

# Federal Elections Act

Version as promulgated on 23 July 1993 (Federal Law Gazette I pp. 1288, 1594),  
last amended by Article 1 of the Act of 28 October 2020  
(Federal Law Gazette I p. 2264)

## Table of Contents

### **Part I**

#### **Electoral System**

- Section 1 Composition of the German Bundestag and Principles of Franchise
- Section 2 Division of the Electoral Area
- Section 3 Constituency Commission and Delimitation of Constituencies
- Section 4 Votes
- Section 5 Election in the Constituencies
- Section 6 Election by Land List
- Section 7 (Repealed)

### **Part II**

#### **Electoral Bodies**

- Section 8 Organization of Electoral Bodies
- Section 9 Appointment of Electoral Bodies
- Section 10 Electoral Committee and Electoral Board Functions
- Section 11 Honorary Posts

### **Part III**

#### **Eligibility to Vote and to Stand for Election**

- Section 12 Eligibility to Vote
- Section 13 Disqualification from Voting
- Section 14 Exercise of the Right to Vote
- Section 15 Eligibility to Stand for Election

## **Part IV**

### **Preparations for the Election**

Section 16 Election Day

Section 17 Voters' Register and Polling Card

Section 18 Right to Nominate Candidates, Notification of Participation

Section 19 Submission of Nominations

Section 20 Content and Form of Constituency Nominations

Section 21 Nomination of Party Candidates

Section 22 Spokesperson

Section 23 Withdrawal of Constituency Nominations

Section 24 Alteration of Constituency Nominations

Section 25 Rectification of Faults

Section 26 Approval of the Constituency Nominations

Section 27 Land Lists

Section 28 Approval of the Land Lists

Section 29 (Repealed)

Section 30 Ballot Papers

## **Part V**

### **The Poll**

Section 31 Public Character of the Poll

Section 32 Inadmissible Electioneering and Collection of Signatures, Inadmissible  
Publication of Electoral Survey Results

Section 33 Preservation of the Secrecy of the Ballot

Section 34 Voting by Means of Ballot Papers

Section 35 Voting by Means of Voting Machines

Section 36 Postal Ballot

## **Part VI**

### **Establishment of the Election Result**

Section 37 Establishment of the Election Result in the Polling District

Section 38 Establishment of the Postal Ballot Result

Section 39 Invalid Votes, Rejection of Postal Ballot Letters, Rules for Establishing  
Invalidity

Section 40 Decision of the Electoral Board

Section 41 Establishment of the Election Result in the Constituency

Section 42 Establishment of the Election Result for the Land Lists

## **Part VII**

### **Special Regulations for By-Elections and Repeat Elections**

Section 43 By-Election

Section 44 Repeat Election

## **Part VIII**

### **Attainment and Loss of Membership of the German Bundestag**

Section 45 Attainment of Membership of the German Bundestag

Section 46 Loss of Membership of the German Bundestag

Section 47 Decision on Loss of Membership

Section 48 Appointment of Successors from the Lists and Replacement Elections

## **Part IX**

### **Final Provisions**

Section 49 Contestation

Section 49a Administrative Offences

Section 49b State Funds for Other Constituency Nominations

Section 50 Election Costs

Section 51 (Repealed)

Section 52 Enactment of statutory instruments

Section 53 Transitional Provision  
Section 54 Periods, Deadlines and Form  
Section 55 (Entry into Force)

**Annex 1** (to Section 50 subsection (3), third sentence)

**Annex 2** (to Section 2 subsection (2))

**Part I**  
**Electoral System**

**Section 1**  
**Composition of the German Bundestag and Principles of Franchise**

- (1) The German Bundestag shall, subject to variations resulting from this Act, consist of 598 members. They shall be elected in a general, direct, free, equal and secret ballot by the Germans eligible to vote, in accordance with the principles of proportional representation combined with uninominal voting.
- (2) Of the members, 299 shall be elected from nominations in the constituencies and the rest from Land nominations (Land lists).

**Section 2**  
**Division of the Electoral Area**

- (1) The electoral area shall be the territory of the Federal Republic of Germany.
- (2) The division of the electoral area into constituencies shall be as shown in Annex 2 to this Act.
- (3) Each constituency shall be divided into polling districts for voting.

**Section 3**  
**Constituency Commission and Delimitation of Constituencies**

- (1) When dividing the electoral area into constituencies, the following principles shall be observed:
1. The Länder boundaries shall be respected.
  2. The number of constituencies in the individual Länder shall correspond to the population proportion as far as possible. It shall be calculated in accordance with the procedure used to determine the distribution of seats among the Land lists in keeping with Section 6 subsection (2), second to seventh sentences.

3. The population of a constituency should not deviate from the average population of the constituencies by more than 15 per cent in either direction; where the deviation is greater than 25 per cent, the boundaries shall be redrawn.
4. Each constituency should form a coherent area.
5. Where possible, the boundaries of the municipalities, districts and urban districts should be respected.

In the determination of population figures, aliens (Section 2, subsection (1) of the Residence Act) shall not be taken into account.

(2) The Federal President shall appoint a permanent Constituency Commission. It shall consist of the President of the Federal Statistical Office, a judge from the Federal Administrative Court, and five other members.

(3) The Constituency Commission has the task of reporting changes in the population figures in the electoral area and to show whether and which changes in the division of the electoral area into constituencies it considers necessary. In its report, it may also propose changes for other reasons. When making its proposals concerning the division of the electoral area into constituencies, it shall observe the principles specified in subsection (1); if the calculation carried out in accordance with subsection (1) number 2 produces several possible divisions, the Commission shall prepare proposals.

(4) The report of the Constituency Commission must be submitted to the Federal Ministry of the Interior, Building and Community within fifteen months of the beginning of the legislative term of the Bundestag. The Federal Ministry of the Interior, Building and Community shall forward it to the Bundestag immediately and publish a note in the Federal Bulletin referring to its publication as a Bundestag printed paper. On the request of the Federal Ministry of the Interior, Building and Community, the Constituency Commission must submit a supplementary report; in this case, the second sentence shall apply as appropriate.

(5) Whenever Land boundaries are altered in accordance with the statutory provisions governing the procedure for other changes in the territory of the Laender pursuant to Article 29 paragraph (7) of the Basic Law, the boundaries of the constituencies affected shall also be altered correspondingly. Whenever two or more constituencies are affected in the

incorporating Land or an exclave of a Land is formed, the constituency to which the new part of the Land belongs shall depend on the constituency to which the municipality, the communal district, or the non-communal area to which it has been added belongs. Changes in Land boundaries which are made after the thirty-second month after the beginning of the legislative term shall not affect the division into constituencies until the following legislative term.

#### **Section 4**

##### **Votes**

Each voter shall have two votes, a first vote for electing a member of parliament for the constituency and a second vote for electing a Land list.

