



Decree 2241 of 1986

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DECREE 2241 OF 1986

(July 15)

"Whereby the Electoral Code is adopted."

THE PRESIDENT OF THE REPUBLIC OF COLOMBIA,

In exercise of the extraordinary powers conferred upon him by Law 96 of 1985, following the ruling of the Council of State, [See Article 37 et seq.](#), [Law 130 of 1994](#), [See National Decree 1870 of 2011](#)

DECREES:

TITLE I

GENERAL PROVISIONS

ARTICLE 1 The purpose of this code is to improve the electoral process and organization to ensure that voting reflects the free, spontaneous, and authentic expression of citizens and that the vote count accurately reflects the results of the will of the voters expressed at the polls.

Consequently, the Council of State, the National Electoral Council, and, in general, all officials of the country's electoral organization shall take into account the following guiding principles in the interpretation and application of the laws:

1. Principle of impartiality. No political party or group may gain an advantage over others in obtaining citizenship cards for its members, in the formation of electoral rolls, or in voting and counting; and its regulations shall guarantee the full responsibility and political impartiality of the officials assigned to it.

This principle constitutes the standard of conduct to which all persons responsible for performing any function within electoral bodies must strictly adhere.

2. Principle of voting secrecy and public counting of votes.

Voting is secret, and the authorities must guarantee every citizen's right to vote freely without revealing their preferences. The counting of votes is public, in accordance with the rules set forth in this code and other electoral provisions.

3. Principle of vote effectiveness. When an electoral provision allows for several interpretations, preference shall be given to the one that validates the vote that represents the free expression of the voter's will.

4. Principle of electoral capacity. Every citizen may vote and be elected as long as there is no express rule limiting their right. Consequently, the grounds for disqualification and incompatibility are subject to restricted interpretation.

5. Principle of proportionality. Within the framework of the electoral quotient system, the counting bodies shall ensure the proportional representation of political parties and groups as expressed at the polls, in accordance with Article 172 of the National Constitution.

ARTICLE 2. The authorities shall protect the exercise of the right to vote, grant full guarantees to citizens in the electoral process, and act impartially, so that no political party or group may gain an advantage over others.

ARTICLE 3 Colombian citizens are those who are eighteen (18) years of age or older. Citizenship is lost de facto when nationality is lost. It is also lost or suspended by judicial decision in cases determined by law.

Those who have lost their citizenship may apply for reinstatement. (Article 1 of Legislative Act No. 1 of 1975).

ARTICLE 4. Active citizenship is an essential prerequisite for electing and being elected and for holding public office that carries authority or jurisdiction. (Article 2 of Legislative Act No. 1 of 1975).

ARTICLE 5 All citizens directly elect the President of the Republic, Senators, Representatives, Deputies, Municipal and Commissarial Councilors, Mayors, and Municipal and Special District Councilors.

(Article 171 of the Political Constitution).

(See Article 190 of the 1991 Constitution)

ARTICLE 6. Suffrage is exercised as a constitutional function. Those who vote or elect do not impose obligations on the candidate nor confer a mandate on the elected official.

ARTICLE 7 In order to ensure proportional representation of parties, when voting for two or more individuals in a popular election or in a public corporation, the electoral quotient system shall be used.

The quotient shall be the number resulting from dividing the total number of valid votes by the number of positions to be filled. In the case of the election of only two individuals, the quotient shall be the number resulting from dividing the total number of valid votes by the number of positions to be filled plus one.

The allocation of positions to each list shall be made in proportion to the number of times the quotient fits into the respective number of valid votes. If there are positions remaining to be filled, they shall be allocated to the residual votes, in descending order.

ARTICLE 8. The President of the Republic, Ministers and Deputy Ministers of the Cabinet, Justices of the Supreme Court of Justice and the Council of State, the Comptroller General of the Republic, the Attorney General of the Nation, Heads of administrative departments, and the National Registrar of Civil Status may not be elected as members of Congress until one year after leaving office.

Governors, mayors of department capitals or cities with more than three hundred thousand inhabitants, departmental comptrollers, and secretaries of the interior may not be elected as members of Congress or deputies until one year after leaving office; nor may any other official who, six months prior to the election, has exercised civil, political, or military jurisdiction or authority in the respective electoral district.

Within the same constitutional period, no one may be elected senator or representative, nor may they be elected by more than one electoral district for the same positions. Violation of this provision renders both elections null and void.

(Article 32 of Legislative Act No. 1 of 1968).

TITLE II ELECTORAL

ORGANIZATION

CHAPTER I

AUTHORITIES THAT COMPRISE IT.

ARTICLE 9 The electoral organization shall be the responsibility of:

- a) The National Electoral Council;
- b) The National Registrar of Civil Status;
- c) The Delegates of the National Registrar of Civil Status;
- d) From the District, Municipal, and Assistant Registrars, and
- e) Delegates of District and Municipal Registrars.

ARTICLE 10 UNCONSTITUTIONAL. The two political parties that obtained a majority in the last elections shall be represented equally, under equal circumstances, in the electoral organization, without prejudice to the regime of political impartiality and guarantees that applies to all citizens.

Constitutional Court Ruling [C-230A](#) of 2008

CHAPTER II

NATIONAL ELECTORAL COUNCIL.

ARTICLE 11. The National Electoral Council shall be responsible for the supreme inspection and supervision of the electoral organization and, in the exercise of these powers, shall perform the functions assigned to it by law and issue the necessary measures for the proper compliance with these and the decrees that regulate them.

ARTICLE 12. The National Electoral Council shall exercise the following functions:

1. (Paragraph repealed by Law 1134 of 2007, see Ruling C-230A-08).

2. Remove the National Registrar of Civil Status for political bias or for any of the reasons established by law.

This provision was declared ENFORCEABLE by the Constitutional Court in Ruling C-230A of 2008, on the understanding that removal is a proper action taken by the National Electoral Council in compliance with a decision adopted by a competent authority in disciplinary or judicial proceedings. The underlined text was declared UNENFORCEABLE in the same ruling.

3. Appoint its delegates to carry out the general counts in each Electoral District.

4. Approve the budget presented by the National Registrar of Civil Status, as well as any additions, transfers, credits, or counter-credits.

This section was declared ENFORCEABLE by the Constitutional Court in Ruling C-230 of 2008, on the understanding that the approval refers to the section of the draft budget of the electoral organization corresponding to the National Electoral Council.

5. UNCONSTITUTIONAL. Approve the appointments of the Secretary General, National Visitors, Delegates of the National Registrar of Civil Status, and District Registrars of Bogotá.

Constitutional Court Ruling C-230 of 2008

6. UNENFORCEABLE. Approve resolutions issued by the National Registrar of Civil Status regarding the creation, merger, and elimination of positions, as well as the setting of salaries and travel allowances.

Constitutional Court Ruling C-230 of 2008

7. To conduct the vote count for President of the Republic and issue the respective credential.

8. Hear and decide on appeals filed against the decisions of its Delegates for general elections, resolve their disagreements, and fill in any gaps or omissions in the decision on petitions that have been legally submitted to them.

9. Meet in its own right when it deems appropriate.

10. Issue its own working regulations.

11. Appoint and remove its own employees.

12. Any other powers conferred upon it by the laws of the Republic.

PARAGRAPH. The National Electoral Council shall perform the functions that other laws assigned or assign to the Electoral Court.

ARTICLE 13. Repealed by Article 265, paragraph 4, of the 1991 Constitution. The National Electoral Council shall be an advisory body to the Government on electoral matters and, as such, may recommend draft legislative acts, laws, and decrees.

ARTICLE 14. The acts issued by the National Electoral Council in exercise of the eighth power of Article 12 shall be called "Agreements," shall be numbered and dated, shall be duly justified, and once the decision has been legally voted on, it may not be modified or revoked.

Before making a decision in exercise of this power, the National Electoral Council may urgently request from the relevant official any public documentary evidence it deems necessary to ensure that its decisions are as fair and accurate as court rulings.

Before making a decision, the Council shall hear the parties in a public hearing to support their appeals, and the parties may leave a written summary of their statements. After hearing the parties, the Council shall convene a public hearing to announce its Agreement, once it has been discussed and approved in private hearings by its members.

ARTICLE 15. The National Electoral Council shall be composed of seven (7) members, elected as follows: three (3) from each of the parties that obtained the highest number of votes in the last congressional election and one (1) from the party that received the next highest number of votes.

Upon proving their qualifications for confirmation of their appointment, the Councilors shall submit a sworn statement of membership in the political party on whose behalf they were elected.

ARTICLE 16. The members of the National Electoral Council shall be elected by the full Council of State for a term of four years, which

shall begin on September 1 immediately following the start of each respective constitutional term of Congress and may not be reelected for the immediately following term. The members of the National Electoral Council shall take office before the President of the Council of State.

Declare UNCONSTITUTIONAL the expression "for the immediately following term." Constitutional Court Ruling C-55 of 1998.

ARTICLE 17. To be a member of the National Electoral Council, the same qualifications are required as to be a Magistrate of the Supreme Court of Justice; not to have been elected to public office or to have served as a member of a political board in the two years prior to appointment; nor to be, or have a spouse who is, a relative of any of the Councilors of State who have the right to participate in the election, up to the fourth degree of consanguinity, second degree of affinity, or first degree of civil relationship.

ARTICLE 18. The members of the National Electoral Council shall exercise their functions on a permanent basis, without being subject to working hours or a fixed monthly remuneration, and shall be prohibited from engaging in any partisan activity or holding any public office. They shall not be subject to mandatory retirement age. Refrain from considering the expression "They shall not be subject to mandatory retirement age." Constitutional Court Ruling C-55 of 1998.

ARTICLE 19. The National Electoral Council shall meet when convened by its President, by a majority of its members, or at the request of the National Registrar of Civil Status, and shall do so at least once a month.

ARTICLE 20. At meetings of the National Electoral Council, the quorum for deliberation shall be half plus one of the members of the corporation, and decisions in all cases shall be adopted by two-thirds of its members.

ARTICLE 21. The Council of State shall elect a body of associate judges of the National Electoral Council, equal to twice the number of its members, in a manner that reflects the political composition of the Council. In the event of ties, impediments, or recusals accepted by the National Council, or when no decision is reached, the Council shall draw lots to select associate judges. In cases of impediments or recusals, the associate judge shall be of the same political affiliation as the separated Council member.

ARTICLE 22. Members of the National Electoral Council may not be elected to public office during the period for which they were appointed, nor within the following year from the day on which they ceased to exercise their functions.

ARTICLE 23. During the period for which they are appointed and up to one year after ceasing to exercise their functions, members of the National Electoral Council shall be disqualified from:

- a) To practice law, as litigators or advisors, in electoral or contractual matters of public law, except, in the latter case, when acting in defense of the Administration;
- b) To enter into contracts with the State, either directly or through an intermediary; and
- c) To be President of the Republic, Minister or Deputy Minister of the Office, Comptroller General of the Republic, Attorney General of the Nation, Head of the Administrative Department, member of the National Congress, or Governor of a Department.

ARTICLE 24. The members of the National Electoral Council are accountable for their actions before the Criminal Chamber of the Supreme Court of Justice or the entity acting in its stead, and the same rules governing impediments and recusals that apply to the Justices of said Court shall apply to them.

ARTICLE 25. The National Government shall, by executive decree, annually determine the fees and travel expenses to be paid to the members of the National Electoral Council.

The fees and allowances earned by members of the National Electoral Council are compatible with any retirement pension.

In terms of fees, each member of the National Electoral Council shall not earn less than twenty-five percent (25%) of the total remuneration assigned to Councilors of State on a monthly basis.

CHAPTER III

NATIONAL REGISTRAR OF CIVIL STATUS.

ARTICLE 26. [Amended by Article 1 of Law 6 of 1990](#). The National Registrar of Civil Status shall have the following functions:

1. To direct the operation of all departments of the National Registry.
2. Organize and monitor the electoral process. [See Resolution 51 of 2003 of the National Electoral Commission](#).
3. Convene the National Electoral Council.
4. Designate and supervise the process for issuing citizenship cards and identity cards.
5. Order investigations and visits to ensure the proper functioning of the electoral organization.

