

REPUBLICA DE CHILE  
MINISTERIO DE RR.EE.  
EMBAJADA DE CHILE  
WASHINGTON, D. C. 20036

E.ESTADOS UNIDOS.OF.ORD.N\* 478

OBJ: Remite traducción Ley de Registro Electoral.

REF: No hay.

WASHINGTON, D.C., OCT 23 1986 (TRANSLATION)

DEL : EMBAJADOR DE CHILE EN LOS ESTADOS UNIDOS


AL : SEÑOR MINISTRO DEL INTERIOR

Law No. 18,355

1.- Con el propósito de difundir los avances institucionales de Chile, esta Embajada ha traducido al idioma inglés la Ley Orgánica Constitucional sobre el sistema de Registro Electoral y el Servicio Electoral.

2.- La citada traducción, cuyo texto se acompaña en anexo, ha sido remitida a diversas entidades del Gobierno estadounidense, sectores del Congreso y académicos. Asimismo, se ha hecho llegar a nuestras misiones ante la O.E.A. y Naciones Unidas.

Saluda a US.

  
HERNAN FELIPE ERRAZURIZ  
EMBAJADOR



September 11, 1986

JC/mc

DISTRIBUCION

- 1.- MINISTRO DEL INTERIOR ✓ c/a.
- 2.- E.EE.UU. (O.PARTES)
- 3.- E.EE.UU. (DPTO POLITICO)

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REPUBLICA DE CHILE  
MINISTERIO DE RR.EE.  
EMBAJADA DE CHILE  
WASHINGTON, D. C. 20036

(NON-OFFICIAL TRANSLATION)

Law No. 18,556

CONSTITUTIONAL ORGANIZATION LAW  
COVERING THE ELECTION REGISTRATION SYSTEM  
AND  
THE ELECTION SERVICE

September 11, 1986

Published in the Official Record (Diario Oficial) October 1, 1986



## CONSTITUTIONAL ORGANIZATION LAW

### COVERING THE ELECTION REGISTRATION SYSTEM

#### AND

#### THE ELECTION SERVICE

#### PRELIMINARY TITLE

Article 1 This law regulates the system of election registration and the organization and functioning of the Election Service, parts of the public election system referred to in Article 18 of the Constitution of 1980.

Article 2 To establish the proofs of eligibility required in Articles 13 and 14 citizens and foreigners entitled to vote must be registered in Voting Lists.

Article 3 The agencies charged with the process of registration for elections are the Boards of Elections, the Registration Boards and the Election Service.

#### TITLE I

#### BOARDS OF ELECTIONS AND REGISTRATION BOARDS

##### Paragraph 1: Boards of Elections

Article 4 In each Province there shall be a Board of Elections which shall:

- a) Propose the slate of nominees to be designated as members of the Registration Boards to the Director of Election Services in accordance with the provisions of Article 14 and
- b) Designate locations proposed by mayors (alcaldes) where Registration Boards shall be constituted and function.

Article 5 Without prejudice to provisions of the preceding Article, the Director of Election Services may, through a justifiable Resolution, after a report from the Boards concerned, create other temporary or permanent Boards of Elections when circumstances, such as size of the population, difficulties of communication and distances between population centers, make it advisable to do so.

Such Resolution shall designate the members of the new Boards of Elections, establish their territorial jurisdiction and the locality in which they shall meet. Such resolution shall be published within five days in the Official Record (Diario Oficial) and, in addition, in a local newspaper, in conformity with subparagraph 2 of Article 100.

Article 6 Boards of Elections in Provinces the capital of which is the seat of a Court of Appeals shall be made up of the District Attorney (fiscal) of that Court, the provincial capital Public Defender and the Registrar of Deeds. The first shall preside over the Board and the last shall act as its Secretary.



In other provincial capitals Boards of Elections shall be made up of the Public Defender, the Notary Public and the Registrar of Deeds. The first shall preside over the Board and the last shall act as its Secretary.

If there is more than one public official in the categories mentioned in the previous subparagraphs, the senior individual in each category shall exercise membership in the appropriate Board of Elections.

Members of the Boards of Elections shall be permanent and exercise their functions during the time that they serve in the public office requisite for their designation.

Article 7 Boards of Elections created by the Director of Election Services in accordance with the provisions of Article 5 shall be made up of the Public Defender, a Notary and the Registrar of Deeds with jurisdiction in the territorial jurisdiction assigned to them and, if there should be more than one official in a particular category, by those officials whose offices are in the locality in which the Board of Elections shall function, in accordance with seniority within each category and excluding officials required to be designated as members of other Boards of Elections in accordance with subparagraphs 1 and 2 of Article 6.

If the office of Public Defender or Registrar of Deeds does not exist, the Board of Elections shall be made up of other Notaries, the Secretary of the Court of Documents, or lacking these, the Secretary of the County (Municipalidad) (Municipalidad) of the locality where the Board of Elections shall function.

The Public Defender shall preside over such Boards of Elections. If there should be no Public Defender, the member designated by the Director of Election Services shall preside. The Registrar of Deeds shall serve as Secretary or, lacking a Registrar, the Notary designated by the Director of the Election Service. The permanence of such members shall be as indicated in the final subparagraph of the preceding Article.

Article 8 For the purpose of designating Members of Boards of Elections the Director of Election Services shall request appropriate Justice Administration personnel lists of the Supreme Court for territories wherein the Boards exercise jurisdiction.

Designated Members of the Boards of Elections shall be notified by the appropriate Court of Appeals upon request of the Director.

Boards of Elections shall be inaugurated at three p.m. on the fifth day following notification of the last member.

Article 9 If any Province lacks a sufficient number of personnel to constitute a Board of Elections, the Director shall, through a justifiable Resolution published in the manner provided for in Article 5, provide for its functions to be carried out by the Board of Elections of the Province of the same Region which has the best land communication facilities with the Province in question.

Article 10 The Boards of Elections shall meet in the office of the Secretary and may validly function with two of their three members present. An absent member shall be replaced by the



person who normally substitutes for that member in official functions.