#### **Section 5**

##### **Election in the Constituencies**

Each constituency shall elect one member. The candidate obtaining the majority of the votes cast shall be considered elected. In the event of a tie, the election shall be decided by the Constituency Returning Officer by drawing lots.

#### **Section 6**

##### **Election by Land List**

(1) For the distribution of seats to be occupied on the basis of Land lists, the second votes cast for each Land list shall be added together. The second votes of such voters shall be disregarded as cast their first votes for a successful constituency candidate nominated in accordance with Section 20 subsection (3) or by a party disregarded in the distribution of seats pursuant to subsection (3) or not permitted to submit a Land list in the Land in question. The number of successful constituency candidates specified in the second sentence shall be deducted from the total number of members of parliament (Section 1 subsection (1)).

(2) For an initial distribution, first the total number of seats (Section 1 subsection (1)) shall be allocated to the Länder on the basis of their respective population proportion

(Section 3 subsection (1)) in accordance with the calculation procedure described in the second to seventh sentences, then the number of seats remaining in each Land pursuant to subsection (1), third sentence, shall be allocated to the Land lists on the basis of the second votes to be taken into consideration. The number of seats received by each Land list shall be determined by dividing the total of second votes cast for that list by a divisor used for the allocation of seats. Decimal fractions under 0.5 shall be rounded down to the nearest whole number, decimal fractions above 0.5 shall be rounded up to the nearest whole number. Decimal fractions equal to 0.5 shall be rounded up or down so as to ensure that the number of seats to be distributed is adhered to; in case there are several possible allocations of seats, the Federal Returning Officer shall decide by drawing lots. The divisor for the allocation of seats shall be determined in such a way that the number of seats falling to the Land lists is equal to the number of seats to be distributed. To this end, the total number of second votes of all Land lists to be taken into account is first divided by the number of seats remaining pursuant to subsection (1), third sentence. If more seats fall to the Land lists than there are seats to be distributed, the divisor shall be increased so that the calculation yields the number of seats to be allocated; if too few seats fall to the Land lists, the divisor shall be lowered accordingly.

(3) In the distribution of seats among Land lists, only parties that have obtained at least five per cent of the valid second votes cast in the electoral area or have won a seat in at least three constituencies shall be taken into consideration. The first sentence shall not apply to the lists submitted by parties representing national minorities.

(4) The number of seats won by a party in the constituencies of a Land (Section 5) shall be deducted from the number of seats thus established for each Land list. A party shall retain seats it has gained in the constituencies even if their number exceeds the number established in accordance with subsections (2) and (3).

(5) The number of seats remaining pursuant to subsection (1), third sentence, shall increase until each party, for the second distribution of seats in accordance with subsection (6), first sentence, has received at least the number of seats determined by the initial distribution pursuant to subsections (2) and (3) and, in addition, the seats it has obtained in the constituencies which cannot be deducted in accordance with subsection



(4), first sentence, from the number of seats established for the Land list. The total number of seats (Section 1 subsection (1)) shall increase by the difference.

(6) The seats to be allocated in keeping with subsection (5), first sentence, shall in any event and throughout the Federal Republic of Germany be distributed on the basis of the number of second votes to be considered by the calculation procedure described in subsection (2), second to seventh sentences, among the parties to be taken into consideration pursuant to subsection (3). For each party, the seats shall be distributed among the Land lists in accordance with the calculation procedure described in subsection (2), second to seventh sentences on the basis of the number of second votes to be considered; each Land list shall be allocated at least the number of seats the party has obtained in the constituencies of the Land. The number of seats won by each party in the constituencies of a Land (Section 5) shall be deducted from the number of seats established for the respective Land list. The remaining seats shall be occupied by candidates from the Land list in the order laid down in it. Candidates who have been elected in a constituency shall be disregarded in the Land list. If more seats fall to a Land list than there are candidates nominated in it, these seats shall remain vacant.

(7) If a party which has received more than half of the total number of second votes of all parties to be taken into account does not receive more than half of the seats when the seats are distributed in accordance with subsections (2) to (6), further seats shall be allocated to that party until it has received one seat more than half of the seats. The seats shall be distributed within the party pursuant to subsection (6), second to sixth sentences. In such an event, the total number of seats (Section 1 subsection (1)) shall increase by the difference.

**Section 7**  
**(Repealed)**

**Part II**  
**Electoral Bodies**

**Section 8**  
**Organization of Electoral Bodies**

(1) Electoral bodies shall be the Federal Returning Officer and the Federal Electoral Committee for the electoral area, a Land Returning Officer and a Land Electoral Committee for each Land, a Constituency Returning Officer and a Constituency Electoral Committee for each constituency, an Electoral Officer and an Electoral Board for each polling district, and at least one Electoral Officer and an Electoral Board for each constituency to establish the results of the postal ballot. The Constituency Returning Officer shall determine how many postal ballot boards are necessary to establish the result of the postal ballot on the same day as the election.

(2) A Joint Constituency Returning Officer may be appointed and a Joint Electoral Committee formed for several neighboring constituencies; the Land Returning Officer shall issue the order.

(3) In order to establish the result of the postal ballot, Electoral Officers and Electoral Boards can be appointed for one or several municipalities or for specific districts in the constituency instead of for every constituency. The Land Government or the agency designated by it shall issue the order.

**Section 9**  
**Appointment of Electoral Bodies**

(1) The Federal Returning Officer and his Deputy shall be appointed by the Federal Ministry of the Interior, Building and Community; the Land Returning Officers, Constituency Returning Officers and Electoral Officers and their Deputies shall be appointed by the Land Government or the agency designated by it.

(2) The Federal Electoral Committee shall be composed of the Federal Returning Officer as Chairman, eight qualified voters appointed by him as assessors and two judges of the

Federal Administrative Court. The other electoral committees shall be composed of the Returning Officer as Chairman and six qualified voters appointed by him as assessors; two judges of the Land's Higher Administrative Court must also be appointed to each Land electoral committee. The Electoral Boards shall be composed of the Electoral Officer as Chairman, his Deputy and three to seven other qualified voters appointed by the Electoral Officer as assessors; the Land Government or the agency designated by it may order the assessors of the Electoral Board to be appointed by the local authority of the municipality and the assessors of the Electoral Board formed for the establishment of the result of the postal ballot by the Constituency Returning Officer, in the event of an order pursuant to Section 8 subsection (3), by the local authority or district authority alone or in concurrence with the Electoral Officer. Whenever possible, account shall be taken of the parties represented in the polling district when appointing assessors.

(3) No one may be a member of more than one electoral body. Candidates standing for election, spokespersons for nominations and deputy spokespersons may not be appointed members of an electoral body.

(4) The local authorities are authorised to collect and process personal data of qualified voters for the purpose of appointing them as members of electoral boards. Personal data of qualified voters who are suitable for appointment to election boards may also be used for this purpose for future elections unless the persons concerned object. The persons concerned must be informed that he has the right to object. The following data may be collected: name, first name, date of birth, address, telephone number, number of appointments as a member of an election board and function exercised.