6. Act as Secretary of the National Electoral Council and as keeper of the three-key safe of the same corporation.
7. Create, merge, and eliminate positions and designate the corresponding assignments, with the approval of the National Electoral Council. Underlined text declared UNCONSTITUTIONAL by the Constitutional Court in Ruling [C-230A](#) of 2008.
8. Appoint the Secretary General, who shall be of a different political affiliation than yours, as well as the National Visitors, Delegates of the National Registrar of Civil Status, and District Registrars of Bogotá, with the approval of the National Electoral Council, and other employees of the central offices. Both the Secretary General and the National Visitors must meet the qualifications of a Superior Court Judge, or have held one of these positions for a period of not less than two years.

This provision was declared ENFORCEABLE by the Constitutional Court in Ruling [C-230](#) of 2008, on the understanding that these positions are special administrative careers, in accordance with the third paragraph of Article 266 of the Constitution, and that the National Registrar of Civil Status must call a merit-based competition to fill them before December 31, 2008. The underlined text was declared UNCONSTITUTIONAL in the same ruling.

9. Approve the appointments of registrars for the capitals of departments and for those cities with more than one hundred thousand (100,000) valid identity cards.
10. Arrange for the transfer of personnel from the central offices of the Registry.
11. Issue measures relating to the preparation, processing, issuance of duplicates, rectification, registrations, deregistrations, and cancellations of identity cards and cards.
12. Issue and publicize resolutions setting the terms for the delivery of electoral documents from townships, police stations, and rural areas to the respective Civil Registrar.
13. Resolve appeals filed against sanctions imposed by the Delegates of the National Registrar of Civil Status and by the District Registrars of Bogotá.
14. Set the price of photographs printed and developed by employees of the National Registry for citizenship cards and identity cards.
15. Prepare the Registry's budget.
16. Set, with the approval of the National Electoral Council, the travel allowances for district, municipal, and auxiliary counting commissions, polling station officials when they perform their duties outside their place of residence, and employees of the Civil Registry.

Underlined text declared UNCONSTITUTIONAL by the Constitutional Court in Ruling [C-230A](#) of 2008.

17. Authorize the payment of travel allowances and transportation expenses and recognize and order the payment of other expenses, at the national level, that affect the budget of the National Civil Registry.
18. Sign the administrative contracts to be entered into by the National Registry.
19. Prepare and publish lists of the number of councilors corresponding to each municipality, in accordance with the law.
20. Resolve any disagreements that may arise between the delegates of the National Registrar of Civil Status and between the district registrars of Bogotá.
21. [Amended by Article 1, Law 6 of 1990](#). The National Registrar of Civil Status shall have the following functions: Organize the dissemination of election results as they become known from the counts carried out by the district, municipal, and zonal counting commissions and by the Delegates of the National Electoral Council.

jurisprudence

ARTICLE 27. The National Registrar of Civil Status shall be elected for a term of four (4) years, beginning on October 1, 1990.

ARTICLE 28. To be National Registrar of Civil Status, the same qualifications are required as to be a member of the National Electoral Council or to have held that position in the past.

ARTICLE 29. The election of the National Registrar of Civil Status may not fall to anyone who has accepted candidacy for a popularly elected office in the two years prior to the election or who has been part of a political board during the same period, nor to the spouse of the former or the latter, nor to anyone who is a relative of the former or the latter or of any member of the National Electoral Council or the Council of State, up to the fourth degree of consanguinity, second degree of affinity, or first degree of civil relationship.

ARTICLE 30. The National Registrar of Civil Status may not be elected as a member of a popularly elected body during the period for which he or she was appointed, nor within the following year, counted from the day on which he or she ceased to exercise his or her functions.

ARTICLE 31. The National Registrar of Civil Status shall receive the same remuneration as that established by law for the Magistrates of the Council of State and shall take office before the National Electoral Council.

CHAPTER IV

DELEGATES OF THE NATIONAL REGISTRAR.

ARTICLE 32. In each Electoral District there shall be two (2) Delegates of the National Registrar of Civil Status, of different political affiliations, who shall be responsible for and oversee the electoral organization, as well as the functioning of the offices of the National Registry at the sectional level.

Underlined text declared UNCONSTITUTIONAL by the Constitutional Court in Ruling [C-230A](#) of 2008. ARTICLE 33.

The Delegates of the National Registrar of Civil Status shall have the following functions:

1. To appoint the Civil Registrars and other employees of the Electoral District. The appointment of Municipal Registrars in department capitals and cities with more than one hundred thousand (100,000) valid identity cards requires the approval of the National Registrar of Civil Status.
2. To supervise elections, as well as the preparation of citizenship cards and identity cards.
3. Investigate the actions and administrative conduct of subordinate employees and impose any applicable sanctions.
4. Arrange for the movement of personnel in their respective departments.
5. Recognize family allowances, travel and transportation expenses, and other applicable expenses at the sectional level, within budgetary availability.
6. Authorize the payment of salaries and bonuses for employees of the respective district.
7. Act as Secretaries of the Delegates of the National Electoral Council and as Keepers of the triclave chest, which shall be under their custody.
8. Approve or amend resolutions on the appointment of polling station officials.
9. Decide, by means of a resolution, on appeals filed against sanctions imposed by Civil Registrars on polling station officials.
10. Enter into contracts, within their budgetary availability and in accordance with the provisions of Article 215 of this Code.
11. Receive and deliver office supplies under inventory.
12. Train staff on their duties.
13. Resolve queries on electoral matters and those relating to their position.
14. Publish the partial or total election results that your Registry submits to the National Registrar, and
15. Any other duties assigned by the National Registrar of Civil Status.

ARTICLE 34. The decisions of the Delegates of the National Registrar of Civil Status shall be made by mutual agreement.

ARTICLE 35. [Amended by Article 2, Law 6 of 1990](#). To be a Delegate of the National Registrar of Civil Status, the same qualifications are required as to be a Magistrate of the Superior Court or to have held that position for a term of not less than two (2) years, or to have held positions in the electoral organization for a term of not less than five (5) years, two of them in an executive or professional position.

jurisprudence

ARTICLE 36. The Delegates of the National Registrar of Civil Status shall take office before the respective Governor or Mayor.

ARTICLE 37. The appointment of a Delegate of the National Registrar of Civil Status may not fall to anyone who has been elected to public office or has served as a member of a political board in the two (2) years prior to their appointment, or who is a relative of the National Registrar of Civil Status or of any of the members of the National Electoral Council up to the fourth degree of consanguinity or second degree of affinity.

ARTICLE 38. Delegates of the National Registrar of Civil Status may not be elected as members of public corporations while they remain in office, nor within six (6) months following the day on which they ceased to exercise their functions.

ARTICLE 39. Delegates of the National Registrar of Civil Status and District Registrars shall be removed from office by the

National Registrar of Civil Status in the event of political bias or for any of the reasons established by law.

CHAPTER V DISTRICT
REGISTRARS.

ARTICLE 40. In the Special District of Bogotá, there shall be two (2) District Registrars, of different political affiliations, who shall be responsible for and oversee the electoral organization, as well as the operation of the District Registry offices.

Underlined text declared UNCONSTITUTIONAL by the Constitutional Court in Ruling [C-230A](#) of 2008. ARTICLE 41.

The District Registrars shall have the following functions:

1. Appointing Assistant Registrars and other employees of the District Registry Office.
2. Arrange for personnel movements.
3. Recognize family allowances, transportation, and other applicable expenses, within their budgetary availability.
4. Authorize the payment of salaries and bonuses.
5. Enter into contracts, within budgetary constraints and in accordance with the provisions of Article 215 of this Code.
6. Receive and deliver office supplies under inventory.
7. Instruct staff on their duties.
8. Resolve queries on electoral matters and all those concerning their position.
9. Investigate the actions and administrative conduct of subordinate employees and impose any applicable sanctions.
10. Arrange for the preparation of identity cards and cards, respond to requests for duplicates, rectifications, corrections, renewals, challenges, and cancellations of such documents, and order the registration of identity cards.
11. Oversee and monitor the preparation and conduct of elections.
12. Appoint polling station officials.
13. Replace polling station officials who excuse themselves or are unable to perform their duties.
14. Impose fines on polling station officials in the cases specified in this Code.
15. Appoint polling station visitors for election day, with the power to replace polling station officials who fail to attend or who abandon their post. These visitors shall take office before the Secretary of the District Registry.
16. On election day, together with at least one other key holder, communicate the results of the vote to the National Registrar of Civil Status, his delegates, the Minister of Government, and the Mayor, and publish them.
17. Act as key holders for the corresponding three-key safe, which shall be under their custody.
18. Personally deliver the documents related to the district vote count to the delegates of the National Registrar of Civil Status of Cundinamarca, and
19. Any other duties assigned to them by the National Registrar of Civil Status.

ARTICLE 42. The decisions of the District Registrars shall be made by mutual agreement.

ARTICLE 43. District Registrars shall have the same qualifications as the Delegates of the National Registrar of Civil Status.

ARTICLE 44. District Registrars may not be elected as members of public corporations during their term of office, nor within six (6) months thereafter, counted from the day on which they ceased to hold office.

ARTICLE 45. The appointment of District Registrars may not fall to those who have been elected to public office or have served as members of a political board in the two (2) years prior to their appointment, or who are relatives, either themselves or through marriage, of the National Registrar of Civil Status or of any of the members of the National Electoral Council, up to the fourth degree of consanguinity or second degree of affinity.

ARTICLE 46. District Registrars shall take office before the Mayor of the city.

CHAPTER VI

MUNICIPAL AND ASSISTANT REGISTRARS.

ARTICLE 47. In each municipality, there shall be one (1) Municipal Registrar of Civil Status, who shall be responsible for and oversee the electoral organization, as well as the operation of the Municipal Registry offices.

PARAGRAPH: In cities with more than one hundred thousand (100,000) valid identity cards, there shall be two (2) Municipal Registrars of different political affiliations.

Underlined text declared UNCONSTITUTIONAL by the Constitutional Court in Ruling [C-230A](#) of 2008. ARTICLE 48.

Municipal registrars shall have the following duties:

1. Arrange for the preparation of identity cards and cards, respond to requests for duplicates, rectifications, corrections, renewals, challenges, and cancellations of such documents, and order the registration of identity cards;
2. To attend to the preparation and conduct of elections;
3. Appointing polling station officials;
4. Replace polling station officials who fail to perform their duties, abandon their position, or exercise it without due impartiality or correctness, as well as those who are unable to perform their duties;
5. Impose fines on polling station officials in the cases indicated in this code;
6. Appointing, for election day, in cities where there are more than twenty (20) polling stations, polling station visitors with the power to replace jurors who fail to perform their duties or abandon their position. These visitors shall take office before the Municipal Registrar and request the assistance of law enforcement for such purposes;
7. On election day, together with at least one other key holder, transmit the results of the voting to the National Registrar of Civil Status, the Minister of Government, the delegates of the National Registrar of Civil Status, and the respective Governor, Mayor, or Commissioner, and publish them;
8. Act as keeper of the three-key chest that will be under their custody and as secretary of the counting commission;
9. Personally deliver to the delegates of the National Registrar the documents that the counting commissions have considered and the counting records drawn up by them;
10. Receive and deliver office supplies, keeping an inventory thereof; and 11. Any other duties assigned to them by the National Registrar of Civil Status or their delegates.

ARTICLE 49. Assistant Registrars shall have the same duties as Municipal Registrars, with the exception of those set forth in paragraphs 3, 5, and 6 of the previous article. The communications and documents referred to in paragraphs 7 and 9 shall be sent and delivered to the respective District or Municipal Registrars.

ARTICLE 50 [Amended by Article 3 of Law 6 of 1990](#). To be a Municipal Registrar of a departmental capital or city with more than 100,000 valid identity cards, the same qualifications are required as to be a Circuit Judge, or to have held the position for a term of not less than two (2) years, or to have held positions in the electoral organization for a term of not less than three (3) years.

Case law

ARTICLE 51. To be a Registrar in cities other than those listed in the previous article, one must be Colombian by birth, a citizen in good standing, and have obtained a high school diploma or have been employed by the electoral branch for a term of not less than one (1) year.

ARTICLE 52. The appointment of the Municipal or Assistant Registrar may not fall to anyone who has been elected to public office or has served as a member of a political board in the two (2) years prior to their appointment, or who is a relative, either by blood or marriage, of those who appoint them or of the National Registrar, up to the fourth degree of consanguinity or second degree of affinity.