Boards of Elections shall meet as required by law and when there are matters that require their attention. In each case the Secretary shall notify members as appropriate.

Article 11 All meetings of the Boards of Elections shall be recorded in a book designated the Election Protocol. Such Protocols shall indicate the date of the session, members attending, matters treated and resolutions adopted. These acts shall be signed by all members attending.

Election Protocols shall be published and shall be subject to the regulations of Notary Registration.

Election Protocols shall be maintained under the custody of the Secretary of the Board of Elections.

Paragraph 2: Registration Boards

Article 12 Each ward (comuna) shall have an Election Registration Board which shall:

- a) Register citizens and foreigners with a right to vote in the Voting Lists and
- b) Certify the registration and issue appropriate proofs.

The Registration Board shall exercise its functions in the County (Municipalidad) Seat. The territorial jurisdiction of a Registration Board shall be designated Election District (Circunscripción Electoral).

When the territorial jurisdiction of a Registration Board is not the same as that of a County (Municipalidad) the Director of Election Services shall determine the locality where the Registration Board shall function.

Article 13 Without prejudice to the provisions of the preceding Article, the Director of Election Services shall be empowered to create, by justifiable Resolution, other Registration Boards when circumstances, such as size of the population, difficulties of communication with the County (Municipalidad) Seat and excessive distances or the existence of various important population centers, make it advisable to do so.

The resolution shall determine the territorial jurisdiction of the new Registration Boards, and indicate the place or locality in which they shall function. Such resolution shall be published within five days in the Official Record (Diario Oficial) and, in addition, in a local newspaper, in conformity with subparagraph 2 of Article 100. Also, at least eight days before the new Registration Board is to commence its functions for the first time, the resolution shall be published in the form of printed notices provided by the Election Services and affixed in visible sites in the locality wherein the Registration Boards shall function, in the buildings of public services, post offices, public assistance centers, railroad stations, highway bus terminals and, in general, in the places within the Election District most frequented by the public.



Article 14 Registration Boards shall be made up of three members designated by the Director of Election Services, two of which are from lists proposed by the Board of Elections.

Persons proposed as well as those designated for membership in Registration Boards must conform to the following requirements:

- a) Citizens of Chile older than 21;
- b) Elementary school graduate, or equivalent;
- c) Sighted;
- d) Residents of the Election District of the Registration Board in question.

Persons proposed for membership in Registration Boards may specifically be former judicial personnel, former State employees and former municipal employees. Organizations may provide lists of persons they consider appropriate for such responsibilities at the request of Boards of Election.

Members of Registration Boards, so long as they exercise such responsibilities, must abstain from political party activities of any type. Infraction of this rule shall result in immediate dismissal in accordance with Article 17.

Persons in public office, or candidates for such posts, or persons who exercise posts at the discretion of the President of the Republic, or leaders of political parties, cannot be members of Registration Boards.

Article 15 Registration Boards may meet and function with two members. At their first session they shall elect a Chairman from among their members, not including the member designated unilaterally by the Director of Election Services. The latter member shall serve as Secretary of the Board and certify the acts of the Board in accordance with the provisions of this Law.

Members of Registration Boards shall assume their functions the fifth day following notification of the resolution to the last of them. For that purpose, the Secretary of the Election Board shall send a notice citing place, day and hour for constitution of the Registration Board.

Notice of resolutions shall be issued by the Secretary of the pertinent Board of Elections via certified mail containing a complete copy of such resolutions. Notification shall be legally understood to be accomplished after a period of three days counted from the date of receipt of the letter, certified by the appropriate Post Office and listed in a book kept for such purpose by said Secretary.

Article 16 Service as member of a Registration Board is obligatory and no one may be excused except for a duly justified reason. Exclusions shall be requested of the appropriate Board of Elections which shall recommend acceptance or refusal to the Director of Election Services. Should the exclusion be granted and the member have been designated on the proposal of the Election Board the Election Board shall propose two names for each replacement to be made. Should the excluded member have been designated by the Director of Election Services, the Director of Election Services shall name his replacement.



Article 17 Members of a Registration Board shall cease to function as such should their right of suffrage be suspended, or should they fail to fulfill the requirements of office as set forth in Article 14 or should they be removed by the Director of Election Services. The Director of Election Services must first hear the Board of Elections concerned, should the removal be at the Board's instance. Replacements shall be in accordance with the standards of the preceding Article.

Article 18 Spouses and legal or blood relatives in direct or collateral lineage to the second degree, including natural and adoptive parents and offspring, may not serve simultaneously on the same Board. If such a case should present itself, the member with less seniority shall be replaced. If the seniority is the same, the member of lesser age shall be replaced. To this end the procedure shall be in conformity with Article 16.

Article 19 Attendance at all sessions of the Board shall be obligatory for all its members. Non-attendance not duly justified to the Board of Elections shall be sanctioned in accordance with the provisions of Article 77.

Article 20 Minutes of the Registration Boards shall be recorded and signed by all members present in both copies of the Election Registry, referred to in Article 25, being used.

Additionally, each Board, upon inaugurating its functions for the first time, shall record the minutes of installation, noting the specific duties of each of its members and the document designating him. Such minutes shall form part of both copies of the appropriate Election Registry and a copy signed by all members shall be sent on that same day to the Director of Election Services.

Article 21 Each member of the Registration Boards shall be entitled to an honorarium equivalent to one tenth of a monthly tax unit for each session he attends, plus one third of one thousandth of a monthly tax unit for each person registered. These honoraria shall be exempt from all taxes.

For the purpose of the payment of such honoraria the chairmen of the Boards shall submit a monthly report to the Election Service detailing the sessions attended by each member and the number of registrations processed at each session.

For the purposes of pertinent minutes and the honoraria pertaining to them, the work period on days during which the Registration Board must work overtime referred to in Article 22 shall be considered a single session.

The Election Service shall proceed to pay honoraria within thirty days following receipt of said report in accordance with the value of the monthly tax unit in effect on the date when the payment document is issued.

