

Government Decree 13/2017

Regulates the oversight activity of the electoral process

As amended January 14 2022

Republication of Full Decree 13/2017 with January 2022 Amendments

Preamble

The presidential election takes place in a pandemic context, although with the spread of vaccination among the population and the consequent increase in the percentage of people protected, the risks of contagion among the population are now lower. Despite this new reality, precautions for groups of people who enter and stay inside polling centers and polling stations, implies that certain professional classes must be immunized so as not to become, potentially, vehicles that transmit the disease. Candidate agents, due to the nature of the activity they perform, are recognized as having the right to enter polling centers and polling stations as well as tabulation centres, may, in case they are not vaccinated, be the cause of the spread of the virus. For this reason, it is necessary to ensure that these people are fully vaccinated, to ensure that they are not a focus of the spread of COVID-

Thus, the Government decrees, under the provisions of article 67 of Law n° 0-'06. of December 28, amended by Laws No. 5/2007, of March 28, 8/2011. from the 22nd of June. 2/2012, of January 13, 7/2012, of March 1, 4/2017, of February 23 and 15, 2021 of June 14, for value as a regulation, the following:

CHAPTER I

General Provisions

Article 1

Scope

This Regulation disciplines the acquisition of the status, performance of functions and the rights and duties of the candidate agents for the lists of candidates for the President of the Republic.

Article 2

Electoral oversight

All electoral activities defined in this regulation, carried out from the day of the vote and subsequent counting of the votes, shall be understood to be electoral oversight and shall extend until the end of the election results.

Article 3
Assignment of Candidate's Agents

1. The candidates may designate an effective candidate agent and a substitute for each polling center and polling station, including parallel polling centers, to monitor voting operations and the tabulation of results.
2. During the voting, within the area where the polling station is operating, only one candidate agent from each list of candidates may be present in order not to prejudice the regular functioning of voting operations.
3. The rules foreseen in the preceding paragraphs apply to the tabulation in the polling centers, the municipal tabulation centers assemblies and the regional tabulation centers.
4. Two agents for a candidate may be present in the national tabulation center.
5. The candidate agent competencies are:
 - a) Monitor the conduct of voting operations, from the establishment of the polling center and the polling station, until its final closure, from next to the polling station;
 - b) Presenting questions and obtaining answers during the conduct of electoral operations;
 - c) Follow in own vehicle, the transportation of ballot boxes and other polling center or polling station materials.
 - d) Monitor the process of counting votes and tabulation of the results;
 - e) Signing the minutes and mark all documents relating to voting operations and the tabulation of results at which the candidate agent is present.
 - f) To file complaints and protests during the electoral process;
 - g) Deliver the respective claims to CNE, if the claims or protests are not understood or resolved through the deliberations of the election officials.
6. The lack of appointment or presence of the candidate agent does not constitute grounds for challenging the election.

Article 4
Designation and accreditation process

1. The full list of appointed agents is presented in writing by the candidate list representative to STAE no later than the 10th day after the publication of the STJ's decision on the accepted list of candidates.
2. The document in which the agents are listed must be signed by the representative of the candidate list and contain, for each agent listed, the following information:
 - a) Full name;
 - b) Voter card number;
 - c) Photocopy of the voter card, valid identity card or passport;
 - d) Two passport-size photographs;
 - e) Vaccination card or complete vaccination certificate against COVID-19
3. STAE issues the credentials no later than 10 days after the deadline for receipt of the document referred to in paragraph 1, however, credentials are not issued in the seven days prior to election day.
4. In the event of an irregularity, STAE immediately notifies the representatives of the candidate list and that they can correct it within 48 hours.
5. If irregularities are not corrected by the representative of the candidate list who has been validly notified for this purpose, then credentials are not issued for these agents.

Article 4 A
Candidate Agent's Accreditation Card

1. The candidate agent's accreditation card contains the following information:
 - a) Full name of the agent;
 - b) Current photograph of the agent;
 - c) The agent's voter card number;
 - d) The date of issue of the accreditation card;
 - e) The signature of the Director General of STAE;
 - f) A hologram with the STAE emblem.
2. The format of the accreditation card is approved by order of the Director-General of STAE after consultation with CNE.

Article 5
Assigning identification code

1. Each of the agents for the candidate lists will have an identification code, assigned by STAE.
2. The identification code referred to in the preceding paragraph determines the voting center and the polling station where the agent will perform his/her functions.

Article 6
Incompatibilities

Being a candidate agent is incompatible with the following functions:

- a) Candidate;
- b) Observer or monitor;
- c) Polling official;
- d) Member of tabulation committee.

Article 7
Rules of conduct for agents

The agents should respect the following rules of conduct:

- a) Maintain impartiality in the course of his/her duties, not seeking unduly to favor the list of candidates that he/she represents and respect the Constitution, laws, and applicable regulations.
- b) Cooperate with other agents so that the electoral process takes place in a transparent and orderly manner.
- c) Display the identification required by national authorities, and present this when requested by election officials or other competent national authorities.

Article 8
Benefits

On Election Day and for the duration of the activity, an agent shall be exempted from the duty to attend his or her employment, without prejudice to his or her rights or privileges, including the right to remuneration, provided that he or she performs these functions supported by a document issued by STAE.

CHAPTER V
Final and Transitional Provisions

Article 9
Cancellation of registration

1. STAE revokes the accreditation of agents who do not comply with the provisions of electoral legislation and this regulation.
2. Appeals against a decision to revoke accreditation can be filed with CNE within twenty-four hours from the notification of the decision
3. After consulting STAE, which has twenty-four hours to respond CNE decides the appeal filed in accordance with the preceding paragraph within 48 hours.

Article 10
Illegal electoral acts

Illegal electoral acts are those included in the current Penal Code.

Article 11
Revocations

Any provision to the contrary regarding the performance of activities to supervise the electoral process related to the presidential election shall be revoke

Article 12
Entry into force

This decree enters into force on the day following its publication.

Approved by the Council of Ministers on 24 February 2017