ARTICLE 53. Municipal and Assistant Registrars may not be elected as members of public corporations during their term of office, nor within six (6) months thereafter, counted from the day on which they ceased to perform their duties.

ARTICLE 54. Municipal Registrars shall take office before the respective mayor. Assistant Registrars shall take office before the respective Registrar.

CHAPTER VII

DELEGATES OF DISTRICT AND MUNICIPAL REGISTRARS.

ARTICLE 55. In each district, police station, and rural area referred to in Article 100 of this code, there shall be a Delegate of the

Civil Registrar appointed by the Delegates of the National Civil Registrar. The Delegates of the District Registrars shall be appointed by the latter.

ARTICLE 56. The Delegates of the District and Municipal Registrars shall have the following functions:

1. **Amended by Article 4, Law 6 of 1990.** To oversee the preparation and conduct of elections and referendums in their respective areas. In department capitals and zoned cities, the Delegates of the District or Municipal Registrars shall also oversee the registration and recording of identity cards.

jurisprudence

2. Replace, in a timely manner, polling station officials who fail to perform their duties, abandon their posts, or perform their duties without due impartiality or correctness.

3. Notify the Registrar of any failure to comply with or poor performance of the duties of polling station officials, for the appropriate sanctions to be applied.

4. Transport, under police escort, and personally deliver to the respective Registrar all documents from the polling stations.

5. Communicate the results of the voting to the Registrar on the day of the elections, and

6. Any other duties assigned by the National Registrar of Civil Status or his delegates.

ARTICLE 57. The Delegates of the District and Municipal Registrars must be Colombian by birth, active citizens, and of good reputation. They may not be related, either themselves or their spouses, within the fourth degree of consanguinity or second degree of affinity, to those who appoint them, and they shall take office before the respective Registrar.

CHAPTER VIII

AUTOMATION, SYSTEMATIZATION, AND REVOLVING FUND.

ARTICLE 58. The Government shall proceed to technify and systematize the electoral process, especially in relation to the updating of censuses, the issuance of identification documents, the preparation and conduct of elections, the communication of election results, as well as facilitating the automation of voting, seeking, for all of this, to use the most modern means in this area.

The President of the Republic shall be authorized to enter into the contracts required for compliance with this article. Subject to the favorable opinion of the Council of Ministers, the President may, at any time, dispense with public or private bidding and proceed to directly contract the goods or services necessary for compliance with this article.

ARTICLE 59. The Revolving Fund of the National Civil Registry shall be created as a public institution, that is, as an agency with legal personality, administrative autonomy, and independent assets. The legal representation and administration of the Fund shall be the responsibility of the National Registrar of Civil Status. The National Electoral Council shall act as the Fund's Board of Directors.

ARTICLE 60. The Fund's assets shall consist of:

a) The amounts allocated to it in the National Budget. For the fiscal years 1986, 1987, and 1988, said budget shall include an allocation of no less than 0.08% (eight hundredths of 1%) of the ordinary revenues provided for in the bill initially submitted to Congress for consideration.

The National Government is authorized to carry out, during the 1985 fiscal year, the budgetary operations necessary to deliver to the Fund a percentage equal to that indicated for 1986;

b) The proceeds from fines imposed on polling station officials, district, municipal, and zonal scrutineers, and delegates of the National Electoral Council;

c) The resources received for the issuance of duplicate identity cards and for the rectification and renewal of such documents;

d) The value of publications, magazines, newsletters, and books published by the National Registry;

e) The proceeds from contracts and agreements entered into for the provision of advisory and information services by the Registry or for the rental of equipment;

f) Other assets acquired by it as a legal entity for any purpose;

ARTICLE 61. **Modified by Article 5, Law 6 of 1990.** The Fund's resources shall be used to cover the expenses required for the construction, purchase, improvement, and maintenance of the buildings required by the electoral organization for its operation; the acquisition of data processing, identity card and ID card production, and communications equipment; the acquisition of personnel and cargo transportation equipment

personnel and cargo necessary for the operation of the Registry at different levels, and all equipment, materials, and supplies required for the service of the organization and the adequate care of the officials who serve it.

jurisprudence

TITLE III

REGISTRATION

[See Law 757 of 2002](#)

ARTICLE 62. To obtain a citizenship card, you must prove that you are at least 18 years of age and provide proof of your identity by presenting your civil birth certificate or identity card, your naturalization certificate in the case of naturalized citizens, or your registration certificate in the case of Hispanic Americans and Brazilians by birth to the Registrar of Civil Status or their delegate.

ARTICLE 63. The issuance of copies of civil registries for the processing of citizenship cards by the National Civil Registry shall be free of charge, and it shall be noted that they are only valid for that purpose.

ARTICLE 64. [Repealed by Article 14, Law 6 of 1990](#). In order to obtain a duplicate citizenship card, it is essential to present a copy of the report or sworn statement regarding the loss of the card to the respective electoral official.

ARTICLE 65. The National Registrar of Civil Status shall periodically determine the cost of duplicates, renewals, and corrections of citizenship cards and identity cards, as well as of the books and publications issued by the Registry, and the fees for the services it provides.

Declared UNCONSTITUTIONAL by the Constitutional Court in Ruling C-1171-05 of 2005.

ARTICLE 66. [Amended by Article 6, Law 6 of 1990](#). The preparation of citizenship cards shall be suspended four (4) months before the respective elections in order to prepare the voter lists.

jurisprudence

ARTICLE 67. The following are grounds for cancellation of the citizenship card by the National Civil Registry:

- a) Death of the citizen;
- b) Multiple identification cards.
- c) Issuance of an identity card to a minor;
- d) Issuance of an identity card to a foreigner who does not have naturalization papers;
- e) Loss of citizenship due to having acquired naturalization in another country, and
- f) False identity or impersonation.

ARTICLE 68. When multiple identity cards, false identity, or impersonation are established, or when an identity card is issued to a minor or a foreigner, the National Civil Registry will cancel the identity card or cards that were improperly issued and will report the fact to the competent authority. However, if it is established that the identity card was issued to a minor when he or she is now of age, the identity card shall not be canceled but rectified.

ARTICLE 69. Notaries public and other officials in charge of civil registration shall send to the National Civil Registry, through the respective registrars, a certified or authenticated copy of civil death records within the first five (5) days of each month so that the identity cards corresponding to deceased persons may be canceled.

Any official who fails to comply with this obligation shall be guilty of misconduct and shall be punished with the loss of their job.

ARTICLE 70. Judges and magistrates shall send to the National Civil Registry a copy of the operative part of judgments decreeing the disqualification from public rights and functions within fifteen (15) days of their enforcement, so that the corresponding citizenship cards may be removed from the electoral rolls. Failure to do so shall constitute misconduct, punishable by loss of employment.

ARTICLE 71. Rehabilitation from the disqualification from public rights and functions shall take effect ipso jure upon expiration of the term for which such disqualification was imposed as a penalty. To this end, it shall suffice for the interested party to file the relevant application, accompanied by the respective documents, with the Municipal Registrar of their domicile, who shall immediately process it.

ARTICLE 72. The cancellation of citizenship cards may be requested in the cases provided for in Article 67 of this code, in accordance with the procedure set forth in the following article.

ARTICLE 73. The citizenship card may be challenged at the time of its preparation or after it has been issued. In both cases, the

The Registrar of Civil Status shall require proof of the grounds for the challenge, hear the challenged party, if possible, and, together with his opinion on the matter, forward the documents to the National Registrar of Civil Status, who shall decide whether to refuse to issue the identity card or cancel the one already issued.

ARTICLE 74. At any time, the interested party may challenge the evidence on which the refusal to issue the identity card or its cancellation was based, in order to obtain the document again.

This request must be resolved within 60 days of its submission.

ARTICLE 75. The National Registrar of Civil Status may determine, with the approval of the National Electoral Council, the dimensions and content of the citizenship card and identity card.

TITLE IV

ELECTORAL CENSUSES, REGISTRATION OF IDENTITY CARDS, AND VOTER LISTS

ARTICLE 76. *Amended by Article 7, Law 6 of 1990. Repealed by Article 14 of Law 6 of 1990.* As of 1988, citizens may only vote in the place where their citizenship card appears in accordance with the electoral census. The ID cards that were part of the 1988 census and those that are subsequently issued or registered there will remain in the electoral census of the respective location, as long as they are not canceled or registered elsewhere.

Case law

ARTICLE 77. *Amended by Article 7, Law 6 of 1990. Repealed by Article 14 of Law 6 of 1990.* As of 1988, citizens may only vote in the place where their citizenship card appears in accordance with the electoral census. The cards that were part of the 1988 census and those that are subsequently issued or registered there will remain in the electoral census of the respective location, as long as they are not canceled or registered elsewhere.

Case law

ARTICLE 78. Registration is an act that requires the presence of the citizen and the impression of the right index finger of the registrant on the corresponding official document in order to be valid. In the case of mutilated persons, a record shall be made and another fingerprint shall be taken to identify the registrant.

The personal appearance required herein shall be made before the electoral official of the municipality or place where the person wishes to vote, who shall issue a registration receipt stating the number of the registered ID card and the number of the polling station.

Registrations that do not meet the requirements set forth in this article shall not be valid, and the officials who carry them out shall be punished with the loss of their employment, without prejudice to the corresponding criminal liability.

ARTICLE 79. The National Civil Registry, following consultation with the National Electoral Council, shall designate municipalities with more than twenty thousand (20,000) eligible voters that must be divided into zones to facilitate registration, voting, and vote counting.

Underlined text declared UNCONSTITUTIONAL by the Constitutional Court in Ruling C-230A of 2008.

ARTICLE 80. The lists of registered citizens shall be delivered in a timely manner by the respective electoral officials to the corresponding Civil Registry Offices so that they can be compared with those of the different zones in order to prevent multiple registrations.

ARTICLE 81. When a citizen registers their ID card two or more times, the last registration cancels the previous ones.

ARTICLE 82. Persons with citizenship cards issued in townships or police districts that have been or will be integrated into a new municipality may vote at the place of issuance without prior registration.

The National Civil Registry shall assign, by means of a resolution, the numerical quotas of the townships and police stations to the new municipality and shall send the corresponding lists of voters to those places.

ARTICLE 83. Once the registration period has expired, the Delegates of the Registrar of the Civil Registry shall send the latter a certified copy of the list of registered citizens. The Registrar of Civil Status, in turn, shall communicate to the National Registrar of Civil Status, through its Delegates, the number of citizens registered in the respective municipality, both in the municipal capital and in the townships, police districts, and rural sectors.

Once the votes have been counted, the National Registry shall carefully review the voter records and lists of voters, both in the municipal capital and in the townships, police districts, and rural areas, to determine whether there has been double or multiple voting.

Once this has been verified, the National Registry will file the corresponding complaint with the competent authority.

ARTICLE 84. *Repealed by Article 14, Law 6 of 1990.* The National Civil Registry, following consultation with the National Electoral Council, shall establish the terms within which the registration of identity cards provided for in this code must be carried out. In no case may registration close more than one month prior to the date of the respective elections. However, as the

technical facilities of the electoral organization improve, the Registry may reduce this period.

ARTICLE 85. Modified by Article 9, Law 6 of 1990. The National Registry, with the approval of the National Electoral Council, shall set the number of citizens who may vote at the various polling stations. The National Civil Registry shall prepare, for each polling station, lists of identity cards eligible to vote in the municipal capitals, townships, and police stations where polling stations operate. If, after the lists have been drawn up, one or more identity cards are canceled or excluded, the corresponding Registrar of Civil Status or his delegate shall send the respective polling stations the list of identity cards with which it is not possible to vote.

Case law

Underlined text declared UNCONSTITUTIONAL by the Constitutional Court in Ruling [C-230A](#) of 2008.

The National Civil Registry shall prepare for each polling station the lists of ID cards eligible to vote in municipal capitals, townships, police stations, and rural areas. If, after the lists have been drawn up, one or more ID cards are canceled or excluded, the corresponding Civil Registrar or his or her delegate shall send the respective polling station the list of ID cards that cannot be used to vote.