Article 22 Registration Boards shall function during the first seven working days of each month from 9 a.m. for a period of three hours. However, if, at the end of the normal registration period there should be persons waiting to be registered, the Boards shall continue to function, but no later than 8 p.m. except for Saturday when they shall stay open no later than 2 p.m. However, during the ninety days prior to the closing of the registration period referred to in the following subparagraph, Registration Boards shall function on all working days in the manner detailed above.



Boards shall suspend their operations one hundred twenty days prior to an ordinary election and shall recommence on the tenth working day after the date on which both copies of the Election Registries, temporarily closed, are returned to them, reinitiating inscriptions as appropriate. In the case of a special election, or of a plebiscite, the suspension shall be in effect from the day on which the convocation is published in the Official Record (Diario Oficial).

Operation of the Registration Boards shall be publicized every time that a registration period commences for eight days previous to their opening through posters that their chairman shall have placed in visible sites at the location of their sessions and in places in the Election District most frequented by the public.

The County (Municipalidad), at the request of the Registration Board, shall attend to the placing of such posters, as well as to their upkeep and maintenance during the registration period. Lack of posters shall not annul the registration period.

Article 23 Registration Boards shall work with complete independence from any authority in the exercise of their functions. In any case, they shall be subject to oversight by the Election Service.

Article 24 Counties shall be responsible for providing the location and furniture required for Registration to take place.



## TITLE II

### ELECTION REGISTRATION

#### Paragraph 1: Election Registries

Article 25 Registrations shall be inscribed in books to be known as Election Registries. Each book shall contain a total of three hundred fifty registrations.

Chileans and foreigners with the right to suffrage shall be inscribed in separate Registries for men and women.

Registries shall be public and display the designation of the Region, Province and Election District to which they pertain, a number for correlation and the word "Men" or "Women," as appropriate.

Article 26 The Director of Election Services shall determine the marks, seals and stamps to be carried by the folios for inscriptions and minutes and the number of pages the books should contain. He shall replace them periodically and when he deems necessary.

Article 27 Each Election Registry shall be in duplicate, in bound, hard-cover books, the pages numbered, with horizontal lines. There shall be vertical columns on each page employed as follows: first column, serial number for each registration; second, one or two first names plus the last names as they appear in the identity document; third, nationality; fourth, profession or occupation; fifth, date of birth; sixth, domicile, indicating the ward (comuna) and street or road and number, or name of farm, industrial or mining building of domicile; seventh, number of the national or foreign identity document, and, in the case of foreigners, statement that they fulfill domicile requirements, eighth, cancellation of registration with indication of cause and date; ninth, signature of the person registered or note that the person registered is blind or illiterate, stamped by the Election Board, and tenth, right thumb print of the registered person, or left, if the right is missing, or note certifying the absolute impossibility of obtaining a thumbprint.

Those temporarily unable to be thumbprinted may only be registered when the impediment is overcome.

At the end of the Registry book there shall be sufficient blank pages to inscribe the minutes of the daily sessions of the Election Board and of inspection of the voter registration reception tables.

Article 28 One copy of each Registry shall carry the words "Local Election Registry." That copy shall be the only one to be utilized in elections or plebiscites and shall serve to form the Local Election Archive, in accordance with the provisions of the Director of Election Services. The custody and responsibility for that Archive shall remain with the Secretary of the appropriate Board of Elections.

The other copy, which shall carry the words "Election Services Registry," shall be destined to form the General Election Archive of the nation. It shall be under the custody and responsibility of the Director of Election Services. Registries pertaining to that Archive may not be removed from the offices of the Election Service for any reason or under any circumstances whatsoever.



Article 29 The Director of Election Services shall send the Election Registry Books and other items necessary for the functioning of the Election Registration Boards to the Boards of Election with sufficient lead time for their proper usage and the observance of appropriate security measures.

The Boards of Election shall then distribute to the Election Registration Boards the blank Registries and other items necessary for their functioning, taking the security measures indicated by the Director of Election Services. The Boards of Election shall send these materials accompanied by a receipt, in duplicate, which the recipient shall return signed, containing an express statement of agreement to the condition of the materials delivered. The Secretary shall record this example in the Election Protocol for which he is responsible and send the other to the Director of Election Services.

It shall be the responsibility of the Chairman of the Election Registration Board to adopt necessary measures for safeguarding the Registries in use. During the periods when the Registration Boards are closed Registries may be deposited in the custody of the Office of the Secretary of the appropriate Board of Election, who shall sign an appropriate receipt for their custody.

Article 30 In case of loss, destruction or irreparable damage to one or more Registry books, personnel in charge of them or who have them in custody must make an immediate account of it to the judge having jurisdiction over the crime so that an official court proceeding may be initiated.

As soon as the Director of Election Services learns of the loss, destruction or irreparable damage to any Registry from an Election Archive he shall cause a duplicate of that Registry to be obtained by means of photostatic copies of the other Election Archive, through a justifiable Resolution that shall be published in extract in the Official Record (Diario Oficial) within five days.

Photostatic copies duly certified by the Director shall replace Registries lost, destroyed or irreparably damaged. Should the loss affect a copy of a Registry temporarily closed in accordance with the provisions of Article 46, the above procedure shall nevertheless be applied. Once the temporary closing is over new registrations shall continue in a new Registry book from the number following the last registration before the closing until completing three hundred fifty, with photocopies of the earlier registrations incorporated into that book. Special certification to that effect must be made in minutes in said book by the Director of Election Services.

The same procedures shall be applied when the loss affects one of the copies of the Registry that is in use in an Election Registration.

Article 31 As soon as the Director learns of loss, destruction or irreparable damage to both copies of any Registry he shall inform the judge having jurisdiction over the crime so that legal steps can be taken to publish a resolution declaring those particular registrations cancelled, indicating the number of the Registry, the Election District to which it pertains and, if documentation is available, the complete list of the registered voters affected by such cancellation.



In conformity with the provisions of subparagraph 2 of Article 100, the Director shall provide for the publication in extract of the operative portion of the resolution in the Official Record (Diario Oficial) within ten days after its effectiveness, as well as in the appropriate periodical. Additionally, the text of the resolution must be affixed in poster form in the office of the corresponding Election Registration Board.