(5) To ensure that an election can be held, the federal authorities, federal public bodies, institutions and foundations, Land, municipality and municipality association authorities and any other public corporate bodies which come under Land supervision are obliged, upon the request of the local authorities, to nominate members of their staff who reside in the area of the district submitting the request for the purpose of their being appointed members of election boards, stating their names, first names, dates of birth and addresses. The authority requested to do so must notify the persons whose data have been passed on and the recipient.

## **Section 10**

### **Electoral Committee and Electoral Board Functions**

(1) The Electoral Committees and Electoral Boards shall meet, confer and make their decisions in public session. Unless stipulated otherwise by this Act, decisions shall be taken by majority vote; in the case of a tie, the Chairman shall have the casting vote. They must not cover their faces whilst performing their duties.

(2) The members of the electoral bodies, their deputies and the keeper of the minutes shall be bound to perform the duties of their offices impartially and to exercise discretion regarding information to which they gain access as a result of their official duties.

## **Section 11**

### **Honorary Posts**

(1) The assessors of the Electoral Committees and the members of the Electoral Boards shall perform their duties in an honorary capacity. Anyone eligible to vote shall be bound to accept this honorary post if it is offered to them. The honorary post may be refused only on substantial grounds.

(2) (Repealed)

(3) (Repealed)

## **Part III**

### **Eligibility to Vote and to Stand for Election**

## **Section 12**

### **Eligibility to Vote**

(1) All Germans as defined in Article 116 paragraph (1) of the Basic Law shall be eligible to vote, provided that, on the day of the election, they

1. have reached the age of 18 years,

2. have had a domicile or have otherwise been permanently resident in the Federal Republic of Germany for at least three months, and
3. are not disqualified from voting under Section 13.

(2) Provided the other conditions are fulfilled, Germans as defined in Article 116 paragraph (1) of the Basic Law who are resident in other territories outside the Federal Republic of Germany on the day of election shall also be eligible to vote provided that,

1. after reaching the age of fourteen years, they had a domicile or were otherwise permanently resident in the Federal Republic of Germany for an uninterrupted period of at least three months and this stay dates back not more than 25 years or
2. for other reasons, they have become familiar, personally and directly, with the political situation in the Federal Republic of Germany and are affected by it.

A previous domicile or residence in the territory specified in Article 3 of the Unification Treaty. The three-month period pursuant to subsection (1) number 2 shall not apply if a person eligible to vote under the first sentence returns to the Federal Republic of Germany.

(3) For the purposes of this Act, a domicile shall be any enclosed space which is used for dwelling or sleeping. Caravans and houseboats, however, shall only be considered domiciles if they are not moved at all or only occasionally.

(4) If persons eligible to vote do not have or have not had a domicile in the Federal Republic of Germany, a domicile as defined in subsection (1) number 2 or subsection (2), first sentence, shall be:

1. for seamen and the members of their households, the ship occupied by them if the ship is eligible to fly the Federal Flag under the latest version of the Flag Law (in the version promulgated on 4 July 1990, Federal Law Gazette I p. 1342)
2. for boatmen in inland navigation and the members of their households, the ship occupied by them if the ship is enrolled in a ship's register in the Federal Republic of Germany,
3. for persons serving a term of imprisonment imposed by a court of law as well as for other persons accommodated in an institution or respective institution.

(5) The day on which the domicile is occupied or the residence begins must be included in the calculation to determine the three-month period pursuant to subsection (1) number 2 and subsection (2), first sentence.

**Section 13**  
**Disqualification from Voting**

A person shall be disqualified from voting if he or she is not eligible to vote owing to a judicial decision.

**Section 14**  
**Exercise of the Right to Vote**

- (1) Only such persons as are entered in a voters' register or have a polling card may vote.
- (2) Anyone entered in a voters' register may only vote in the polling district of the voters' register in which he or she is entered.
- (3) Anyone possessing a polling card may vote in the constituency in which the polling card was issued
  - a) by casting his or her vote in any polling district of this constituency, or
  - b) by postal ballot.
- (4) Each person eligible to vote may vote only once and must do so personally. Persons eligible to vote must not exercise their right to vote by proxy.
- (5) Persons eligible to vote who are illiterate or prevented by a disability from casting their vote may avail themselves of another person's assistance for that purpose. Such support shall be limited to practical assistance in communicating an electoral decision which has been taken and expressed by the person eligible to vote. Such assistance is inadmissible in cases where an abusive influence is exercised while it is rendered, where it replaces or alters the self-determined opinion forming or decision taken by the person eligible to vote or where there is a conflict of interests for the person rendering assistance.

**Section 15**  
**Eligibility to Stand for Election**

- (1) A person shall be eligible to stand for election if, on election day, he or she
1. is German as defined in Article 116 paragraph (1) of the Basic Law and
  2. has reached the age of eighteen years.
- (2) A person shall be ineligible to stand for election if he or she
1. is disqualified from voting under Section 13 or
  2. has been deprived by judicial decision of eligibility to hold public or political office.
  3. (Repealed)

**Part IV**  
**Preparations for the Election**

**Section 16**  
**Election Day**

The Federal President shall determine the day of the general election (election day). The election day must be a Sunday or a statutory public holiday.

**Section 17**  
**Voters' Register and Polling Card**

(1) The local authorities of the municipality shall maintain a register of persons eligible to vote for each polling district. A person eligible to vote shall have the right to verify that the data entered on his person in the voters' register are correct or complete on the working days between the twentieth and sixteenth days before the election during normal opening hours. To verify that the data of other persons entered in the voters' register are correct or complete, a person eligible to vote shall only have the right to consult the voters' register during the period specified in the second sentence if he produces facts confirming that the voters' register is incorrect or incomplete. The right to verify data specified in the third sentence shall not apply to data of persons eligible to vote against whose names

restriction notes have been entered in the population registers in accordance with Section 51 subsection (1) of the Federal Act on Registration.

(2) A person eligible to vote who has been entered in the voters' register or who has not been entered in the voters' register for reasons beyond his control shall be issued a polling card on application.

## **Section 18**

### **Right to Nominate Candidates, Notification of Participation**

(1) Nominations of candidates may be submitted by parties and, in accordance with Section 20, by persons eligible to vote.

(2) Parties which have not been continuously represented by at least five representatives in the German Bundestag or in a Landtag (state parliament) since the last election on the basis of their own nominations may only submit nominations as parties if they have given notification of their intended participation in the election to the Federal Returning Officer in writing not later than 6 p.m. on the ninety-seventh day before the election and have been recognized as parties by the Federal Electoral Committee. Such notification must include the name under which the party intends to participate in the election. It must be signed personally and by hand by at least three members of the national executive committee, including the chairman or his deputy. If a party does not have a national executive committee, the executive committee of the party's highest-level organization shall take the place of the national executive committee. The party's written statutes and written program as well as proof that the executive committee has been duly appointed in accordance with the statutes shall be enclosed with the notification. Proof of the party status in accordance with Section 2 subsection (1), first sentence, of the Act on Political Parties should be enclosed with the notification.