ARTICLE 86. The commanders of the Armed Forces shall send to the National Civil Registry, up to three (3) months before the date of the elections and in a confidential manner, the list of officers, non-commissioned officers, and members of the various branches of the military, indicating their respective ID numbers, so that they may be omitted from the lists of voters for the corresponding election.

The Minister of Justice, through the General Directorate of Prisons, shall also send to the National Civil Registry, up to three (3) months before the date of the vote and in a confidential manner, the lists of prison guards, indicating their corresponding ID numbers, so that they may be omitted from the voter lists for the respective election. The General Directorate of Customs and the Departmental Finance Secretariats must do the same with regard to customs guards and departmental revenue guards.

ARTICLE 87. Three (3) copies shall be made of each of the voter lists: one for the files of the respective Registrar of Civil Status or his or her delegate, another for the polling station, and another to be posted in a public place immediately adjacent to said polling station.

TITLE V

REGISTRATION OF CANDIDATES

ARTICLE 88. Amended by Article 4, Law 62 of 1988. The deadline for registering candidates for the various popularly elected bodies is six (6) p.m. on the first Tuesday of February of the respective year. The deadline for registering candidates for the Presidency of the Republic is six (6) p.m. on the first Monday of the corresponding month of April.

jurisprudence

ARTICLE 89. If, upon expiration of the deadlines indicated in the previous article, the electoral official has not received written acceptance of a candidacy, it shall be understood that the candidate does not accept it and, consequently, may be replaced by the registrars, in accordance with Article 94 of this Code.

ARTICLE 90. Candidacies for the Presidency of the Republic shall be registered with the National Registrar of Civil Status. The lists of candidates for the Senate of the Republic, House of Representatives, Departmental Assemblies, and Municipal Councils shall be registered with the corresponding Delegates of the National Registrar of Civil Status; the lists of candidates for the Commissarial Councils shall be registered with the Registrar of Civil Status of the capital of the Commissariat, and those for the District and Municipal Councils shall be registered with the respective District and Municipal Registrars.

ARTICLE 91. Candidates for the Presidency of the Republic must prove to the Consultation and Civil Service Chamber of the Council of State that they meet the constitutional requirements for the office. Within six (6) days of the candidate's request, this Chamber shall issue a certificate to that effect, which shall be attached to the application submitted to the National Registrar for the registration of the presidential candidacy. The members of the Chamber shall be guilty of misconduct if they fail to issue the aforementioned certification within the period specified in this article.

ARTICLE 92. Written proof of acceptance by the candidates must be attached to the application for registration or submitted before the expiration of the registration period, and in the case of Article 94 of this Code, written proof of acceptance by the replacement candidates must be attached to the application for modification of the lists of candidates.

The lists that are registered may not contain more candidates than the number of persons to be elected to the respective corporation.

(Paragraph 2 Repealed for being contrary to Article [261](#) of the National Constitution, as provided by the Council of State, Fifth Section, in its ruling of September 16, 1999)

ARTICLE 93. The application for registration must expressly mention the political party or movement for which a candidacy or list of candidates is being registered, and the registrars shall make a sworn statement before the respective electoral official that they are

affiliated with that political party or movement. For candidates, such an oath is understood to be given by their signature on the memorandum of acceptance of the candidacy.

When candidates are not in the place where registration must be done, they shall take the oath before the Registrar of Civil Status or diplomatic or consular official of the place where they are located, and a statement to that effect shall be made at the bottom of the respective memorials, which shall be sent immediately by those officials, who shall also communicate this fact in writing to the electoral authorities before whom the registrations must be made.

Failure to comply with this provision is grounds for misconduct resulting in loss of employment.

[Added by Article 5, Law 62 of 1988](#), with the following text: The application for registration of candidates for the Presidency of the Republic shall expressly mention the political party or movement for which they are registering, together with the symbols, emblems, color, colors, or combination of colors that will be used to identify the respective ballot. Registrants and candidates shall make a sworn statement before the respective electoral official that they are affiliated with that political party or movement. However, candidates may take the oath by making a written statement to that effect in the memorandum of acceptance of the respective candidacy.

ARTICLE 94. In the event of death, loss of political rights, resignation, or non-acceptance of any of the candidates, the lists may be modified by a majority of those who registered them no later than fifteen (15) calendar days before the date of the vote.

ARTICLE 95. [Amended by Article 6, Law 62 of 1988](#).

In the event of the death or resignation of any of the candidates for the Presidency of the Republic, a new candidate may be registered no later than twenty (20) calendar days before the date of the election. In this case, the constitutional qualifications shall be certified before the National Registrar of Civil Status at the time of registration.

PARAGRAPH. If the death or permanent physical incapacity of the candidate for the Presidency of the Republic occurs after the aforementioned deadline, the new candidate may be registered no later than eight (8) days before the date of the election. In such an event, the National Registrar of Civil Status shall authorize voting by means of ballots.

jurisprudence

ARTICLE 96. Death may only be certified by a death certificate, and the loss of political rights by a certificate issued by the competent judicial authority. Resignation from candidacy must be made in writing and presented in person by the resigning party to the corresponding electoral official, who shall record this circumstance, or by means of a communication addressed by the resigning party to the respective official with a note of personal presentation before a judge, notary, or consular agent.

ARTICLE 97. [Repealed by Article 14, Law 6 of 1990](#). For the registration and modification of lists of candidates for public corporations, the National Civil Registry shall prepare model forms for the procedures, the use of which is not essential for the validity of the respective registration.

ARTICLE 98. The delegates of the National Registrar of Civil Status shall communicate to the latter the lists of candidates registered for Congress, Assemblies, and Municipal Councils immediately after the deadline for modifying them has expired.

District and Municipal Registrars shall send copies of the lists of candidates registered for District and Municipal Councils and for Commissarial Councils to the Delegates of the National Registrar as soon as the deadline for modifying the lists of candidates expires.

The registrars of the capitals of the Commissariats shall also send the National Registrar of Civil Status a copy of the lists of candidates for Commissarial Councils within the same period.

TITLE VI

VOTING

CHAPTER I

POLLING STATIONS.

ARTICLE 99. In elections, polling stations must be set up in municipal capitals and in townships and police stations that have a separate numerical quota from that of the capital, or that are more than five (5) kilometers away from it, or that have an electorate of more than four hundred (400) voters.

PARAGRAPH. In order for polling stations to be set up in a district or police station, it must have been created at least six (6) months prior to the date of the elections.

ARTICLE 100. [Repealed by Article 14, Law 6 of 1990](#). The National Electoral Council may authorize the operation of polling stations in rural areas with a minimum population of eight hundred (800) inhabitants and located more than five (5) kilometers from another location where polling stations operate within the same municipality.

For these polling stations to operate, a reasoned and documented request from the respective Delegates of the National Registrar must be submitted to the National Electoral Council no less than eight (8) months prior to the date of the elections.

Such requests must be resolved within thirty (30) days of their submission.

Any number of citizens may also request the National Electoral Council to operate such polling stations, but they must do so with the same eight (8) months' notice, and the Council, before making a decision, shall hear the Delegates of the National Registrar, who shall reach a joint decision on the matter.

The requests referred to in this article must be resolved within thirty (30) days of their submission.

Once the National Electoral Council has authorized the operation of polling stations, the Governor, Mayor, or Commissioner shall proceed to appoint a rural commissioner for each of these rural sectors, who must assume their duties no less than three (3) months prior to the elections.

CHAPTER II
POLLING STATION
OFFICIALS.

ARTICLE 101. No later than fifteen (15) calendar days before the respective election, the District and Municipal Registrars shall form the polling station officials, consisting of four (4) principal and four (4) alternate officials for each polling station, with citizens no older than sixty-five (65) years of age, belonging to different political parties, so that there are no homogeneous juries, even in those places where there are only members of a single political party.

In this case, citizens from nearby locations belonging to other parties shall be appointed as polling station officials, and the cooperation of the authorities and political leaders may be required for this purpose.

Polling station officials shall receive the necessary instructions for the proper performance of their duties at the offices of the Registrar of Civil Status or their delegates.

When jurors exercise their right to vote, they must do so at the table where they perform their duties. Underlined text

declared UNCONSTITUTIONAL by the Constitutional Court in Ruling [C-230A](#) of 2008.

ARTICLE 102. UNCONSTITUTIONAL. Political parties may provide civil registrars with lists of candidates for polling station officials sufficiently in advance. Constitutional Court Ruling [C-230A](#) of 2008.

ARTICLE 103. The National Civil Registry shall issue instructions for the proper performance of polling station duties. National television and radio stations shall be required to broadcast programs prepared by the National Registry in this regard.

ARTICLE 104. All public officials and employees may be appointed as polling station officials, with the exception of those in the contentious-administrative jurisdiction, the highest civil authorities at the national, regional, and municipal levels who have electoral functions, members of the Armed Forces, operators of the Ministry of Communications, Telecom, Telephone Companies, their assistants, and officials of the National Postal Administration. Members of political boards and candidates may not be appointed either. For this purpose, said boards shall send the list of their members to the respective Registrar.

[See Concept of the National Civil Registry 4921 of 2003](#)

ARTICLE 105. The position of polling station official is mandatory, and notification of such appointments shall be deemed to have been given by the mere publication or posting in a public place of the respective list, which shall be done by the Registrar of Civil Status or his delegate ten (10) calendar days before the vote.

Polling station officials shall affix their names and ID numbers, with the corresponding signatures, in a visible place attached to the respective ballot box.

Polling station officials working in the public or private sector shall be entitled to one (1) compensatory day of paid leave within forty-five (45) days following the vote.

Underlined text declared ENFORCEABLE by the Constitutional Court, through Ruling [C-1005](#) of 2007, on the understanding that poll workers and vote counters who provide their services outside their normal working hours shall be entitled to one compensatory day of paid leave, provided that this does not coincide with another form of compensation or benefit, under the terms and conditions indicated in the grounds for this ruling.

Persons who, without just cause, fail to perform their duties as polling station officials or abandon them shall be liable to dismissal from their position, if they are public employees; and if they are not, to a fine of five thousand pesos (\$5,000.00), by resolution issued by the Registrar of Civil Status.

[See Concept of the National Civil Registry 4921 of 2003](#)

ARTICLE 106. For the purposes set forth in the previous article, Civil Registry Officers must communicate to the corresponding office heads or hierarchical superiors the names of public officials or employees, or official or private workers who did or did not perform the duties of polling station officials.

ARTICLE 107. The decision of the Registrar of Civil Status imposing the fine shall be notified by posting it in a public place in the Registry for five (5) working days from the date of posting.

ARTICLE 108. The following are grounds for exemption from the penalties referred to in the preceding articles:

- a) Serious illness of the juror or his or her spouse, father, mother, or child;
- b) Death of any of the persons listed above, occurring on the day of the elections or within three (3) days prior to the elections;
- c) Not being a resident of the place where you were assigned;
- d) Being under 18 years of age, and
- e) Have registered and voted in another municipality.

PARAGRAPH. Serious illness may only be proven by presenting a medical certificate, issued under oath; the death of a family member, with a death certificate; age, with the presentation of an identity document; non-residence, with a certificate of residence issued by the mayor or competent authority of the place of residence; and registration and voting, with the respective voting certificate.

ARTICLE 109. The following appeals may be lodged against the Registrar's decision:

- a) An appeal for reconsideration, within thirty (30) days of the date of the decision, and
- b) An appeal, within thirty (30) days of the decision imposing the sanction being issued or of the enforcement of the decision denying the appeal for reconsideration.

ARTICLE 110. Once the decision of the Registrar of Civil Status has been enforced, the latter shall send a copy to the Administration or the National Treasury, so that it may proceed to enforce the fine and refrain from issuing the sanctioned certificate of good standing until payment of the fine has been made.

CHAPTER III VOTING

PROCESS.

ARTICLE 111. Voting shall begin at eight (8) in the morning and close at four (4) in the afternoon.

ARTICLE 112. At half past seven (7:30) in the morning on election day, the citizens appointed as polling station officials shall report to the location where the polling station is located and proceed to set it up.

ARTICLE 113. Before voting begins, the ballot box shall be opened and shown to the public so that they can verify that it is empty and does not contain a false bottom or any devices suitable for fraud.