Article 32 Election Registries shall have validity until the number of valid registrations inscribed shall be reduced to less than thirty-five.

With proof of that reduction, the Director shall declare the cancellation of that Registry through a resolution listing persons whose registrations are cancelled by said resolution.

Operative portions of the resolution shall be published in extract in the Official Record (Diario Oficial) and the cancellation of that Registry and the cancellation of the registrations that it contains shall be effective as of the date of publication.

Additionally, within ten days following publication in the Official Record (Diario Oficial), the Director shall publish said extract in a newspaper in conformity with the provisions of subparagraph 2 of Article 100. The appropriate Board of Elections shall send a certified letter to each of the registered voters affected.

The resolutions of the cancellation of Registries referred to in this Article may not be passed or published during the one hundred and eighty days prior to a regular election or within the period between the publication of the decree convoking a plebiscite or a special election and the day on which said event takes place.

Article 33 Cancelled Election Registries shall be archived in the Election Service for a period of thirty days. After that period the Director shall oversee, directly or through a person he shall designate for the purpose, the destruction or incineration of the cancelled Registry or Registries and of all documentation pertaining to them. Minutes of the act shall be kept and, within five days following the act, the list of the persons whose registration thus cancelled shall be ordered posted for a minimum of twenty consecutive days in places visible and accessible to the public in the location of the office of the Director and at the corresponding Election Board.

Paragraph 2: Registration Procedures

Article 34 Election Registration shall be free and must be performed before the Election Registration Board corresponding to the domicile of the citizen or foreigner with right to suffrage. Domicile shall be held to be that which the person to be registered shall declare under oath.

Article 35 Election Registrations may be held only during the following periods:

- a) During the first seven working days of each month and
- b) During any working day within the ninety days prior to the close of Registration that takes place before a regular election in accordance with the following subparagraph.



Registration not accomplished before the one hundred twentieth day previous to the date of an ordinary election or before the day on which the convocation of a plebiscite or a special election is published in the Official Record (Diario Oficial), shall be closed temporarily in conformity with the provisions of Article 46.

Article 36 Registration necessarily requires the personal presence of the person registered and is only complete with that person's signature and thumbprint on both copies of the Registry. If the signature or thumbprint is lacking, the registration shall be understood as non-existent, except in cases provided for in columns eight and nine mentioned in the first subparagraph of Article 27.

Article 37 Chileans who have completed eighteen years of age shall be registered in the Election Registries.

Foreigners who have completed eighteen years of age and have been residents of Chile for more than five years may also be registered. The Constitutional requirement of residence in Chile must be satisfied by a certificate issued by the Ministry of the Interior attesting to the fact.

Article 38 Without prejudice to the provisions of the previous Article, within the time period specified in letter b) of Article 35 the registration of those younger than eighteen shall be permitted if they shall be eighteen no later than the day of the ordinary election.

Article 39 Even though they have all the qualifications for registration indicated in Articles 37 and 38, persons may not be registered whose right of suffrage has been cancelled for any of the following reasons:

1. Prohibition by reason of insanity.
2. On trial for a felony or for a crime legally characterized as terrorist conduct.
3. Having been sanctioned by the Constitutional Court under the provisions of Article 8 of the Constitution on a sentence passed during the past ten years counting from the date of the registration. Persons included in one of the categories above may be registered once the cause of the impediment has been removed.

Neither can persons be registered whose right of suffrage has been cancelled for any of the following reasons even though they have all the qualifications for registration indicated in Articles 37 and 38:

1. Those condemned for felonies.
2. Those condemned for a crime legally characterized as terrorist conduct.
3. Those who have lost their Chilean nationality in conformity with Nos. 3, 4, or 5 of Article 11 of the Constitution.

Those condemned for felonies may only register after rehabilitation by the Senate.



Article 40 Whenever the Registration Board refuses to register a person it must make note of the name and the reason for refusal in the minutes of the day.

The person affected may request a copy, signed by the members of the Board, of that part of the minutes citing the cause for which he was denied registration.

Article 41 Identity and age for registration may be proved only with a valid photographically printed National Identity Card or Foreign Identity Card issued by the Civil Registry and Identification Service. In case of doubt as to the identity of a person requesting registration the appropriate office of Civil Registry and Identification Service shall provide the advice of an expert, at the request of the Registration Board.

No passport, certificate or other document may replace such Identity Cards.

Article 42 At the moment of registration registrars shall be interrogated verbally and under oath if they are or are not registered in the Election Registries and if the response is negative or falls under the provisions of Article 54 the registration shall go forward. They shall stamp their right thumbprint, or, lacking a right thumb, their left thumbprint, or, lacking both thumbs, a note shall be made in the space reserved for a thumbprint of the absolute impossibility of obtaining a thumbprint, in both copies of the Registry, alongside their signature. Should they be illiterate or blind the Registration Board shall make note of that in the space reserved for the signature. At the same time they shall exhibit the Identity Card referred to in Article 41 and a note of the number of it shall be made in both copies of the Registry.

Article 43 At the end of each day's registrations the Election Registration Board shall inscribe, in the blank, numbered and stamped pages at the end of the Registry, the minutes referred to in Article 20 making note, in a brief manner, of all the work, indicating the total number of registrations accomplished and the serial number reached at that point. Special note must be made of the reasons for rejecting any registration, the absence of any of its members, along with the circumstances of having or not having presented an excuse and, if applicable, the motives on which the absence was founded. Copies of these daily minutes must be sent to the Director of Election Services on a weekly basis. The latter shall provide the Boards with the necessary forms.

Even when the Registration Board, on the occasions that it must meet, neither registers nor refuses to register, it must write minutes attesting to the fact.

Article 44 As registrations are made the Board shall maintain a list in alphabetic order by last names of the persons listed in each Registry, noting the serial number of each registration.

To that end the Director of Election Services shall provide two index notebooks with the Registries.

Article 45 When registrations are completed in one Registry the Board shall close it definitively, inscribing final certifications to that effect in each copy signed by the members expressing in letters and numbers the total number of valid registrations that the Registry contains.