(3) The Federal Returning Officer must examine the notification pursuant to subsection (2) immediately upon receipt. If he finds faults in it, he shall immediately notify the executive committee and demand it to rectify the faults that can be corrected. After expiration of the submission period for notification, only faults in otherwise valid notifications may be rectified. A notification shall not be deemed valid if



1. the form or deadline prescribed in subsection (2) has not been observed,
2. the name of the party is not stated,
3. the valid signatures required under subsection (2) and the documents to be submitted with the notification are missing, unless such documents cannot be submitted on time due to circumstances beyond the party's control,
4. the members of the executive committee have not been adequately designated, so that their identities cannot be established.

Once the decision has been made on the recognition of an association as a party, no action may be taken to rectify faults. The party's executive committee may appeal to the Federal Electoral Committee against orders issued by the Federal Returning Officer in proceedings concerning the rectifying of faults.

(4) The Federal Electoral Committee shall confirm as binding for all electoral bodies not later than the seventy-ninth day before the election

1. which parties have been continuously represented in the German Bundestag or in a Landtag since the last election by at least five members nominated by the party itself,
2. which associations, having given notification of their participation pursuant to subsection (2), shall be recognized as parties for the election; a two-thirds majority is necessary to refuse an association recognition as a party for the election. The confirmation must be announced by the Federal Returning Officer in the meeting of the Federal Electoral Committee. It must be made public.

(4a) A party or association may lodge a complaint with the Federal Constitutional Court against a confirmation pursuant to subsection (4) which prevents it from submitting nominations within four days after the announcement. In such case the party or association must be treated by the electoral bodies like a party entitled to submit nominations until a decision has been taken by the Federal Constitutional Court, but not longer than by the end of the fifty-ninth day before the election.

(5) A party may submit only one constituency nomination for each constituency and only one Land list for each Land.

**Section 19**  
**Submission of Nominations**

Constituency nominations shall be submitted in writing to the Constituency Returning Officer and Land lists to the Land Returning Officer not later than 6 p.m. on the sixty-ninth day before the election.

**Section 20**  
**Content and Form of Constituency Nominations**

(1) A constituency nomination may only contain the name of one candidate. Each candidate may only be named in one constituency and there only in one nomination. A person may only be nominated as a candidate if he or she has given his or her written consent; such consent shall be irrevocable.

(2) Constituency nominations of parties must bear the personal and handwritten signatures of the members of the executive committee of the Land branch of the party or, where such Land branches do not exist, the personal and handwritten signatures of the members of the executive committee of the next lower regional branches in whose area the constituency lies. Constituency nominations of the parties specified in Section 18 subsection (2) above must in addition bear the personal and handwritten signatures of at least 200 persons eligible to vote in the constituency; they must be eligible to vote at the time they sign the nomination and proof of this must be furnished when the nomination is submitted. The requirement to present 200 signatures shall not apply to constituency nominations of parties representing national minorities.

(3) Other constituency nominations must bear the personal and handwritten signatures of at least 200 persons eligible to vote from the constituency concerned. subsection (2), second sentence, second half-sentence, shall apply as appropriate.

(4) Constituency nominations of parties must contain the name of the party submitting them as well as any shortened form of its name it uses, while other constituency nominations must contain a distinctive code name.

## **Section 21**

### **Nomination of Party Candidates**

(1) A person may only be named as a candidate of a party in a constituency nomination if he or she is not a member of another party and has been elected for this purpose at a members' assembly convened to elect a constituency candidate or at a special or general delegates' assembly. A members' assembly convened to elect a constituency candidate shall be an assembly of members of the party who at the time of their meeting are eligible to vote in the German Bundestag election in their constituency. A special delegates' assembly shall be an assembly of the delegates elected by such an assembly of members from their own ranks. A general delegates' assembly shall be a general assembly appointed in accordance with the statutes of the party (Section 6 of the Act on Political Parties) by such an assembly of members from their own ranks in view of forthcoming elections.

(2) Where districts and urban districts comprise several constituencies, the candidates for those constituencies whose area does not intersect the boundary of the district or the urban district may be elected at a joint members' or delegates' assembly.

(3) The candidates and delegates for the delegates' assemblies shall be elected by secret ballot. Every person attending the assembly who is eligible shall be entitled to submit proposals. Candidates must be given the opportunity to duly introduce themselves and present their programmes. Elections may take place no earlier than thirty-two months after the beginning of the legislative term of the German Bundestag, in the case of the delegates' assembly no earlier than twenty-nine months; this shall not apply if the term ends prematurely.

(4) The executive committee of the Land branch or, where such Land branches do not exist, the executive committee of the next lower regional branch in whose area the constituency lies or another body provided for this purpose in the party's statutes may object to the decision of a members' or delegates' assembly. If such an objection is raised, the ballot shall be repeated. Its result shall be final.

(5) Further details regarding the election of delegates for the delegates' assembly, the convening and the quorum of the members' or delegates' assemblies as well as the procedure for the election of the candidate shall be set forth in the parties' statutes.

(6) A copy of the record of the election of the candidate, with details of where and when the assembly took place, the form of the invitation, the number of members present and the result of the ballot shall be submitted with the constituency nomination. In so doing, the chairperson of the assembly and two members present designated by it shall give the Constituency Returning Officer an affirmation in lieu of an oath to the effect that the requirements specified in subsection (3), first to third sentences, were observed. The Constituency Returning Officer shall be responsible for accepting such an affirmation in lieu of an oath; he shall be considered an authority within the meaning of Section 156 of the Penal Code.

## **Section 22**

### **Spokesperson**

(1) A spokesperson and a deputy spokesperson shall be designated in every constituency nomination. If such a designation is not made, the first person to have signed shall be considered the spokesperson and the second person to have signed the deputy spokesperson.

(2) Unless otherwise specified in this Act, only the spokespersons and their deputies, each for themselves, shall be authorized to make and receive binding statements concerning the constituency nomination.

(3) Spokespersons and deputy spokespersons may be removed from office and replaced by others through a written statement issued by the majority of the signatories of the constituency nomination and addressed to the Constituency Returning Officer.

## **Section 23**

### **Withdrawal of Constituency Nominations**

A constituency nomination may be withdrawn by a joint written statement issued by the spokesperson and deputy spokesperson unless a decision has been reached on its approval. A constituency nomination signed by at least 200 persons eligible to vote may also be withdrawn by the majority of the signatories through a statement bearing their personal handwritten signatures.