ARTICLE 114. The voting process is as follows: The President of the Jury shall request the citizen's identity card, examine it, verify their identity, and look up the card number on the list of voters. If the voter is listed, he or she will be allowed to cast a vote and will be recorded as having voted. This record will be made in accordance with the instructions given to the jurors by the National Civil Registry.

[Added by Article 3, Law 62 of 1988](#), with the following text: In elections for President of the Republic, once the voter has been identified, they will be given the ballot card or cards with the seal of the polling station on the back of the card. The voter shall then go to the booth and mark their vote in the space identifying the party or political group of their choice, or in the space provided for a blank vote; they shall then fold the corresponding card, return to the polling station, and place it in the ballot box. No person may accompany the voter at the time of voting.

ARTICLE 115. [Repealed by Article 14, Law 6 of 1990](#). Polling station officials shall verify that voters, before casting their vote, do not have their right index finger stained with ink, grease, or any substance that would render the indelible ink ineffective. Voters shall not be allowed to leave without dipping the index finger of their right hand in indelible ink up to at least the first joint; if they are missing this finger, they shall dip the index finger of their left hand, and if they are missing this finger, any other finger of their right or left hand. Clergymen shall dip the little finger of their right hand in the same manner, or, failing that, the little finger of their left hand, or, failing that, any other finger.

ARTICLE 116. Citizens may also vote abroad for the President of the Republic, at embassies, consulates, and other locations designated for this purpose by the Government, upon presentation of a valid identity card or passport, registered with the respective

Embassy or Consulate, no later than fifteen (15) days before the elections.

Three (3) copies shall be made of the lists of registered voters: one for the archives of the Embassy or Consulate, another for the polling station, and another to be posted in a public place immediately adjacent to said polling station.

The highest-ranking diplomatic or consular official shall appoint as polling station officials two (2) principal and two (2) alternate Colombian citizens residing in the locality, belonging to political parties represented in the Colombian Congress, in such a way that there are no politically homogeneous polling station officials.

Once the polls have closed, the votes at each polling station have been counted, and the minutes have been signed, the jurors shall deliver these and other documents used for the voting to the corresponding official, who shall immediately send them, in a duly sealed envelope, to the National Electoral Council, so that they may be taken into account in the general count.

ARTICLE 117. Citizens whose voter registration cards have been erroneously canceled due to death shall have the right to vote at the special polling station designated for this purpose by the Registrar of Civil Status or his or her delegate, once this official has authorized it by means of a certificate issued in the physical presence of the citizen and upon presentation of his or her voter registration card. The same procedure shall be followed in other cases of error or omission, once these have been duly verified. The aforementioned certificates, which shall be issued on security paper, shall state the reason for the authorization. A copy of these certificates shall be sent to the National Registry.

The National Registry shall provide that officials of the electoral organization may issue such certifications in order to facilitate the exercise of suffrage.

ARTICLE 118. The President of the Jury shall order the removal of any persons who in any way disturb the exercise of suffrage. If they do not obey, he may order them to be held in prison or in a guardhouse until the day after the elections. The phrase "If they do not obey, he may order that they be held in jail or in a guardhouse until the day after the election" has been declared unenforceable. Constitutional Court Ruling C-329 of 2016.

ARTICLE 119. Any kind of oral propaganda is prohibited on election day in places close to the polling stations.

The distribution of information and ballots shall be carried out by political parties or groups at least fifty (50) meters away from the polling stations.

ARTICLE 120. **Repealed by Article 14, Law 6 of 1990.** During voting hours, the movement of citizens from one municipality to another and from the municipal capital to the townships, police stations, and rural areas, or vice versa, where polling stations are located, shall be suspended, as shall movement between said townships, police stations, and rural areas.

Anyone who contravenes this provision shall be punished with imprisonment for up to ninety (90) days, to be imposed by the civil authority of the respective municipality, township, police station, or rural area.

No less than one month prior to the date of the elections, the Government may establish exceptions in favor of persons who provide public services that cannot be suspended without serious harm to the community, or for the inhabitants of urban agglomerations belonging to different municipal jurisdictions. In the latter case, it is an essential requirement for the issuance of the rules containing the exception referred to in this article that the National Registry has taken the necessary measures to verify the cross-references in the lists of voters corresponding to the different municipalities exempted from compliance with this rule.

ARTICLE 121. To guarantee the purity and publicity of the voting, the political parties or movements that have registered candidates shall have the right to submit to the Civil Registry lists of persons of recognized integrity to act as election witnesses, at the rate of one (1) per polling station.

The Civil Registrars will issue them with a credential allowing them to perform this temporary public function, and the authorities will be obliged to provide them with the necessary cooperation.

ARTICLE 122. Election witnesses shall supervise the elections and may file written complaints when the number of voters at a polling station exceeds the number of citizens eligible to vote there; when it is clear that an arithmetic error was made in the tally sheets when counting the votes; when, based on the ballots and registration procedures, it is clear and unequivocal that an error was made in the vote count record when recording the name or surnames of one or more candidates; and when the four (4) copies of the vote count records of the polling station officials are signed by fewer than three (3) of them. Such complaints shall be attached to the electoral documents and shall be resolved during the vote counting process. Complaints requesting a recount of ballots shall be dealt with immediately by the polling station officials, who shall record the recount in the minutes.

Election observers may not interfere in any way with the voting or the counting of votes by the polling station officials.

CHAPTER IV

BALLOTS.

ARTICLE 123. In elections for public corporations, citizens shall vote with a single ballot, which shall be divided into as many sections as there are corporations to be elected. Each section shall be headed by an inscription stating the names of the corporation, the political party, and the constituency for which the vote is being cast. The names of the main and alternate candidates, as registered, shall then appear in separate columns.

ARTICLE 124. *Modified by Article 1, Law 62 of 1988.* In the election for President of the Republic, citizens shall vote with ballot cards bearing the symbols, emblems, and colors of the different political parties or movements participating in the voting, with the name and surname of the respective candidate clearly printed. Paragraph. The symbols, emblems, and colors of the political parties or movements shall be the same as those registered for such purposes with the National Electoral Council or at the time of registration of the respective presidential candidacy.

jurisprudence

(See Article 190 of the 1991 Constitution)

ARTICLE 125. *Repealed by Article 258, 1991 Constitution.* Ballots shall be placed inside a white envelope or cover without any external markings. Envelopes or covers shall be no longer than one decimeter in length so that they can be easily inserted into the ballot box.

Added by Article 2, Law 62 of 1988, with the following text: The National Electoral Council, in agreement with the National Civil Registry, shall prepare and print the ballot cards for the election of the President of the Republic sufficiently in advance and shall deliver them in a timely manner to the Municipal Civil Registry Offices so that on election day, citizens may use them at each and every polling station operating throughout the national territory. At the same location where the polling station is operating, the Registry and the Municipal Mayor's Office shall install a booth inside which each voter shall freely and secretly choose their ballot.

This booth will be covered by a curtain or protected by a screen or partition, so that the citizen is isolated from other voters and members of the polling station when deciding their vote for any of the candidates for President of the Republic.

CHAPTER V

IMMUNITIES

ARTICLE 126. On election day, no citizen with the right to vote may be arrested or detained, nor compelled to appear before public authorities. Exceptions shall be made in cases of flagrante delicto or arrest warrants issued prior to the date of the elections by a competent judge.

ARTICLE 127. Members of the counting commissions, their secretaries, and the clerks shall enjoy immunity from forty-eight (48) hours before the start of the respective counts, during the counts, and until twenty-four (24) hours after their conclusion.

CHAPTER VI CALL FOR NEW

ELECTIONS.

ARTICLE 128. In the event of serious disturbances of public order that make it impossible to hold the elections, the respective governor, mayor, or commissioner, with the approval of the national government, shall postpone the elections and notify the National Registry and the public, at least one (1) month in advance, of the new date on which they are to be held.

ARTICLE 129. When a final judgment declares the election of half or more of the Senators of the Republic, or of the Representatives to the Chamber, or of the Deputies to the Assembly, or of the Municipal Councilors, corresponding to a given Electoral District, to be null and void, and in the event that, due to the absolute absence of principals and alternates, the Senators, Representatives, Deputies, or Municipal Councilors of an Electoral District are reduced to half or less of the corresponding number, the Government shall call elections to fill the vacant seats and shall set the date on which they are to be verified.

The same voter lists used for the previous election shall be used for this election.

ARTICLE 130. If the sessions of the last year of the term of the Senators, Representatives, Deputies, Municipal Councilors, or Municipal Councilors whose seats are vacant have already begun, no new elections shall be called.

ARTICLE 131. When, for any reason, elections for councilors are not held in some municipalities, the respective departmental, municipal, or district government shall call a new election, setting the date on which it shall be held.

The same procedure shall be followed when the elections of Councilors are annulled, or when, before the last year of the term, there is an absolute shortage of such a number of principal and alternate members that it is not possible to form a quorum or sufficient majority for the Corporation to function.

ARTICLE 132. In the cases referred to in Articles 128, 129, and 131 of this Code, the election shall be held for the remainder of the term. In the same cases, the National Electoral Council shall appoint two (2) delegates where the votes are to be counted, and the Superior Court shall appoint the respective municipal counting commissions. Such appointments shall be made within the time limits necessary for the timely compliance with this provision.

ARTICLE 133. When the nullity decreed by an enforceable court ruling referred to in Article 129 of this Code concerns the counting of votes or the declaration of election results, no new elections shall be called, and Article 247 of the Administrative Litigation Code shall be applied, with new counts being carried out on the total number of votes that were not invalidated in the respective ruling.

TITLE VII

COUNTING OF VOTES

CHAPTER I

COUNTING OF VOTES BY POLLING STATION JURIES.

ARTICLE 134. Immediately after the polls close, one of the members of the jury shall read aloud the total number of votes cast, which shall be recorded in the vote count report and in the general voter registry.

ARTICLE 135. Once the procedures set forth in the previous article have been carried out, the ballot box in which the envelopes were deposited shall be opened publicly and one of the jurors shall count them one by one; if there are more than the number of citizens who voted, they shall be placed back in the ballot box and, after being shaken to alter their position, as many envelopes as there are in excess shall be drawn at random and, without being opened, shall be burned immediately.

The circumstances referred to in this article shall be recorded in the counting report, stating the number of surplus envelopes.

ARTICLE 136. Once the ballots have been collected, the jurors shall proceed to count the votes and record in the corresponding minutes the number of votes cast in favor of each list or candidate.

ARTICLE 137. A blank vote is one that does not contain any name or expressly states that it is being cast blank.

Blank votes shall be taken into account in calculating the electoral quotient. An illegible vote is a null vote.

ARTICLE 138. If two or more ballots for President of the Republic or for the same Corporation are found in an envelope or cover, none of them shall be counted, and the vote shall be deemed invalid. The ballots shall be placed back in the envelope.

If the name of a person is repeated on the same ballot, only one vote in their favor will be counted.

ARTICLE 139. Crossings out or deletions of names on a list shall not be taken into account and, consequently, the vote cast in such circumstances shall be considered complete in favor of the respective list of principals and alternates.

ARTICLE 140. If the lists of candidates for the different corporations are detached from the envelope, this shall not invalidate the ballot, nor shall the fact that the voter refrains from voting for one or more of them.

ARTICLE 141. When the names of more people than should be on a single ballot are written on it, only the first ones up to the correct number will be taken into account. To this end, before the count begins, the names of the main and alternate candidates for each corporation will be counted.

If the number of names is less than the number it should contain, those that are there shall be counted.

The addition or deletion of a title, middle name, or surname in the name of a known candidate shall not be grounds for votes to cease to be counted for that individual, unless that name, with such addition or deletion, forms the name of another registered candidate.

The same shall apply to the addition or deletion of initials to the first name and surname. In any case, the first surname must be written in full for the vote to be counted.

Words or phrases added to the names of candidates shall not invalidate the vote and shall be omitted from the record, without being read aloud to the public. Even if the person for whom the vote was cast is unknown, the name shall be included in the count.

ARTICLE 142. [Modified by Article 12, Law 6 of 1990](#). The results of the vote count carried out by the polling station officials shall be recorded in the minutes, stating the votes obtained by each list or candidate. Two (2) identical copies of the minutes shall be made and signed by the members of the polling station; all these copies shall be valid and shall be distributed as follows: one for the triclave chest and the other for the Delegates of the National Registrar of Civil Status.

jurisprudence

ARTICLE 143. Once the count is complete, the results shall be read aloud. The ballots and other documents used for voting shall then be placed in an envelope, separating those that have been annulled into a special package, but they shall also be placed in the envelope addressed to the Registrar of the Civil Registry or his Delegate, and a certified note of its contents shall be written, which shall be signed by the President and Vice President of the jury.