Article 46 In cases of suspension of registration, in accordance with the provisions of Article 22, incomplete Registries shall be temporarily closed and the Board shall inscribe a special certification specifying the number of registrations made until that time. When registrations resume they shall continue to be added to the same Registry, immediately after the last registration made before the temporary closing, until arriving at serial number three hundred fifty.

Article 47 Chairmen of Election Registration Boards shall submit to Election Services within forty-eight hours after the definitive closing of a Registry both copies of the Registry and of the Index Notebook.

Election Services shall compare the two copies of the Election Registry within a period of thirty days and send the Secretary of the appropriate Board of Elections the Local Copy of the Registry and its Index Notebook for the purposes provided for in the first subparagraph of Article 28.

Article 48 In the case of temporary closing of registration Chairmen of Election Registration Boards shall submit to Election Services within forty-eight hours after the closing of a Registry both copies of the Registry and of the Index Notebook.

Election Services shall compare the two copies of the Election Registry within a period of thirty days and send the Secretary of the appropriate Board of Elections the Local Copy of the Registry and its Index Notebook for the purposes provided for in the first subparagraph of Article 28 and the following Article.

For the purposes of this Article, the prohibition provided in the second subparagraph of Article 28 does not apply.

Article 49 Within ten days after the end of the process of quantifying the vote of an election or a plebiscite the Secretaries of the Boards of Election shall return to the Election Registration Boards both copies of Registries which had been closed temporarily, along with their respective Index Notebooks, so that the process of registration may resume subject to the provisions of Article 46.

### Paragraph 3: Judicial Procedures Related to Registrations

Article 50 A person whose registration has been denied may protest such denial within orally or in writing five days before the criminal judge with jurisdiction, submitting a copy of the certification referred to in the second subparagraph of Article 40 or requesting that the judge obtain such copy. If there is no testimony of the fact therein other proofs to substantiate the denial shall be admitted.

The judge shall make a decision based on the information that the interested party submits to him, after a report from the Chairman of the Registration Board in question, which report must be submitted by the second day. With or without that report the judge must make a decision by the sixth day counted from the date of the presentation of the complaint and shall make a statement as to whether there is or is not reason to proceed against the members of the Board, in which case he shall issue the appropriate summons.



The judge shall order the registration of the claimant in those cases where that is appropriate.

The judgment made by virtue of this Article may be appealed within five days counted from the official notification to the claimant and the Chairman or Secretary of the Registration Board involved, in their respective domiciles. The Court of Appeals with jurisdiction shall hear the case.

When the final judgment has been issued, the Court shall inform the Registration Board officially or at the petition of the party and the Board shall proceed to carry it out without further steps at the first opportunity at which the beneficiary of the judgment shall present himself for registration.

Article 51 Any person may request that the criminal judge with jurisdiction exclude anyone who has been registered in contravention of the law.

Such presentation, to be admitted, must be accompanied by a bond, a certificate of deposit in the State Treasury of one one hundredth of a monthly tax unit for each registration protested. This sum is to be confiscated by the Treasury if the complaint proves to be groundless.

The judge shall summon, within five days, the Complainant and the person or persons whose exclusion is being requested, by means of an advertisement published at the cost of the Complainant, in a major circulation newspaper which covers the Election District where the Election Registration board functioned and by official notice delivered to the address appearing in the registration, to appear with their means of proof.

Should the protest affect a considerable number of persons or the number of protests be large, the judge may hold several audiences to hear the cases, so long as they all be heard within fifteen days of the complaint in question.

The audience shall be held with the parties who appear. Should none of them appear, the judge shall decide the case on the merits of the evidence presented.

No delays shall be permitted in processing these complaints.

The National Identity Card referred to in Article 41, carried personally, shall be sufficient proof as to the data that it contains.

The judicial decision shall be expedited within three days following the audience. The parties must be officially notified. Once a decision of exclusion is finalized, it shall be transmitted to the Director of Election Services for appropriate cancellations to be effected.

Article 52 Courts of Appeal shall hear the appeals, or the consultations, as the case may be, on the denial of registration or on registrations that should be excluded without waiting for the appearance of the interested parties and must, within eight days counted from the entry of the cases on their agenda, decide them. From these decisions there is no appeal whatsoever.



Paragraph 4: Updating of Election Registries

Article 53 The Director of Election Services shall provide for the cancellation of registrations in the following cases:

- a) By petition of the person registered because of having changed domicile from one Election District to another;
- b) Because of having corrected the birthplace of the person registered;
- c) Death of the person registered;
- d) By final judicial decision by virtue of which a request for exclusion is honored;
- e) Because of a person having more than one registration; in which case earlier registrations are cancelled, leaving only the most recent, so long as there is compliance with the following Article;
- f) By the survival of some of the causes cited in Article 39;
- g) In the case of foreigners, by reason of a revocation of residence or of an immigrant visa;
- h) For other causes cited in this law.

Article 54 The registered person who changes domicile to a place corresponding to the jurisdiction of another Election Registration Board from that in which he has registered shall have the right to request a new election registration, but he shall also be obliged, at the same time, to request the cancellation of the registration in force. Such request shall be made to the Director of Election Registration through the Election Registration Board where he has requested the new registration on forms which the Director shall provide the Election Registration Boards.

Persons domiciled in a new Election District created in accordance with Article 13 shall have the same right.

The request for cancellation shall be presented at the time of requesting the new registration and the Election Registration Board shall submit it to the Director within forty-eight hours with the certification of the information of the new registration, making note of it in the day's minutes.

The person whose birth certificate has been corrected shall be obliged to request a new election registration and request the cancellation of the one in force as well. That request shall be made in conformity with the preceding subparagraphs, accompanied by the certificate granted by the Civil Registry and Identification Service certifying as to the correction.

Article 56 The Director of the Civil Registry and Identification Service shall be obliged to communicate monthly to Election Services all registered deaths of persons older than seventeen years of age who have obtained a identity card as well as those whose birth certificate has been corrected. The person's names, patronymics and matronymics, date of birth, profession or occupation, identification card number, domicile and all other pertinent information that might facilitate his



location in the Election Registry archives shall be presented in the communication. Also, in the case of corrections of birth certificates, original data which has been corrected shall be included.

