

Law on Electoral Statistics

Law on the General and the Representative Electoral Statistics
at the Elections to the German Bundestag and at the Election of the Members
of the European Parliament from the Federal Republic of Germany

of 21 May 1999 (Federal Law Gazette (BGBl.) I p. 1023),
amended by Article 1 of the Law of 17 January 2002 (Federal Law Gazette (BGBl.) I p. 412)

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1st Part

General Electoral Statistics

Section 1

Compilation of the General Electoral Statistics

The results of the elections to the German Bundestag and of the election of the members of the European Parliament from the Federal Republic of Germany shall be statistically interpreted while ensuring the secrecy of the ballot; the interpretation shall be published.

2nd Part

Representative Electoral Statistics

Section 2

Kind of Statistics

- (1) From the election results according to Section 1 representative electoral statistics shall be compiled as Federal statistics in selected polling districts in strict respect of the secrecy of the ballot of
- a) the registered voters, notes for ballot papers and voter participation according to sex and year of birth groups,
 - b) the voters and their voting for the individual nominations according to sex and year of birth groups as well as the reasons for the invalidity of votes.
- (2) The statistics under subsection (1) letter (b) shall include selected postal ballot districts. A postal ballot district is defined by the competence assigned to the postal ballot board according to polling districts which have been formed on the basis of Section 2 subsection (3) of the Federal Elections Act or of Section 3 subsection (2) of the European Elections Act.

Section 3

Sampling Procedure

The selection of the sampling polling districts and the sampling postal ballot districts will be made by the Federal Returning Officer in consultation with the Land Returning Officers and the statistical offices of the Laender. No more than five out of a hundred polling districts and five out of a hundred postal ballot districts of the territory of the Federal Republic of Germany and no more than ten in a hundred polling districts and ten in a hundred postal ballot districts of a Land shall participate in the statistics under Section 2. A polling district selected for the statistics under Section 2 subsection (1) must comprise at least 400 persons entitled to vote and a postal ballot district selected for the statistics under Section 2 subsection (1) letter (b) must comprise at least 400 voters. The basis for the selection of sampling postal ballot districts is the number of voters who in the last elections to the German Bundestag or to the European Parliament cast their vote by postal ballot. The persons entitled to vote shall be adequately notified of the fact that the polling district or the postal ballot district is included in representative electoral statistics.

Section 4

Survey and Auxiliary Characteristics as well as Formation of the Year of Birth Groups

Survey characteristics for statistics under Section 2 subsection (1) letter (a) are registered voters, notes for ballot papers, voter participation, year of birth groups and sex. For this purpose a maximum of ten year of birth groups may be formed in each of which at least three age groups are united. Survey characteristics for statistics under Section 2 subsection (1) letter (b) are votes cast, invalid votes, reasons for invalidity, year of birth groups and sex. For this purpose a maximum of five year of birth groups may be formed in each of which at least seven age groups are united. Auxiliary characteristics for both statistics are the polling district or postal ballot district and the statistical local community code, at elections to the German Bundestag also the constituency.

Section 5

Implementing Bodies

(1) The statistics under Section 2 subsection (1) letter (a) will be compiled by the local communities in which selected polling districts are situated by counting the registers of voters. The local communities will inform the competent Land Statistical Office about the results obtained by polling districts.

(2) The statistics under Section 2 subsection (1) letter (b) will be compiled by using official ballot papers which, furthermore, show distinguishing features according to sex and year of birth groups or by using electoral devices authorized for this purpose. The local authorities and other agencies that have appointed postal ballot boards will forward the wrapped up and sealed ballot papers handed over to them by the electoral officers to the competent Land Statistical Office for evaluation – unopened and by polling districts and postal ballot districts; accordingly, the local authorities shall forward the election results recordings of electoral devices of the polling districts selected for the statistics. Local communities with a statistics activity that meets the requirements of Section 16 subsection (5), second sentence, of the Federal Statistics Law of 22 January 1987 (Federal Law Gazette I pp. 462, 565), last amended by Article 3 paragraph (18) of the Law of 21 December 2000 (Federal Law Gazette I p. 1857) may conduct their own evaluation of the ballot papers in the statistics activity with the consent of the Land Returning Officer; they notify the competent Land Statistical Office of the election results obtained by polling districts and postal ballot districts. Registers of voters and marked ballot papers or results recordings of electoral devices shall not be brought together.

Section 6

Electoral Statistics Countings of the Local Communities

At the elections mentioned in Section 1 local communities may - with the consent of the Land Returning Officer - carry out electoral statistics countings for their own statistical purposes in further polling districts and postal ballot districts in addition to those selected for the statistics under Section 2 using ballot papers marked in accordance with Section 5 subsection (2), first sentence, or electoral devices authorized for this purpose.

The selection rate in a local community shall not exceed fifteen out of a hundred polling districts and fifteen out of a hundred postal ballot districts situated in it for this purpose. Section 3, third to fifth sentences, as well as Section 4 apply mutatis mutandis. The electoral statistics countings shall only be carried out in local communities with a statistics activity which meets the requirements of Section 16 subsection (5), second sentence, of the Federal Statistics Law. Registers of voters and market ballot papers or results recordings of electoral devices shall not be brought together.

Section 7

Establishment of Election Results

- (1) The establishment of election results shall not be delayed due to the statistics under Section 2 and the electoral statistics countings under Section 6.
- (2) The statistical offices of the Laender will notify the Federal Statistical Office of the results of the statistics compiled under Section 2.
- (3) After the completion of the processing through the statistical offices of the Laender the election-related documents shall be returned to the local communities and other agencies that have appointed postal ballot boards without undue delay and these are required to handle them in accordance with the electoral law.

Section 8

Publication of the Results

The results of the statistics under Section 2 shall only be published for the Federal and Land level and those of the electoral statistics countings under Section 6 shall only be published for the local community level. The results of individual polling districts and individual postal ballot districts shall not be announced. The publication of results above the local community level shall be left to the Federal Statistical Office and to the statistical offices of the Laender.