ARTICLE 144. [Amended by Article 8, Law 62 of 1988](#). Immediately after the counting of votes at the polling stations has been completed, but in any case before 11:00 p.m. on election day, the minutes and documents used for voting shall be delivered by the President of the Jury, against receipt and with an indication of the date and time of delivery, as follows: in municipal capitals, to the Civil Registrars or their delegates, and in townships, police stations, and rural areas, to the respective delegates of the Civil Registrar.

The electoral documents from the townships, police stations, and rural areas shall be transported by the delegate who received them, under the supervision of uniformed law enforcement officers, and delivered to the respective clerks within the specified time frame. Unless violence, force majeure, or unforeseeable circumstances are demonstrated before the counting commission, ballots delivered after the aforementioned time shall not be taken into account in the count, and the incident shall be reported to the competent authority so that it may impose the appropriate sanction.

case law

CHAPTER II

THREE-KEY CHESTS AND KEYHOLDERS.

ARTICLE 145. Electoral documents shall be placed and stored in one (1) chest with three (3) locks or padlocks, known as a triclave chest.

ARTICLE 146. The triple-lock chests shall be marked on the outside with the name of the municipality to which they belong.

When the volume of electoral documents makes it necessary, premises or offices may be used and equipped as triclave chests.

ARTICLE 147. In the offices of the National Electoral Council, the Delegations of the National Registrar of Civil Status, and the District, Municipal, and Auxiliary Registries, there shall be triclave safes in which the electoral documents that are to be counted shall be deposited.

The triple-lock safes shall be supplied as follows:

Those of the National Electoral Council, by the National Civil Registry; those of the Delegations of the National Civil Registry, by the governors' offices or by the Delegations themselves; and those of the District, Municipal, or Auxiliary Registries, by the Mayor's Offices or by the Registries themselves.

ARTICLE 148. The key holders for the triple-locked safes shall be: for the National Electoral Council, its President, Vice President, and Secretary; for the Delegation of the National Registrar, the Governor or his Delegate and the two (2) Delegates of the National Registrar of Civil Status; for the District Registries and cities with more than one hundred thousand (100,000) valid identity cards, the Mayor, the Municipal Judge, and one of the two (2) District or Municipal Registrars; for the other Civil Status Registries, the Mayor, the Municipal Judge, and the respective Registrar;

and to the Auxiliary Registries, a delegate of the Mayor, a Judge appointed by the Superior Court, and the Auxiliary Registrar. [See](#)

[District Decree 193 of 2002](#), [See District Decree 200 of 2002](#)

ARTICLE 149. If there are several municipal judges, the Municipal Civil Judge shall act as gatekeeper and, failing that, the Municipal Criminal or Mixed Judge. If there are several judges of the same category, the first of them shall act as gatekeeper.

If there are several municipal judges, and the mayor and the registrar of civil status are of the same political affiliation as the judge who is to act as clerk, then a municipal judge of a different political affiliation shall act in their stead, in the order of precedence indicated in the preceding paragraph.

In the event that the municipal key holders are of the same political affiliation, the Governor, Mayor, or Commissioner shall appoint an ad hoc Mayor for this sole purpose, of a different affiliation than the two (2) remaining key holders.

The absence of one of the key holders shall be replaced by a citizen of recognized honorability, who shall be chosen by mutual agreement by the other two, in such a way that the three (3) key holders do not belong to the same party.

(Underlined text declared UNCONSTITUTIONAL by the Constitutional Court in Ruling [C-230A](#) of 2008.)

ARTICLE 150. Failure to fulfill the duties of a key holder is grounds for misconduct, which shall be punished by loss of employment.

ARTICLE 151. [Amended by Article 9, Law 62 of 1988](#). Candidates for public office, their spouses, or relatives up to the second degree of consanguinity or affinity or first degree of civil relationship may not serve as polling station officials, members of vote counting committees, or secretaries of such committees within the respective electoral district. Nor may persons who are related to each other in the above degrees of kinship and their spouses act as key holders of the same ballot box or as members of a ballot counting commission, or perform these functions in the same municipality.

Any person who does not declare themselves disqualified due to any of the situations provided for in this article shall be punished with imprisonment of up to thirty (30) days by means of a resolution issued at the request of a party or ex officio by the delegates of the National Registrar.

Case law

ARTICLE 152. Amended by Article 10, Law 62 of 1988. As the ballot papers from the polling stations are received, the district, municipal, and zone clerks shall immediately place them in the respective triple-locked chest and shall record in a register, with their signatures, the date and time of the introduction of each of them and their condition.

Once all the electoral documents have been placed in the chest, they shall proceed to close and seal it, and shall sign a general record of the proceedings stating the date and time of its commencement and completion and the condition of the chest, as well as the certificates requested of them regarding the results.

The key holders will meet again at the time and date when the district, municipal, and zonal vote counts are to begin, and will make available to the respective counting commissions, one by one, the envelopes or packages containing the ballots from the polling stations, until the corresponding vote count is completed.

jurisprudence

ARTICLE 153. The district, municipal, and zone key holders, based on the vote count records of the Registrar of Civil Status, shall count the votes, polling station by polling station, and shall record the results of the votes for President of the Republic, Senators, Representatives, Deputies, Municipal and Commissarial Councilors, if applicable, and Municipal Councilors. They shall also add up the votes recorded and register the total number of votes obtained in the district, municipality, or zone by the different candidates for President of the Republic and by the different lists for collegiate bodies.

The total results shall be communicated immediately, in the manner provided for in Article 155 of this Code.

ARTICLE 154. District, municipal, and zone clerks shall remain at the respective Registry Office from four (4) p.m. on the Sunday of the elections until midnight on the same day, and from eight (8) in the morning until six (6) in the afternoon on the following Monday, and from that day and time until the expiry of the last of the terms set by the National Registry for the introduction of the ballot papers into the triple-locked chest, they shall remain at the disposal of the Registrar for the same purposes.

PARAGRAPH. Failure to comply with this obligation shall be punished with the loss of employment, to be imposed by the respective appointing official, and with imprisonment of up to thirty (30) days, to be imposed by the Attorney General, following a summary investigation.

CHAPTER III

COMMUNICATION OF ELECTION RESULTS.

ARTICLE 155. The municipal clerks, or at least two of them, shall communicate, on the same day of the elections, by the fastest means, the results obtained by the presidential candidates or the lists of candidates for public corporations, both to the National Civil Registry and to the respective Delegates of the National Registrar.

In the same manner, they shall communicate the results of the elections by circular telegram to the National Registrar of Civil Status, the Minister of Government, the respective Governor, Intendant, or Commissioner, and the corresponding Delegates of the National Registrar.

The results of the votes cast in the different areas of the zoned cities, townships, police districts, and rural sectors shall be communicated by the Assistant Registrars or municipal delegates to the respective Registrar of Civil Status as soon as possible and in accordance with the instructions issued by the National Civil Registry.

ARTICLE 156. Telephone, telegraph, and post offices shall operate continuously on election day and shall transmit the results of the voting with priority and free of charge to the officials referred to in the previous article.

Communications employees, as well as clerks and municipal delegates who, without just cause, delay or omit the transmission of the election results, shall be punished with the loss of their position.

CHAPTER IV

DISTRICT, MUNICIPAL, AND ZONAL COUNTING.

ARTICLE 157. Ten (10) days before the corresponding elections, the Superior Courts of the Judicial District shall appoint, in plenary session, the district and municipal counting commissions composed of two (2) citizens of different political affiliations, who are judges, notaries, or registrars of public instruments in the respective judicial district.

The terms of office of the appointed judges shall be suspended for the duration of their service on the counting commissions.

If there are insufficient judges, notaries, or registrars of public instruments to form the vote-counting commissions, the Superior Courts shall supplement them with persons of recognized integrity.

will supplement them with persons of recognized integrity.

District and municipal registrars shall act as secretaries of the vote counting commissions. Underlined text

declared UNCONSTITUTIONAL by the Constitutional Court in Ruling C-230A of 2008.

ARTICLE 158. In the case of cities divided into zones, the Superior District Courts shall appoint, in the same manner as provided for in the preceding article, the auxiliary commissions responsible for counting the votes cast in the triclave ballot boxes of the zones and electoral census groups. The delegates of the National Registrar and the District Registrars shall appoint the registrars to act as secretaries of such commissions.

ARTICLE 159. The positions of district, municipal, and zone scrutineers are mandatory. Those who fail to perform their duties shall pay a fine of ten thousand pesos (\$10,000.00), which shall be imposed by resolution by the Delegates of the National Registrar of Civil Status, and if they are public officials or employees, they shall also be guilty of misconduct.

When those appointed as vote counters are public employees, the fine shall be paid, while they remain in employment, through successive deductions made by the respective payer at a rate of ten percent (10%) of the monthly salary earned by the person sanctioned.

The Delegates of the National Registrar of Civil Status may exempt from payment of the fine and from the grounds for misconduct those who prove that their non-compliance was due to any of the grounds established in paragraphs a) and b) of Article 108 of this Code, demonstrated in the manner provided for in this provision.

ARTICLE 160. The district, municipal, and auxiliary counting commissions shall begin the count at nine (9) o'clock in the morning on the Tuesday following the elections at the location previously designated by the respective Registry Office.

When it is not possible to complete the count before nine (9) p.m. on the aforementioned day, it shall continue at nine (9) a.m. the following day on a permanent basis, and if it is still not completed, it shall continue during the subsequent calendar days and at the indicated times until it is completed.

ARTICLE 161. The members of the counting commissions must be at the counting headquarters no later than the Monday following the elections. They shall activate the delivery of the ballot papers from the townships, police stations, and rural areas that have not been placed in the triple-locked chest at the start of the count, and shall carefully verify the date, time, and condition of the ballots upon delivery, all of which shall be recorded in the introduction minutes signed by the key holders.

If any ballots from the townships, police stations, or rural areas are missing, the counting commission may not conclude the count before the expiration of the longest of the deadlines set by the National Registrar of Civil Status for the respective municipality.

ARTICLE 162. If, at the time when the counting of votes is to begin, one or both members of the commission have not appeared to perform their duties, the judge acting as clerk shall reconstitute it by issuing a resolution appointing replacements from among citizens of the same political affiliation as the absent members, shall record this in the minutes, and shall communicate the news to the Delegates of the National Registrar of Civil Status for their information.

ARTICLE 163. **Modified by Article 11, Law 62 of 1988.** At the beginning of the counting process, the Registrar shall read aloud the register of the documents placed in the triple-locked chest. He shall then proceed to open, one by one, the envelopes containing the ballots from the polling stations, and shall record in the general minutes any anomalies in the envelopes, as well as any crossings-out, amendments, or erasures that he or she notices in the counting records, informally comparing those available to verify the accuracy or differences in the numbers of votes obtained by each list or candidate, and in particular, he or she shall observe whether the records are signed by fewer than three (3) of the polling station officials.

It shall also expressly record any minutes that were received late, in accordance with Article 144 of this Code. In the case of deletions, corrections, or erasures, the votes shall be recounted; and if no such irregularities are found, the count shall be based on the records of the polling station officials, which shall be shown to interested parties who request them at the time the results of the vote are recorded in the respective record.

Case law

ARTICLE 164. At the request of the candidates, their representatives, or duly accredited election witnesses, the vote counting commissions may verify the recount of the votes cast at a given polling station. The request for a recount of votes must be presented in a reasoned manner, and the commission's decision shall be recorded in the minutes.

These commissions may not deny a request for a recount when the minutes of the polling station officials show a difference of ten percent (10%) or more between the votes for the lists of candidates for the various public corporations belonging to the same party, group, or political sector. Nor may they deny the request when the minutes of the polling stations show deletions or corrections in the names of the candidates or in the voting results, or when, in the opinion of the commission, there is doubt about the accuracy of the counts made by the polling stations.

Once the vote count has been verified by a counting commission, no other count may be carried out at the same polling station.