## **Section 24**

### **Alteration of Constituency Nominations**

After expiration of the submission period for nominations, a constituency nomination may be altered only through a joint written statement issued by the spokesperson and the deputy spokesperson and only if the candidate dies or has become ineligible to stand for election. The procedure laid down in Section 21 need not be observed and the signatures as defined in Section 20 subsections (2) and (3) shall not be required. No alterations of any kind shall be allowed after a decision has been made on the approval of a constituency nomination (Section 26 subsection (1), first sentence).

## **Section 25**

### **Rectifying of Faults**

(1) The Constituency Returning Officer must examine the constituency nominations immediately upon receipt. If he finds faults in a constituency nomination, he shall immediately notify the spokesperson and demand him or her to rectify the faults that can be corrected in due time.

(2) After expiration of the submission period for nominations, faults may only be rectified in nominations which are otherwise valid. A nomination shall not be deemed valid if

1. the form or deadline prescribed in Section 19 has not been observed,
2. the valid signatures required pursuant to Section 20 subsection (2), first and second sentences, and subsection (3), together with proof that the signatories are eligible

- to vote, are missing, unless such proof cannot be furnished on time due to circumstances beyond the control of the person eligible to make the nomination,
3. in the case of a party nomination, the name of the party has been omitted, the recognition of party status required under Section 18 subsection (2) above has been refused, or the proof required under Section 21 has not been furnished,
  4. the candidate has not been adequately designated, so that his identity cannot be established, or
  5. the candidate has not given his written consent.

(3) No faults of any kind may be rectified after a decision has been made on the approval of a constituency nomination (Section 26 subsection (1), first sentence).

(4) The spokesperson may appeal to the Constituency Electoral Committee against orders issued by the Constituency Returning Officer in proceedings concerning the rectifying of faults.

## **Section 26**

### **Approval of Constituency Nominations**

(1) The Constituency Electoral Committee shall decide on the approval of constituency nominations on the fifty-eighth day before the election. It shall reject constituency nominations if they

1. are submitted too late, or
2. do not meet the requirements set forth in this Act and in the Federal Electoral Regulations, unless something different is specified in these provisions.

The decision must be announced at the meeting of the Constituency Electoral Committee.

(2) If the Constituency Electoral Committee rejects a constituency nomination, an appeal may be lodged with the Land Electoral Committee within three days of the announcement of the decision. The spokesperson for the constituency nomination, the Federal Returning Officer and the Constituency Returning Officer shall be eligible to lodge an appeal. The Federal Returning Officer and the Constituency Returning Officer may also appeal against a decision by which a constituency nomination is approved. The persons concerned

attending the appeal proceedings must be heard. The decision on the appeal must be taken not later than the fifty-second day before the election.

(3) The Constituency Returning Officer shall make the approved constituency nominations public not later than the forty-eighth day before the election.

## **Section 27**

### **Land Lists**

(1) Land lists may only be submitted by political parties. They must bear the personal and handwritten signatures of the members of the executive committee of the Land branch or, where Land branches do not exist, those of the members of the executive committees of the next lower regional branches that lie within the territory of the Land and, in the case of the parties specified in Section 18 subsection (2), the personal and handwritten signatures of one per thousand of the persons eligible to vote in the Land at the last Bundestag election, but of not more than 2,000 persons eligible to vote. The signatories of a constituency nomination of one of the parties specified in Section 18 subsection (2) must be eligible to vote at the time they sign the nomination and proof of this must be furnished when the nomination is submitted. The requirement to present additional signatures shall not apply to Land lists of parties representing national minorities.

(2) Land lists must contain the name of the party submitting them as well as any shortened form of its name it uses.

(3) The names of the candidates must be listed in a recognizable order.

(4) A candidate may only be nominated in one Land and there only in one Land list. A person may only be nominated in a Land list if he or she has given his or her written consent; such consent shall be irrevocable.

(5) Section 21 subsections (1), (3), (5) and (6) as well as Sections 22 to 25 shall apply as appropriate, provided that the affirmation in lieu of an oath to be given under Section 21 subsection (6), second sentence, also covers an affirmation to the effect that the order of names of the candidates in the Land list has been laid down by secret ballot.

**Section 28**  
**Approval of the Land Lists**

(1) The Land Electoral Committee shall decide on the approval of the Land lists on the fifty-eighth day before the election. It must reject Land lists if they

1. are submitted too late, or
2. do not meet the requirements set forth in this Act and in the Federal Electoral Regulations, unless something different is specified in these provisions.

If the requirements are not met only regarding individual candidates, their names shall be deleted from the Land list. The decision must be announced at the meeting of the Constituency Electoral Committee.

(2) If the Land Electoral Committee rejects a Land list wholly or in part, an appeal may be lodged with the Federal Electoral Committee within three days of the announcement of the decision. The spokesperson for the Land list and the Land Returning Officer shall be eligible to lodge an appeal. The Land Returning Officer may also appeal against a decision by which a Land list is approved. The persons concerned attending the appeal proceedings shall be heard. The decision on the appeal must be taken not later than the fifty-second day before the election.

(3) The Land Returning Officer shall make the approved Land lists public not later than the forty-eighth day before the election.

**Section 29**  
**(Repealed)**

**Section 30**  
**Ballot Papers**

(1) The ballot papers and the required official return envelopes (Section 36 subsection (1)) shall be manufactured by the government.

(2) The ballot paper shall contain:



1. for constituency elections, the names of the candidates from the approved constituency nominations; in the case of constituency nominations by parties, also the names of these parties as well as any shortened form of their names they may use; in respect of other constituency nominations, also the distinctive identifying word;
2. for Land list elections, the names of the parties and any shortened form of their names they may use as well as the family and Christian names of the first five candidates from the approved Land lists.

(3) The order of the Land lists of parties shall be determined by the number of second votes which each obtained at the last Bundestag election in the Land concerned. The remainder of the Land lists shall follow the names of the parties in alphabetical order. The order of the constituency nominations shall be the same as the order of the corresponding Land lists. Other constituency nominations shall follow the names of the parties or the code names in alphabetical order.

## **Part V**

### **The Poll**

#### **Section 31**

##### **Public Character of the Poll**

Polling shall be public. The electoral board may eject anyone violating public order from the polling station.

#### **Section 32**

##### **Inadmissible Electioneering and Collection of Signatures, Inadmissible Publication of Electoral Survey Results**

(1) During polling hours, no influence may be exerted on voters by word, sound, writing or image and no signatures may be collected in or around the building in which the polling station is located as well as directly in front of the entrance to the building.

(2) The publication of results of surveys conducted among voters after they have cast their votes shall be inadmissible before the end of polling hours.

### **Section 33**

#### **Preservation of the Secrecy of the Ballot**

(1) Measures must be taken to ensure that the voter cannot be observed while marking his or her ballot paper and folding it. Ballot boxes used for the reception of the ballot papers must ensure the preservation of the secrecy of the ballot.

(2) Any voting assistance permitted pursuant to Section 14 subsection (5) shall remain unaffected. The person rendering assistance shall be bound to secrecy in respect of any information obtained in the process about another person's vote.