Similarly, he shall communicate monthly the names of persons indicted or condemned by judicial acts that would result in the cancellation of their election registrations in accordance with the provisions of numbers 2 and 3 of the first subparagraph and numbers 1 and 2 of the third subparagraph of Article 39 of this Law, or in number 3 of Article 11 of the Constitution. He shall specify, in each case, the court of jurisdiction, the case number and the date of the verdict.

Article 56 Names of persons declared insane shall be communicated to Election Services by the magistrate issuing the declaration within five days of the date the declaration becomes official, indicating the necessary information for easy identification of the individual.

Article 57 The Ministry of the Interior shall communicate monthly to Election Services the list of foreigners whose residence or immigrant visas have been revoked, as well as those Chileans who have lost their nationality.

Article 58 Each time that a registration must be cancelled the Director of Election Services shall provide for an immediate note to be made of the cancellation in the appropriate space in both Registries, indicating the cause and the date. If it is for the reasons contemplated in letters a) and b) of Article 53 note shall be made of the new registration.

The Director shall save the information on the basis of which the cancellation was made for a period no less than five years.

Article 59 Any person shall have the right to request that the Director of Election Services cancel registrations of persons who have died.

The request should indicate the information concerning the registration and be accompanied by the appropriate death certificate.

Petitions should be submitted directly to the Director of Election Services one month, at least, before the date of an election or plebiscite.

Article 60 It is the obligation of the Election Service and of the Secretaries of the Election Registration Boards to continually maintain the Election Registries up to date so that only persons legally able to exercise the right of suffrage are listed therein. Failure in this obligation constitutes a serious dereliction for all legal purposes.



TITLE III

PUBLIC ORDER AND PENALTIES

Paragraph 1: Maintenance of Order.

Article 61 The Chairmen of the Registration Boards must maintain order and guarantee freedom of access to persons who wish to register. This prerogative may be exercised within the locality where the Registration Board functions and within a radius of twenty meters.

Article 62 The Chairmen of the Registration Boards must prevent the gathering of groups of persons seeking to deny access to those who wish to register.

In the event that an interested party makes a complaint, the Chairmen shall urge disorderly groups to disperse. If such orders are not obeyed, the National Police shall enforce the orders and, if necessary, suspend the functions of the Board.

Article 63 If the disorders or gathering of groups occur within the locality where the registration takes place, the Chairman of the particular Registration Board shall directly, or through the National Police, place such intruders at the disposition of the court of jurisdiction.

Article 64 In the event that it is considered necessary, the Chairmen of Registration Boards may request the assistance of the National Police until the termination of their assignment.

The Police must carry out the orders of the Chairmen and proceed to make arrests in conformity with his requests.

Article 65 If the board finds it necessary to suspend its functions, it must go on record with regard to the events which resulted in the suspension. A similar report must be made if the assistance of the National Police is required. In both instances, the reports must be submitted to the Director of Election Services.

Article 66 No troops or party of armed forces can station themselves in the locality indicated in the first clause of Article 61 without the prior agreement of the Board.

If troops or party of armed forces arrive to stations themselves in said locality they must withdraw at the request of the Chairman of the Board. If the order is not immediately obeyed, the Chairman shall suspend the functions of the Board.

Article 67 The National Police shall be in charge of maintaining free transit in the streets or roads leading to the localities where the Boards are functioning; they must prevent crowds from gathering, making it difficult for interested parties to reach the localities or attempting to exercise pressure by actions or words.

Paragraph 2: Judicial procedures with regard to violations or offenses contemplated in this law

Article 68 Election offenses or violations shall be governed by the provisions of the present law and, supplementarily, by the First Book of the Penal Code.



All electoral offenses or violations shall afford the right to file suit without the accuser or plaintiff being obliged to put up any bond or security whatsoever.

Article 69 The court with jurisdiction to hear the case shall proceed officially against whomever is accused solely on the basis of the charges filed.

Article 70 All actions prepared in conformity with this law shall be subject to the ordinary procedure of the Code of Penal Procedure except in the event that the infraction provides a specific penalty, in which case the procedure established in Title I of Book III of the aforementioned Code shall be applied.

Article 71 Special exemption for the guilty shall not be in order, by virtue of this law.

Article 72 In actions stemming from multiple registration through the use of spurious names or certificates of identity, the certificate of the Civil Registry and Identification Service which accredits such acts shall have the force of presumption of law.

The judge shall order certification by the Director of Election Services or, as the case may be, by the Registration Boards, of registrations involved, with due indication of the particulars recorded in the Registry.

Article 73 As soon as a person is noted to have registered more than once, the court shall order the cancellation of all registrations of that person.

If multiple registrations are not chargeable to the holder because of compliance with the provisions of Article 54, the judge shall order the cancellation of all registrations of that person with the exception of the final registration.

### Paragraph 3: Penalties

Article 74 Members of Registration Boards involved in any of the following actions shall be subject to the penalty of minor imprisonment in the lowest degree:

- a) Carrying out electoral registrations in a locale other than that designated;
- b) Carrying out electoral registrations on days and at hours different from those prescribed by law;
- c) Denying registration to persons who comply with legal requirements, and
- d) Working with a smaller number than that established by law.

Article 75 Members of Registration Boards involved in any of the following actions shall be subject to the penalty of minor imprisonment in the average degree:

- a) Malicious registration of persons who do not comply with the requirements established by law, and
- b) Preventing another Member from being present at one or more electoral registrations.



Article 76 Chairmen of Registration Boards who do not send their Election Registries to the prescribed destination shall be subject to a penalty of thirty days in prison unless they can furnish legitimate and unsurmountable excuses.

Article 77 Members of Registration Boards who, without justification, do not appear to perform their duties shall be subject to a penalty equivalent to one-tenth of a monthly tax unit for their first absence and twice that if they repeat the failure within the following thirty days. If they again fail to appear within the same period they shall be subject to a penalty of two days in prison and discontinuance of their functions.