ARTICLE 165. When, for any reason, a ballot or register for counting is not available to the members of the counting commission, they shall request it from the official or corporation that received it, which shall be forwarded without delay.

ARTICLE 166. *Modified by Article 12, Law 62 of 1988.* The district, municipal, and auxiliary vote counting commissions shall resolve, based on the respective minutes, any complaints that have been filed with the polling station officials, in accordance with Article 122 of this Code. Appeals against the decisions of the auxiliary counting commissions, as well as disagreements between their members, shall be resolved by the corresponding district or municipal commissions, which shall also carry out the general counting of the votes cast in the district or municipality, resolve any complaints that arise during this count, declare the election of councilors and mayors, and issue the respective credentials.

When decisions on complaints that are first raised in this general count are appealed, or when disagreements arise among the members of the district or municipal commissions, the latter shall refrain from issuing credentials so that the delegates of the National Electoral Council may resolve the case and issue such credentials.

jurisprudence

ARTICLE 167. In the counts carried out by the district and municipal counting commissions, no complaints or appeals shall be accepted that are not made in writing at the time of the count itself and that are not based on one of the grounds established in Article 192 of this Code. Complaints made to the auxiliary commissions must also be submitted in writing.

ARTICLE 168. Complaints and appeals filed against the decisions of the vote counting commissions shall not exempt them from the obligation to count all votes, which they shall record in the vote counting minutes, under penalty of incurring the sanction provided for in Article 159 of this Code.

ARTICLE 169. The results of district and municipal vote counts shall be recorded in partial reports, which shall express in letters and numbers the votes obtained by each list or candidate and the other circumstances specified in the official model. Four copies shall be made of each of these partial records, one for the President of the Administrative Court with jurisdiction in the municipality, and the other three for the archives of the District or Municipal Registrar, the Delegates of the National Registrar, and the Governor, Mayor, or Commissioner.

ARTICLE 170. A general record shall be drawn up of all acts of the district or municipal vote count, which shall be signed by the members of the commission and by the respective Registrar. Three (3) copies of this record shall be made, with the following destinations: one, together with the documents that served as the basis for the vote count, for the Delegates of the National Registrar; another for the President of the Administrative Court; and another for the respective Governor, Mayor, or Commissioner.

ARTICLE 171. Once the counting has been carried out by the counting commission, the Registrar shall personally take the documents from the polling stations to the Departmental Delegation and deliver them to the Delegates of the National Registrar, against receipt, as they were received from the polling stations.

ARTICLE 172. The auxiliary counting committees shall read aloud the results of the polling station records and shall show them to interested parties who request to see them, noting the votes cast in favor of each list or candidate.

Once the minutes of the polling stations have been read, the auxiliary commissions shall calculate the total number of votes cast for each list or candidate in the respective area.

The results shall be recorded separately for the different corporations and for the President of the Republic in the tables provided by the Registrar's Office, and shall be recorded in partial minutes, expressing in words and numbers the votes obtained and the other circumstances indicated in the official model.

A summary of the counting process shall be recorded in a general record; and five (5) copies shall be made of both this and the partial records, one of which shall be delivered, together with the other electoral documents, to the respective District or Municipal Registrar to be placed in the triple-locked chest, and the remaining four (4) copies shall be sent to the District or Municipal Registrar, the President of the Administrative Court, the Delegates of the National Registrar of Civil Status, and the Governor of the Department.

ARTICLE 173. Once the minutes have been signed, the assistant registrar shall personally and under his or her responsibility take the documents that the assistant commission had at its disposal for the count, as well as those produced by it, to the registrar's office and deliver them, against receipt, to the respective registrars so that they may be placed in the triple-locked safe by the district or municipal key holders.

ARTICLE 174. Once the district and municipal counts have been completed, the Registrars, accompanied by uniformed members of the police force, shall deliver, against receipt and with an indication of the time and date, to the Delegates of the National Registrar at their offices in the respective capital of the Constituency, the minutes of those counts and other electoral documents, so that they may be immediately placed by the key holders in the respective triple-locked chest, all of which shall be recorded in the minutes.

Election witnesses shall have the right to accompany the Registrar and law enforcement officers during the transport, and no authority may prevent such witnesses from exercising their right to monitor the process. Violation of this right shall constitute grounds for misconduct.

CHAPTER V GENERAL

COUNTING.

ARTICLE 175. [Amended by Article 13, Law 62 of 1988](#). The National Electoral Council shall, up to thirty (30) days before each election, draw up a list of citizens equal to twice the number of departments, in order to count the votes for Senators, Representatives, Deputies, Municipal and Commissarial Councilors, as the case may be, and to count the votes for President of the Republic and Municipal Mayors. This list shall be made up of citizens belonging to the parties with the greatest representation in Congress and who have been Magistrates of the Supreme Court of Justice, Councilors of State, members of the National Electoral Council, Magistrates of the Superior Court or Administrative Court, or who are or have been professors of law.

jurisprudence

Within fifteen (15) days prior to each election, the Council shall proceed to select by lottery and for each department, from the list referred to in the preceding paragraph, two (2) citizens of different political affiliations, who shall be responsible for verifying, by delegation and on behalf of the Council, said vote counts and tallies.

ARTICLE 176. The position of Delegate of the National Electoral Council is mandatory. Those who fail to perform their duties shall pay a fine of fifteen thousand pesos (\$15,000.00), which shall be imposed by the National Electoral Council. The Council may exempt from payment of the aforementioned fine anyone who proves that their failure to comply was due to one of the causes a) and b) indicated in Article 108 of this Code, provided that they prove this within the term and in the manner provided for in the same provision.

The National Electoral Council shall set the travel allowances, representation expenses, and transportation costs to which its delegates are entitled, which shall be provided to them by the National Civil Registry.

ARTICLE 177. The general vote counts to be carried out by the delegates of the National Electoral Council shall begin at nine (9) o'clock in the morning on the Sunday following the elections, in the capital of the respective department.

The delegates of the Council shall begin and proceed with the general vote count, even if not all of the ballot papers from the municipalities that make up the electoral district have been received.

ARTICLE 178. When any of the Delegates of the National Electoral Council are absent, the Delegates of the National Registrar and the Delegate of the Council who is present shall designate a replacement for the absent delegate.

When both (2) delegates of the National Electoral Council are absent, the replacements shall be appointed by the two (2) delegates of the National Registrar of Civil Status and by the President of the Superior Court.

ARTICLE 179. The delegates of the National Electoral Council may request, when they deem it necessary, the vote count records kept by officials or corporations, who must send them immediately, keeping certified copies for themselves. They may also request any other document they deem essential.

ARTICLE 180. If an appeal is filed against the decisions of the Council Delegates or if there is disagreement among them, they shall refrain from declaring the election and issuing credentials; in such cases, this function shall correspond to the National Electoral Council, in accordance with the results of the review conducted by the Corporation.

Appeals filed against the decisions of the Council Delegates or disagreements that arise among them shall not exempt them from the obligation to count all the votes, which they shall record in the vote count records.

ARTICLE 181. The respective Delegates of the National Registrar of Civil Status shall act as Secretaries in the vote counts carried out by the Delegates of the National Electoral Council.

ARTICLE 182. The procedure for these counts shall be as follows: The secretaries shall read the minutes of the introduction of the electoral documents into the departmental triple-locked chest and shall make them available to the Delegates of the National Electoral Council.

The results of the vote counting records prepared by the district or municipal vote counting commissions shall form the basis of the general vote count, which shall be read aloud by one of the secretaries and shown to any interested parties who request to see them.

In the general counts, the votes cast at a polling station will only be recounted when the respective district or municipal counting commission has refused to do so, its decision has been appealed in a timely manner, and the Delegates of the National Electoral Council find the appeal to be well-founded.

ARTICLE 183. If the number of votes in favor of two (2) or more candidates or lists is equal, the election shall be decided by lot, for which purpose the ballots with the names of the candidates or those heading the lists that have obtained an equal number of votes shall be placed in a ballot box, and a citizen designated by the counting corporation shall draw one of the ballots from the ballot box. The name contained therein shall be that of the candidate or list in whose favor the election is declared.

ARTICLE 184. [Modified by Article 14, Law 62 of 1988](#). Once the general count has been completed and the total number of valid votes cast

cast for each of the lists and candidates, municipality by municipality, the results shall be recorded in the minutes, expressing in letters and numbers the votes obtained by each list or candidate; once this has been done, the electoral quotients shall be applied for the declaration of the election of Municipal or Commissarial Councilors, as the case may be, Deputies, Representatives, and Senators, and the corresponding credentials shall be issued.

jurisprudence

ARTICLE 185. Once the corresponding minutes have been signed and the credentials issued by the Council Delegates and their Secretaries, all documents that have been taken into account, together with the originals of the records and minutes produced by them, shall be kept and safeguarded in the archives of the Departmental Delegation, under the joint responsibility of the Delegates of the National Registrar of Civil Status. However, those documents relating to the appeals granted in said scrutiny shall be delivered to the National Electoral Council by one of the Delegates of the National Registrar of Civil Status.

ARTICLE 186. Six (6) copies shall be made of both the general record and each of the partial records, which shall be distributed as follows:

President of the National Electoral Council, President of the Council of State, Minister of Government, President of the Administrative Court, Delegates of the National Registrar, and Governor of the Department, Mayor, or Commissioner. Of the partial records, those relating to the counting of votes for Senators and Representatives and the counting of votes for President of the Republic shall be sent to the President of the Council of State, and those relating to the counting of votes for Deputies, Municipal Councilors, and Commissioners shall be sent to the respective Administrative Court.

CHAPTER VI

COUNTS BY THE NATIONAL ELECTORAL COUNCIL.

ARTICLE 187. The National Electoral Council is responsible for:

- a) Conducting the general count of votes cast for President of the Republic within the national territory and in Colombian embassies and consulates abroad, based on the valid records and registers of the counts carried out by its delegates and the valid records of the polling stations abroad;
- b) Hear appeals filed by party witnesses, candidates, or their representatives during the general vote counts against the decisions of its delegates;
- c) Resolve any disagreements that may arise between its delegates.

In such cases, it shall declare the election results and issue the corresponding credentials.

ARTICLE 188. The National Electoral Council may request, when it deems necessary, the vote count records and documents kept by officials or corporations, which must be sent immediately, retaining certified copies for itself.

ARTICLE 189. The National Electoral Council may verify the vote counts made by its delegates when it has verified the existence of arithmetic errors or when the voting results recorded in the vote count records do not match each other or there are deletions in the records themselves regarding the names or surnames of the candidates or the total number of votes cast in their favor.

ARTICLE 190. As the clerks of the National Electoral Council receive the documents referred to in Article 185 of this Code and the ballots from abroad in the elections for President of the Republic, they shall keep them in the triple-locked chest, after recording them in a register.

The Council shall set and publish the date of commencement of the presidential vote count.

ARTICLE 191. Once the counting of votes for President of the Republic has been completed, which shall be done in permanent session, the results shall be published immediately.

The National Electoral Council shall declare the election of the candidate who has obtained the majority of the votes, and the President of the Corporation shall communicate this to Congress, the Government, and the elected citizen.

PARAGRAPH. When it is not possible to finish the vote count before ten (10) p.m. on the day it takes place, it shall continue at ten (10) a.m. the following day and so on until it is completed.

In such cases, partial minutes shall be drawn up, recording the proceedings, which shall be signed by the members of the Council, the National Registrar of Civil Status, and the witnesses of the political parties.

CHAPTER VII

GROUND FOR COMPLAINT.

ARTICLE 192. The National Electoral Council or its Delegates have full and complete authority to assess questions of fact or law

law and, in response to written complaints submitted to them during the respective counts by registered candidates, their representatives, or legally constituted electoral witnesses, and considering only electoral documents as evidence for their decision, may, by means of a reasoned resolution, decide on the complaints submitted to them based on the following grounds:

1. When polling stations operate in places or locations that are not authorized by law.
2. When the election is held on days other than those specified by law or by the authority with legal power for this purpose.
3. When fewer than three (3) of the four (4) copies of the polling station officials' tally sheets are signed.
4. When the votes cast in the ballot boxes have been destroyed or lost and there is no tally sheet recording the results of the voting.
5. When the number of voters at a polling station exceeds the number of citizens who were eligible to vote there.
6. When the number of voters in a municipal capital, a township, a police station, or a rural area exceeds the total number of eligible voters in that municipal capital, township, police station, or rural area, according to the respective electoral censuses.
7. [Amended by Article 15, Law 62 of 1988](#). When the electoral documents have been received late, unless the delay is due to circumstances of violence, force majeure, or unforeseeable circumstances, certified by a competent public official, or to events attributable to the officials responsible for receiving the documents.