### **Section 34**

#### **Voting by Means of Ballot Papers**

(1) Voting shall be by means of official ballot papers.

(2) The voter shall

1. cast his or her first vote by marking the ballot paper with a cross or other sign so as to clearly indicate which candidate the vote is intended for, and
2. cast his or her second vote by marking the ballot paper with a cross or other sign so as to clearly indicate which Land list the vote is intended for.

The voter shall then fold the ballot paper in such a way that it is not possible to see how he or she has voted and place it in the ballot box.

### **Section 35**

#### **Voting by Means of Voting Machines**

(1) Voting machines may be used instead of ballot papers and ballot boxes to facilitate the casting and counting of votes.

(2) Voting machines as defined in subsection (1) above must guarantee the secrecy of the ballot. For use at elections to the German Bundestag, their design must be officially approved for individual elections or on a general basis. The Federal Ministry of the Interior, Building and Community shall decide on the approval of a voting machine on the application of the manufacturer. The permission of the Federal Ministry of the Interior, Building and Community must be obtained before an officially approved voting machine can be used. This permission may be given for individual elections or on a general basis.

(3) The Federal Ministry of the Interior, Building and Community shall, by means of statutory ordinance not requiring the endorsement of the Bundesrat (Council of Constituent States), be authorized to issue detailed provisions on:

1. the prerequisites for the official approval of the design of voting machines as well as for the withdrawal and revocation of the approval,
2. the official approval procedure governing the design,
3. the procedure governing the examination of a voting machine for conformity with the officially approved design,
4. the public testing of a voting machine prior to its use,
5. the procedure governing the granting of official permission for the use of a voting machine as well as the withdrawal and the revocation of the permission,
6. the special points that have to be borne in mind in connection with the election as a result of the use of voting machines.

In the cases specified in numbers 1 and 3, the statutory ordinance shall be issued in agreement with the Federal Ministry for Economic Affairs and Energy.

(4) Section 33 subsection (1), first sentence, and subsection (2) shall apply as appropriate for the operation of a voting machine.

## **Section 36**

### **Postal Ballot**

(1) When voting by postal ballot, the voter shall send the Constituency Returning Officer of the constituency in which his or her polling card was issued a sealed official return envelope containing

- a) his or her polling card and,

b) in a separate sealed ballot paper envelope, his or her ballot paper in due time to ensure that the postal ballot letter is received not later than 6 p.m. on election day. Section 33 subsection (2) shall apply as appropriate.

(2) The voter or the person assisting him or her must indicate on the polling card that he or she gives an affirmation in lieu of an oath to the Constituency Returning Officer that the ballot paper has been marked either personally or in accordance with the declared intent of the voter. The Constituency Returning Officer shall be responsible for accepting such an affirmation in lieu of an oath; he or she shall be considered an authority within the meaning of Section 156 of the Penal Code.

(3) In the event of an order from the Land government or an agency designated by it pursuant to Section 8 subsection (3), the place of the Constituency Returning Officer specified in subsection (1), first sentence, and in subsection (2) shall be taken by the local authority of the municipality that has issued the polling cards or the administrative authority of the district in which this municipality lies.

(4) Postal ballot letters may be posted through any postal company made known officially before the election as letter-post items without any special form of dispatch and free of charge if they are in official ballot letter envelopes. Anyone who uses a special form of dispatch shall pay the amount in excess of the letter rate otherwise applicable themselves. The Federal Government shall bear the costs of forwarding postal ballot letters.

## **Part VI**

### **Establishment of the Election Result**

#### **Section 37**

##### **Establishment of the Election Result in the Polling District**

After polling has closed, the Electoral Board shall establish how many votes have been cast in the polling district for the individual constituency nominations and Land lists.

**Section 38**  
**Establishment of the Postal Ballot Result**

The Electoral Board appointed for the postal ballot shall establish how many postal votes have been cast for the individual constituency nominations and Land lists.

**Section 39**  
**Invalid Votes, Rejection of Postal Ballot Letters, Rules for Establishing Invalidity**

- (1) Votes shall be invalid if the ballot paper
1. has not been manufactured by the government or is valid for another constituency,
  2. shows no marking,
  3. is valid for another constituency,
  4. does not reveal the voter's intent beyond doubt,
  5. contains any addendum or reservation.

In the cases specified in numbers 1 and 2, both votes shall be invalid; in the case specified in number 3, only the first vote shall be invalid if the ballot paper is valid for another constituency of the same Land. Under the postal ballot procedure, both votes shall also be invalid if the ballot paper has not been deposited in an official ballot paper envelope or a ballot paper envelope that evidently deviates from the others in a manner that jeopardises the confidentiality of the vote or contains a clearly tangible object, but has not been rejected under subsection (4), numbers 7 or 8. Where only one vote has been cast on the ballot paper, the other vote shall be considered invalid.

(2) Several ballot papers in one ballot paper envelope shall be considered one ballot paper if their wording is identical or if only one of them has been marked; otherwise they shall count as one ballot paper with two invalid votes.

(3) If the ballot paper envelope has been handed over empty, both votes shall be considered invalid.

- (4) Under the postal ballot procedure, postal ballot letters shall be rejected if
1. the postal ballot letter is not received on time,
  2. no or no valid polling card is enclosed in the postal ballot letter envelope,

3. there is no ballot paper envelope in the postal ballot letter envelope,
4. neither the postal ballot letter envelope nor the ballot paper envelope is sealed,
5. the postal ballot letter envelope contains several ballot paper envelopes but not an equal number of valid polling cards bearing the prescribed affirmation in lieu of an oath,
6. the voter or the person helping him or her has not signed the prescribed affirmation in lieu of an oath for the postal ballot on the polling card,
7. no official ballot paper envelope has been used,
8. a ballot paper envelope has been used which obviously differs from the other envelopes in a manner endangering the secrecy of the ballot or which contains a distinctly tangible object.

The senders of postal ballot letters that are rejected shall not be counted as voters; their votes shall be considered not cast.

- (5) The votes of a voter who has taken part in the postal ballot shall not become invalid if he or she dies before or on election day or is disqualified from voting pursuant to Section 13.

#### **Section 40**

##### **Decision of the Electoral Board**

The Electoral Board shall decide on the validity of the votes cast and on all matters connected with the poll and the establishment of the election result. The Constituency Electoral Committee shall have the right of verification.

#### **Section 41**

##### **Establishment of the Election Result in the Constituency**

The Constituency Electoral Committee shall establish how many votes have been cast in the constituency for the individual constituency nominations and Land lists and which candidate has been elected the member for the constituency. The Constituency Returning Officer shall notify the elected candidate and advise him or her that after the final establishment of the election result for the electoral territory by the Federal Electoral Committee (Section 42 subsection (2), first sentence), he or she shall attain membership

of the German Bundestag with the opening of the first meeting following elections and that a refusal of membership must be declared to the Land Returning Officer.