A Member who has been penalized for five absences during a six-month period shall be subject to a penalty of two days in prison and discontinuance of his functions.

Article 78 Anyone who prevents the Registration Board or any of its Members from exercising their duties shall be subject to minor imprisonment in the minimum degree. Similar punishment shall be meted out to anyone causing disturbances in the locality of the Registration Board or its environs, thereby hindering the performance of its duties.

Article 79 Any person who in the act of registration takes the place of another person or registers under his own name more than once without complying with the provisions of Article 54 or does so with a false name shall be subject to minor imprisonment to the minimum or average degree and a fine equivalent to one to three monthly tax units.

Equal punishment shall be suffered by anyone who submits false data at the time of registration or gives false testimony in the case of Article 42.

Article 80 Anyone who conceals, steals or destroys a Registry or part of one shall be subject to minor imprisonment to the maximum degree.

Article 81 Anyone who commits falsehood in an Election Registry, forges or counterfeits a signature, changes a date or any information in the registrations and minutes, or alters the work of the Board in any way shall suffer the penalty of minor imprisonment to the maximum degree.

Article 82 Anyone who falsifies a certificate of election registration shall be subject to minor imprisonment to the minimum degree. Similar punishment shall be suffered by anyone who makes malicious use of the certificate.

Article 83 If the crimes mentioned in the preceding two Articles are committed by staff personnel of the Election Service or any Member of a Registration Board, the penalties indicated for such crimes shall be increased by one grade.

Article 84 Administrative or judicial personnel who, without justification, fail to comply with the obligations imposed by this law shall be subject to suspension to the minimum degree. In the event of repetition, they shall be discharged from their positions, with the sentence being handed down including the penalty of being absolutely and perpetually disqualified from the holding of public positions or office, regardless of the civil or administrative responsibility which may be involved.



Article 85 Anyone who has been entrusted with election documents or Election Registries and who misplaces them through negligence, shall be subject to imprisonment to the maximum degree. If fraud figures in the disappearance of the documents, the authors thereof shall suffer the penalty of minor imprisonment in the minimum and average degree and perpetual disqualification from the holding of public positions or office.

Article 86 Fines levied by virtue of this Law shall be channeled to the public treasury.

Its assets shall consist of funds provided annually by the Budgetary Law, its own revenues and other income acquired from other sources.

Article 88 The Service shall be subject to supervision by the Comptroller General of the Republic with respect to the examination and appraisal of its accounts, income and expenditures, and oversight as to the legality of the Service's actions relative to its personnel and the statutory system governing the latter.

Article 89 The Election Service shall, for all legal effects, be the continuator and legal successor to the Bureau (Dirección) of the Election Registry. Consequently references in current legislation and regulations to that agency shall be understood to be references to the Election Service.

Article 90 The Election Service shall exercise the following functions:

- a) Oversee and control election agencies established in this Law, and ensure compliance with election norms, duly reporting to appropriate authorities persons who commit violations, without prejudice to public or popular actions in accordance with the law;
- b) Prepare and maintain a bulletin, "Election Census," organized on a computerized basis and containing an alphabetical listing of persons entitled to the right to vote in elections and plebiscites;
- c) Prepare and maintain an alphabetical register of persons who have lost the right to vote under the provisions of Article 16 IV of the Constitution;
- d) Prepare and maintain a list of persons who have lost their status as citizens under the provisions of Article 17 of the Constitution;
- e) Directly consider and decide on the design and printing of books, forms and other documents to be used in the registration process;
- f) Arrange for the purchase and preparation of material to be used in registrations and distribute them with proper lead time to pertinent agencies;
- g) Pay appropriate honoraria, in accordance with the law, to Registration Board Members and
- h) Prepare and maintain the General Election Archive.



TITLE IV  
ELECTION SERVICES

Paragraph 1: The Service

Article 87 The Election Service, a legally incorporated autonomous agency with its own assets, is hereby created for the purpose of complying with the functions set by law. It shall be domiciled in the capital of the Republic and report to the President through the Ministry of the Interior.

Its assets shall consist of funds provided annually by the Budgetary Law, its own revenues and other income acquired from other sources.

Article 88 The Service shall be subject to supervision by the Comptroller General of the Republic with respect to the examination and appraisal of its accounts, income and expenditures, and oversight as to the legality of the Service's actions relative to its personnel and the statutory system governing the latter.

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- f) Arrange for the purchase and preparation of material to be used in registrations and distribute them with proper lead time to pertinent agencies;
- g) Pay appropriate honoraria, in accordance with the law, to Registration Board Members and
- h) Prepare and maintain the General Election Archive.



Paragraph 2: Director of Election Services

Article 91 The Election Service shall have a Director who, as Chief Executive Officer, shall direct, organize, administrate and oversee compliance with its objectives, be responsible for its management, and represent it judicially as well as extra-judicially.

The Director shall be named by the President of the Republic in agreement with the Senate, requiring for that purpose a vote of the majority of its members for confirmation. Removal of the Director shall be performed in the same manner.

In exercising his functions, the Director shall enjoy the exemption established in the second clause of Article 58 of the Constitution.

There shall also be an Assistant Director who shall be the immediate collaborator of the Director, having his exclusive confidence, and who shall have the functions assigned to him by the organizational regulations of the Service. In the event the Director is absent or unable to discharge his duties, the Assistant Director shall substitute for him. The same procedure shall be followed in the case of replacement or temporary duties. Fifteen days after the temporary situation has developed, the President of the Republic shall name a new candidate to the office in agreement with the Senate, on the same terms as those established in the second clause of this Article.

Article 92 In addition to compliance with general requirements for holding public office, it shall be necessary for the person to be designated Director or Assistant Director of Election Services to be a lawyer with more than ten years at the bar who has not held a post of popular representation or of political party leadership during the five years prior to his designation.

