated.

2 - The references to the municipal councils and parish councils are construed as references to the constituencies of residents abroad, respectively:

- a) to the holder of the consular post or sections or to the most senior permanent diplomatic official after the ambassador;
- b) to the registration board.

3 - The references to the presiding judge of the district court based in the capital of the district or autonomous region shall be construed, abroad, as reference to the ambassadors.

Article 172-A
Subsidiary law

With regard to everything that is not regulated in the present legislative act, acts that imply the intervention of any court are subject to the Code of Civil Procedure provisions on declaratory procedure, except for Article 145(4) and (5).

Article 173
Repeal

All legislative acts and norms whose provisions coincide with or are contrary to those of the present Law are hereby repealed.

ANNEXE I
Receipt for early votes

For the purposes of the Law governing Elections to the Assembly of the Republic, I hereby declare that ... (name of registered elector), who resides at ..., holds identity card no. ..., issued on ... (day) ... (month) ... (year) and is registered at the ... polling station (or polling section) under no. ..., exercised his right to vote early on ... (day) ... (month) ... (year) ...

The Mayor of...
(signature)