## **Section 42**

### **Establishment of the Election Result for the Land Lists**

(1) The Land Electoral Committee shall establish how many votes have been cast in the Land for the individual Land lists.

(2) The Federal Electoral Committee shall establish how many seats have been won by the individual Land lists and which candidates have been elected. The Land Returning Officer shall notify the candidates elected and advise them that after the final establishment of the election result for the electoral territory by the Federal Electoral Committee, they shall attain membership of the German Bundestag with the opening of the first meeting following elections and that a refusal of membership must be declared to the Land Returning Officer.

## **Part VII**

### **Special Regulations for By-Elections and Repeat Elections**

## **Section 43**

### **By-Election**

(1) A by-election shall take place

1. if an election has not been held in a constituency or a polling district,
2. if a constituency candidate dies after the approval of the constituency nomination but before the election.

(2) The by-election shall take place not later than three weeks after the day of the general election if subsection (1) number 1 applies. It may be held on the day of the general election and shall take place not later than six weeks after the day of the general election if subsection (1) number 2 applies. The date of the by-election shall be set by the Land Returning Officer.

(3) The by-election shall take place in accordance with the same regulations and on the same basis as the general election.

(4) In the case of a by-election, the provisional result of the general election shall be determined, established and released immediately after the general election has been held on the basis of the votes cast.

#### **Section 44**

#### **Repeat Election**

(1) If an election is declared wholly or partly invalid as a result of the scrutiny proceedings, it shall be repeated as required by the respective decision.

(2) The repeat election shall take place in accordance with the same regulations, with the same nominations and, provided it is within than six months of the general election, on the basis of the same voters' registers as the general election, unless the decision reached in the course of electoral scrutiny proceedings should prescribe otherwise with regard to the constituency nominations and the voters' registers.

(3) The repeat election must take place not later than sixty days after the decision by which the election was declared invalid has entered into force. Where the election has been declared only partially invalid, there shall be no repeat election if it is certain that a new German Bundestag will be elected within six months. The date of the repeat election shall be set by the Land Returning Officer or, in the case of a repeat election for the whole electoral area, by the Federal President.

(4) The election result shall be newly established on the basis of the repeat election. The Returning Officers in charge pursuant to Section 41, second sentence, and Section 42 subsection (2), second sentence, shall notify the elected candidates and invite them to state in writing within a week whether they accept the election.



## **Part VIII**

### **Attainment and Loss of Membership of the German Bundestag**

#### **Section 45**

##### **Attainment of Membership of the German Bundestag**

(1) An elected candidate shall attain membership of the German Bundestag after the final establishment of the election result for the electoral territory by the Federal Electoral Committee (Section 42 subsection (2), first sentence) with the opening of the first meeting of the German Bundestag following elections. A refusal of membership must be declared in written form to the Land Returning Office before the first meeting. An acceptance with reservations shall be considered a refusal. Statements of acceptance and refusal shall be irrevocable.

(2) In the case of a replacement election (Section 48 subsection (2)), subsection (1) shall apply accordingly provided that an elected candidate attains membership of the German Bundestag once the final result of the replacement election has been established.

(3) In the case of succession from the list (Section 48 subsection (1)) or a repeat election (Section 44), membership of the German Bundestag shall be attained once the Returning Officer in charge has received the letter of acceptance subsequent to notification within the prescribed period and form but not before the member elected as a result of the original election has vacated his or her seat. If an elected candidate refuses membership of the German Bundestag and the letter of acceptance of the successor from the list has been received before the opening of the first German Bundestag meeting after elections, the successor from the list shall obtain his or her seat once that meeting is opened. If the successor from the list or the candidate elected in a repeat election fails to make a statement or fails to make it in due form before the expiration of the legally prescribed period, the succession or election shall be considered accepted at the time of expiration. Subsection (1), third and fourth sentences, shall apply accordingly.

## Section 46

### Loss of Membership of the German Bundestag

- (1) A member shall lose his or her membership of the German Bundestag
1. if the attainment of membership is invalid,
  2. if the election result is newly established,
  3. if he or she fails to meet one of the prerequisites for permanent eligibility for election,
  4. if he or she resigns,
  5. if the Federal Constitutional Court finds, in accordance with Article 21 paragraph (2), second sentence, of the Basic Law, that the party or party branch of which the member has membership is unconstitutional.

Any grounds for loss of membership as laid down in other statutory provisions shall not be affected.

(2) A member whose election in the constituency is invalid shall nevertheless retain his or her membership of the German Bundestag if he or she was at the same time elected on a Land list but was disregarded pursuant to Section 6 subsection (6), fifth sentence.

(3) Resignation shall only be effective if it is declared in writing to the President of the German Bundestag, to a German notary whose seat is within the area of application of this Act, or to a member of a German mission abroad who is authorized to authenticate documents. The member must transmit the declaration of resignation attested by a notary or presented to a mission abroad to the President of the Bundestag. The resignation shall be irrevocable.

(4) If a party or party branch is declared unconstitutional by the Federal Constitutional Court in accordance with Article 21 paragraph (2), second sentence, of the Basic Law, the members shall lose their membership of the German Bundestag, and their successors on the list shall lose their candidacy if they have been members of that party or party branch during the period between the filing of the application (Section 43 of the Federal Constitutional Court Act) and the pronouncement of the decision (Section 46 of the Federal Constitutional Court Act). If members who have lost their membership in accordance with

the first sentence above have been elected in constituencies, the election of a constituency member shall be repeated in such constituencies, with Section 44 subsections (2) to (4) applicable as appropriate; in these cases, the members who have lost their membership in accordance with the first sentence above shall not be allowed to stand as a candidate. If members who have lost their membership in accordance with the first sentence above have been elected on the basis of a Land list of the party or party branch declared unconstitutional, their seats shall remain vacant. Otherwise, Section 48 subsection (1) shall apply.

## **Section 47**

### **Decision on Loss of Membership**

- (1) A decision on loss of membership under Section 46 subsection (1) shall be made
  1. in the case of number 1, in the course of electoral scrutiny proceedings,
  2. in the case of numbers 2 and 5, by a resolution of the Council of Elders of the German Bundestag,
  3. in the case of number 3, if eligibility to stand for election has been lost as a result of a judicial decision, by a resolution of the Council of Elders of the German Bundestag, otherwise in the course of electoral scrutiny proceedings,
  4. in the case of number 4, by the President of the German Bundestag issuing a confirmation of the declaration of resignation.
  
- (2) If a decision on the loss of membership is made in the course of electoral scrutiny proceedings, the member concerned shall withdraw from the German Bundestag as soon as the decision enters into force.
  
- (3) If the Council of Elders or the President of the German Bundestag decides on the loss of membership, the member concerned shall withdraw from the German Bundestag as soon as the decision has been taken. The decision shall be taken ex officio immediately. Within two weeks of the notification of the decision, the member concerned may apply for a decision on the loss of membership to be taken by the German Bundestag in the course of electoral scrutiny proceedings. Notification shall be in accordance with the provisions laid down in the Administrative Notices Service.