Article 93 The Director, as Chief of Election Services, shall:

- a) Designate Members of the Election Boards and of Registration Boards;
- b) Monitor compliance with norms applicable to the Service and adopt necessary measures to assure its normal operation;
- c) Establish regional offices when necessary to assure better functioning of the Service;
- d) Execute acts and agreements necessary for the fulfillment of the Service's responsibilities;

In the exercise of these attributes, the Director shall be empowered to acquire furniture and real estate; however, with regard to the latter, transfer of real estate shall require the prior authorization of the President of the Republic through issuance of a supreme decree;

- e) Negotiate special agreements with State or private entities for studies and research to improve compliance with Service objectives;



- f) Call for public or private bids and accept or reject them;
- g) Annually propose the Service's Budget of Income and Expenditures within the time frames set and in accordance with the general norms applicable to the public sector;
- h) Arrange for inspection and control visits to agencies related to the election registration process;
- i) Make necessary general and private decisions in the exercise of his powers;
- j) Delegate powers and attributions on specific matters to the Assistant Director or to one or more of the upper echelon of officials;
- k) Issue general instructions on the application of election norms for the execution by established agencies.

Article 94 The Director shall have the status of Actuary in actions entrusted to him by law.

Article 95 Any lawsuit filed against the Director shall be heard in the first instance by a Judge of the Court of Appeals of Santiago and in the second instance by the respective Court.

### Paragraph 3: Service Personnel

Article 96 Personnel of the Service shall be named by the Director and governed by the norms applicable to functionaries of public administration.

Article 97 Neither the Director, nor the personnel of the Service, nor persons associated with it may in any capacity be active in political parties, nor can they participate in or be identified with meetings, demonstrations, assemblies, publications or any other act which has a partisan character or supports candidates to public office. Neither can they participate in any way in plebiscite events.

Article 98 Personnel of the Service must maintain absolute reserve regarding information or documents which they may know about in the course of their duties, without prejudice to the publications which have to be made and the information which the Service might provide in conformity with the law.



## TITLE V

### GENERAL PROVISIONS

Article 99 No authority may demand any service or work that prevents people from inscribing their names in the Election Registries.

Employers are obliged to grant permission to their workers to go to the Registration Boards to request their inscription, permission for which is to be granted without salary deductions.

Article 100 Official publications required by the law shall be effected in the Official Record (Diario Oficial) on the first or fifteenth day of the corresponding day, except on holidays. In that case, they shall be published on the first working day immediately following, providing that the law does not expressly provide for another date.

Required newspaper publication shall be effected in those newspapers which, in the opinion of the Director of Election Services, have a wide distribution in the respective locality, and if this is not possible, then in corresponding media of the provincial or regional capital city. Without prejudice to the above, advertisements through other media may be used when required by circumstances.

The Director of Election Services has the obligation to order the dissemination and publication of advertisements and printed notices which the law requires within the established period and in an economical way, taking into account the importance of the respective advertisement. The media of social communication shall incur a fine of ten monthly tax units for each day of delay in publishing such advertisements.

Article 101 The cost of the announcements and printed notices ordered by this law, as well as other expenditures occasioned by functions or services ordered by the Election Service shall be charged to the Election Service.

Pertinent bills must be submitted to the Service within two months from the date the service is rendered. If the invoice has not been presented within this period, the time for collecting shall have expired.



TRANSITORY PROVISIONS

Article 1 Registration Boards shall be established within five months after publication of this Law, the date to be set by the Director of Election Services through a resolution to be published in the Official Record (Diario Oficial).

Article 2 During the period of two years starting from the date when registration begins, Registration Boards shall function all working days of each month. However, the Director of Election Services is authorized to terminate special registration hours of some or all Registration Boards earlier and may order the resumption of special registration hours if he deems it necessary.

Similarly, he may, during the same period, order other Registration Boards to open for limited periods of time where necessary. Creation of such Boards is governed by norms indicated in the second clause of Article 13 of this Law.

Article 3 During the period of special registration hours referred to in the above Article, the Director of Election Services may designate a representative of the Election Service to substitute for persons he has appointed or for another of the other Members of Registration Boards in cases of temporary disabilities. Such emergency may not exceed fifteen working days, after which, if the impediment continues the Member in question must be replaced in accordance with the general rules.

Article 4 Furniture and real estate owned by the Government and now assigned to the Bureau of the Election Registry are hereby transferred to the Election Service, through the sole ministry of the law.

Registrars of Deeds and the Civil Registry and Identification Service shall annotate records as required, based on the authority of this Article. Inscriptions made in fulfillment of this disposition shall be exempt from all classes of taxes and fees.

Within 120 days following publication of this Law, Election Services shall send the Department of National Property of the Ministry of National Property and the Comptroller General of the Republic an inventory of the furniture and real estate transferred by virtue of this provision.

Article 5 The staff organization of the Bureau of Electoral Registry shall continue in effect until the staff plan of the Election Service is established.

Article 6 The President of the Republic, by means of a decree issued by the Ministry of the Interior and countersigned by the Minister of Finance, may classify Bureau of Electoral Registry personnel to work in any capacity, in accordance with the recommendations of the Director of the Service.



Article 7 Personnel referred to in Transitory Article 6 who are to be relieved of their functions as a consequence of not being classified and who do not comply with eligibility requirements for retirement pensions shall have the right to special indemnification as established in letter e) of Article 29 of Decree Law No. 2,879 of 1979. Personnel classified in a position with a lower monthly remuneration than they had been receiving shall have the right to payment of the difference by supplementary payroll in the manner provided for in letter d) of Article 29 of Decree Law No. 2,879 of 1979.

Article 8 Within a period of sixty days after publication of this Law the Ministry of Finance, by means of a decree issued in accordance with Article 70 of Decree Law No. 1,283 of 1975, shall proceed to authorize the budget of the Election Service by transferring available funds assigned this year to the Bureau of Electoral Registry and with additional resources from Item 50-01-03-25-33004 of the Public Treasury.

Article 9 As the Senate has not begun to function, the Director of Election Services shall be designated exclusively by the President of the Republic.

The Director of Election Services and the Director General of the Civil Registry and Identification Service who are performing their duties when the Senate is installed shall continue discharging their duties without having to obtain the consent referred to in Article 49, No. 5 of the Constitution.