Case law

8. When the minutes are drawn up and signed in a place other than the location or premises where the respective counting body is to operate, unless justified by the competent electoral official.
9. When the lists of candidates have not been registered or modified within the legal time frame, or when the candidates have not expressed their acceptance and taken the corresponding oath within the terms established by law for registration or modification, as the case may be.
10. When votes in favor of the candidates referred to in Article 151 of this Code are counted in a voting jury.
11. When it becomes clear that an arithmetic error was made in the tally sheets when adding up the votes recorded therein.
12. When, based on the ballots and registration procedures, it is clear and unequivocal that an error was made in the vote count records when recording the names or surnames of one or more candidates.

If the counting bodies find the complaints to be well-founded, they shall order, at the same time, that the affected records or registers be excluded from the vote count and the respective counts.

If the vote-counting corporations find the complaints to be well-founded on the basis of grounds 11 and 12 of this article, they shall also order the corresponding correction at the same time.

The exclusion of a principal candidate shall not affect the alternates if the cause is the candidate's lack of constitutional or legal qualifications or his or her ineligibility to be elected. Similarly, the exclusion of the alternates, or some of them, does not affect the principal or the other alternates, as the case may be. When the principal who headed a list is excluded for the reasons indicated in the previous paragraph, the first alternate on the list shall be called to fill the position.

If the counting bodies find that the complaints are unfounded, they shall declare this in a reasoned decision. This decision shall be immediately notified in court, and the petitioner or interested party may appeal in writing before the end of the counting process, and the appeal shall be granted with suspensive effect.

ARTICLE 193. [Amended by Article 16, Law 62 of 1988](#). The complaints referred to in the previous article may be filed for the first time during the vote counting carried out by the district, municipal, or auxiliary vote counting commissions, or during the general vote counting carried out by the Delegates of the National Electoral Council. Appeals with suspensive effect may be lodged with the National Electoral Council against the decisions resolving the complaints filed for the first time before the Delegates of the National Electoral Council.

During the processing and substantiation of the appeal before the National Electoral Council, no grounds or reasons other than those of the appeal itself may be alleged.

jurisprudence

TITLE VIII

PRESIDENTIAL DELEGATES AND GOVERNORS, MAYORS, AND COMMISSIONERS

ARTICLE 194. [Repealed by Article 14, Law 6 of 1990](#). The President of the Republic shall appoint two (2) Presidential Delegates of different

political affiliations for each of the departments, municipalities, and police stations with the task of ensuring compliance with the rules set forth in this Code during the elections.

Likewise, he shall appoint two (2) Presidential Delegates of different political affiliations in municipalities where a party has obtained 80% or more of the vote in the immediately preceding elections and a number of 3,000 or more valid votes, or where there are public order problems, or where situations may arise that prevent the normal conduct of voting.

The Presidential Delegates must be at their destination at least two (2) days before the date of the elections, and their travel and transportation expenses shall be covered by the Budget of the Presidency of the Republic.

ARTICLE 195. **Repealed by Article 14, Law 6 of 1990.** Governors, mayors, and commissioners shall appoint two (2) delegates of different political affiliations in municipalities where a party has obtained 80% or more of the vote in the immediately preceding elections and its vote has not exceeded 3,000 valid votes. In addition, they shall appoint two (2) delegates of different political affiliations for the townships, police districts, and rural areas where the same circumstances provided for in this article apply, who shall act in coordination with the presidential delegates. Travel and transportation expenses shall be charged to the departmental, municipal, and police budgets.

Failure to comply with this provision shall constitute misconduct punishable by loss of employment.

ARTICLE 196. **Repealed by Article 14, Law 6 of 1990.** The delegates appointed by the President of the Republic or the governors, mayors, or commissioners shall perform the following functions:

1. They shall convene the leaders of the various political parties or groups to express the interest of the Government and the community in maintaining order and guaranteeing the purity of the vote.
2. They shall require the cooperation of registrars and civil registry officials, the mayor and municipal judge, and other officials and citizens in general to ensure the normal functioning of the polling stations.
3. They shall ensure that the two (2) political parties with the greatest representation in Congress have equal participation at each of the polling stations. However, if for any reason the polling stations are homogeneous, they shall request the registrar of civil status or his delegate to ensure that the members of the polling station are from different political parties.
4. They shall supervise the opening of the ballot boxes, their distribution and placement at the polling place, and the presence of the jurors from the moment the polling stations are set up.
5. They shall request the registrar of civil status or his delegate to immediately replace polling station officials when they are found to be biased.
6. They shall collaborate with the military and police authorities to ensure that voters circulate around the polling stations in an orderly manner, without weapons, and also to prevent the formation of groups of people who attempt to disrupt the normal conduct of the elections.
7. They may endorse with their signatures the vote counting records of polling station officials where it has not been possible to have representation from different parties and where the polling station officials are in fact homogeneous.

ARTICLE 197. **Repealed by Article 14, Law 6 of 1990.** Presidential delegates shall submit to the General Secretariat of the Presidency of the Republic a complete report on the mission they have carried out, the difficulties encountered in its execution, and any other aspects they deem appropriate to highlight. Based on these reports, which shall be compiled in publications directed by the Secretariat itself, this office shall request any investigations that may be necessary and shall file any complaints that may be appropriate.

ARTICLE 198. **Repealed by Article 14, Law 6 of 1990.** Delegates of the National Government, those of the departmental, municipal, or district governments, and polling station officials responsible for supervising the conduct of elections or performing their duties outside their place of residence may vote at the polling station designated by the Registrar of Civil Status or his or her delegate in the place where they are performing their duties, for which purpose they must present their citizenship card and the credential accrediting them as such.

Polling station officials shall record this status in the general voter registry.

TITLE IX OTHER

PENALTIES

ARTICLE 199. Anyone who obstructs or hinders the actions of the authorities responsible for preparing or conducting the elections, or prevents or hinders a citizen from registering their identity card or performing any act essential for the exercise of their right to vote, shall be liable to imprisonment for six (6) months to two (2) years. The same penalty shall be imposed on anyone who encourages the electoral authorities to fail to perform their duties or promotes acts that lead to the same end.

If the agent uses violence or threats against persons or property, he or she shall be punished with imprisonment for one (1) to three (3) years.

The above penalties shall be doubled if the offense is committed by an official employee temporarily or permanently in charge of electoral duties.

ARTICLE 200. Without prejudice to any applicable criminal penalties, polling station officials, members of district, municipal, and auxiliary vote counting commissions, and delegates of the National Electoral Council who fail to sign the corresponding vote counting records shall be subject to uncommutable arrest for fifteen (15) days in the case of polling station officials, and one (1) month in the case of the others. These penalties shall be imposed after a summary investigation by the National Registrar of Civil Status in the case of delegates of the National Electoral Council and by delegates of the National Registrar in all other cases.

If they disagree with the content of the minutes, they may leave the necessary records but, in all cases, they must sign them.

In addition, without prejudice to the respective criminal penalty, those who obstruct or hinder the actions of the authorities responsible for preparing or conducting elections, or who encourage the electoral authorities not to perform their duties or promote acts that lead to the same end, shall be punished with one (1) month of non-commutable imprisonment.

The above penalties shall be imposed by the National Registrar of Civil Status, following a summary investigation.

If the perpetrators are public employees, they shall be dismissed from their positions in accordance with a request made to that effect by the National Registry.

ARTICLE 201. Any public official or employee who is a member of political committees, boards, or directories, or who participates in debates or activities of this nature, shall be subject to disciplinary action, including loss of employment, even if they belong to a career service, without prejudice to the penalty provided for in Article 158 of the Penal Code.

ARTICLE 202. Permanent or temporary election officials who become aware of a crime against the suffrage shall immediately report it to the competent authority and accompany their report with all relevant documents, indicating, in addition, the names and addresses, if possible, of witnesses who have knowledge of the fact.

Unjustified omission or delay in fulfilling this obligation shall constitute misconduct resulting in loss of employment, without prejudice to other penalties provided for by law.

TITLE X

MISCELLANEOUS

PROVISIONS

ARTICLE 203. The National Civil Registry shall prepare, simplifying and abbreviating them, the models of electoral forms, especially those for the counting of votes, in such a way as to guarantee their authenticity and with the purpose of preventing alterations.

ARTICLE 204. The State shall guarantee candidates for the Presidency of the Republic and for popularly elected collegiate bodies the use of the media, respecting the conditions and regulations of said media, in accordance with the communications statute and in the exercise of freedom of expression.

ARTICLE 205. In addition to the provisions of Article 121 of this Code, parties, their factions, and political movements may accredit witnesses before the corresponding electoral officials to monitor the delivery of the respective documents and to act in the general vote counts in each electoral district or in those conducted by the Council.

ARTICLE 206. The sale and consumption of alcoholic beverages is prohibited from 6:00 p.m. on the day before the election until 6:00 a.m. on the day after the election. Municipal mayors shall impose the corresponding penalties for violation of this rule, in accordance with the provisions of the respective Police Codes.

ARTICLE 207. Elections for public corporations shall be held on the second Sunday in March of the respective year, and elections for the President of the Republic shall be held on the last Sunday in May of the following month.

(See Article 190 of the 1991 Constitution)

ARTICLE 208. The National Civil Registry shall determine the system for the administration and management of the citizenship card numbers that the Registry itself assigns to individuals.

ARTICLE 209. Electoral documents may be incinerated by officials of the National Civil Registry once the respective terms of office for the President of the Republic and members of Congress, Deputies, Municipal and Commissarial Councilors, and Councilors have expired.

ARTICLE 210. The National Government shall guarantee, on election day, in accordance with special regulations it shall issue, the necessary transportation for the mobilization of voters of all political parties and movements in urban and rural areas.

[See National Decree 2905 of 2003](#)

ARTICLE 211. The Government shall publish in a timely manner the number of members of the Legislative Chambers, Deputies to the Assemblies, Municipal and Commissarial Councilors of the different electoral districts.

[See National Decree 2111 of 2003](#)

ARTICLE 212. The National Registry shall publish the election results on its own account immediately after the votes have been counted.

ARTICLE 213. Every person has the right to be informed by the Registry of the number, place, and date of issuance of identity documents belonging to third parties.

The information contained in the Registry's files concerning the identity of individuals, such as their biographical data, parentage, and fingerprints, is confidential.

Confidential information may only be used by order of a competent authority.

For investigative purposes, judges and police and security officials shall have access to the Registry's files. Any person may inspect the electoral censuses at any time, but in no case may copies thereof be issued.

ARTICLE 214. At the request of the National Registrar of Civil Status, with the prior approval of the Council of Ministers, public or private bidding may be waived, as the case may be, if the contract relates to the preparation and conduct of elections and is concluded within the year prior to the date of the elections.

ARTICLE 215. The power to order the expenditures of the National Registrar of Civil Status corresponds to the National Registrar, who may delegate such power to his delegates and to the District Registrars up to the amount of one million pesos (\$1,000,000.00), which amount shall be adjusted each year in the same proportion as the increase in the consumer price index, as certified by the DANE or the entity acting on its behalf.

ARTICLE 216. The budget of expenditures or appropriations shall include a special section for the National Civil Registry.

ARTICLE 217. As of January 1, 1987, the National Civil Registry Office shall gradually assume responsibility for the registration of the civil status of individuals. Notaries and other officials responsible for this function shall continue to perform it until the registrars or their delegates take over, as determined by the Registrar of Civil Status.

ARTICLE 218. This Decree shall take effect on the date of its publication and repeals all electoral legal provisions prior to Law [28](#) of 1979.

PUBLISH AND COMPLY.

Given in Bogotá, D. E., on the 15th day of July 1986.

BELISARIO BETANCUR

THE MINISTER OF GOVERNMENT,

JAIME CASTRO.

NOTE: Published in Official Gazette No. 37571 of August 1, 1986.

Date and time of creation: 2026-02-04 17:41:35