## **Section 48**

### **Appointment of Successors from the Lists and Replacement Elections**

(1) If an elected candidate dies or informs the Land Returning Officer in writing that he refuses to accept membership or if a member dies or later withdraws from the German Bundestag for any other reason, the vacant seat shall be filled by a candidate from the Land list of that party for which the elected candidate or former member stood at the election. When a successor is to be selected, any candidates on the list who have resigned from the party after the Land list was drawn up or have become members of another party shall not be taken into consideration. Candidates on the list who as elected constituency candidates have refused membership or have resigned as members of the German Bundestag shall also be disregarded. If the list is exhausted, the seat shall remain vacant. The decision as to which candidate from the list is to succeed to the seat shall be taken by the Land Returning Officer. He shall notify the successor from the list and invite him or her to state in writing within a week whether he or she accepts election.

(2) If the withdrawing member has been elected as the constituency member for a political grouping standing for election or a party which has not been allowed to submit a Land list in the Land, a replacement election shall be held in the constituency. The replacement election must take place not later than sixty days after the seat has become vacant. There shall be no replacement election if it is certain that a new German Bundestag will be elected within six months. The replacement election shall be conducted in accordance with the general regulations. The election date shall be set by the Land Returning Officer. Section 41 shall apply as appropriate.

**Part IX**  
**Final Provisions**

**Section 49**  
**Contestation**

Any decisions and measures directly affecting the electoral procedure may only be contested by means of the legal remedies provided by this Act and the Federal Electoral Regulations and by way of the electoral scrutiny procedure.

**Section 49a**  
**Administrative Offences**

- (1) An administrative offence shall be committed by any person who
1. contrary to the provisions of Section 11, refuses an honorary post on insubstantial grounds or evades the responsibilities of such office without sufficient excuse or,
  2. contrary to the provisions of Section 32 subsection (2), publishes the results of opinion polls of voters' decisions after voting before the voting period has expired.
- (2) A person may be punished with an administrative fine of up to five hundred Euro for committing an administrative offence within the meaning of subsection (1) number 1 or with a fine of up to fifty thousand Euro for committing an administrative offence within the meaning of subsection (1) number 2.
- (3) Administrative authority within the meaning of Section 36 subsection (1) number 1 of the Administrative Offences Act shall be
1. for administrative offences pursuant to subsection (1) number 1,
    - a) the Constituency Returning Officer, if a person eligible to vote unjustifiably refuses to accept the office of Electoral Officer, Deputy Electoral Officer or Member of the Electoral Board or of the Constituency Electoral Committee,
    - b) the Land Returning Officer, if a person eligible to vote refuses to accept the office of a member of the Land Electoral Committee or evades the responsibilities of such office without sufficient reason,

- c) the Federal Returning Officer, if a person eligible to vote refuses to accept the office of a member of the Federal Electoral Committee or evades the responsibilities of such office without sufficient reason,
2. for administrative offences pursuant to subsection (1) number 2 the Federal Returning Officer.

### **Section 49b**

#### **State Funds for Other Constituency Nominations**

(1) Candidates of a constituency nomination which has been submitted by persons eligible to vote pursuant to Sections 18 and 20 who have obtained at least ten per cent of the valid first votes cast in a constituency shall receive, per valid vote, four times the amount quoted in Section 18 subsection (3), first sentence, number 1 of the Political Parties Act as increased until election day in accordance with Section 18 subsection (3), third sentence, of the Political Parties Act. The funds are to be provided for in the federal budget.

(2) The candidate must apply to the President of the German Bundestag in writing within two months after the constituent assembly of the German Bundestag for the fixing and disbursement of state funds. Applications received after that date shall not be considered. The President of the German Bundestag shall fix the volume of state funds and disburse the funds accordingly.

(3) The provisions of the Act on Political Parties on absolute and relative upper limits shall not apply.

### **Section 50**

#### **Election Costs**

(1) The Federal Government shall reimburse the Laender, likewise for their municipalities (associations of municipalities), the necessary expenditure arising from the election.

(2) The costs incurred for posting the voter's notifications and postal ballot documents as well as expenses for the members of the electoral boards shall be reimbursed by the Länder on a separate statement basis. Each Land shall reimburse an appropriate share of these costs if Land, local government and Bundestag elections are held at the same time.

(3) The remaining costs shall be reimbursed by the payment of a fixed sum per person eligible to vote. It shall be 0.56 Euro for municipalities with up to 100,000 persons eligible to vote and 0.87 Euro for municipalities with more than 100,000 persons eligible to vote. By 30 April of each year, the President of the Federal Statistical Office shall submit a report on the development of the election cost index together with a projection in accordance with Annex 1 of this Act to the Federal Ministry of the Interior, Building and Community. The resulting increases of the fixed amounts shall apply as of the year of the report and be published in the Federal Gazette by the Federal Ministry of the Interior, Building and Community; fractions of 0.5 cent and above shall be rounded up, smaller fractions rounded down.

(4) The Federal Government shall reimburse the Associations of the Blind who have expressed their willingness to produce ballot paper templates for the necessary expenditure arising from the production and distribution of the ballot paper templates.

## **Section 51**

**(Repealed)**

## **Section 52**

### Enactment of statutory instruments

(1) The Federal Ministry of the Interior, Building and Community shall enact the Federal Electoral Regulations necessary for the implementation of this Act. It shall in particular include therein statutory provisions regarding

1. the appointment of Returning Officers and Electoral Officers, the establishment of Electoral Committees and Electoral Boards and the activities, the quorate status and proceedings of the electoral bodies,
2. appointments to honorary electoral posts, the reimbursement of expenses to persons holding honorary electoral posts, and the fining procedure,

3. polling,
4. the formation of polling districts and their notification to the public,
5. the individual preconditions concerning entry in the voters' registers, the keeping of such registers, their correction and closure, consultation of the voters' registers, objections to and complaints against the voters' register and the notification of persons eligible to vote,
6. the individual preconditions concerning the granting of polling cards and their issuance as well as objections to and complaints against the refusal of polling cards,
7. proof that the preconditions concerning eligibility to vote and to stand for election have been met,
8. the procedure to be followed by the electoral bodies in accordance with Section 18 subsections (2) to (4a),
9. the submission, content and form of nominations and relevant documents, their examination, the rectifying of faults, their approval; complaints against decisions made by the Constituency Electoral Committee and the Land Electoral Committee as well as the announcement of nominations,
10. the form and content of the ballot paper and the ballot paper envelope,
11. the provision, furnishing and notification to the public of the polling stations as well as devices ensuring the secrecy of the ballot and polling booths,
12. voting, also any special arrangements required to meet special conditions,
13. the postal ballot,
14. making and accepting affirmations in lieu of an oath
15. voting in hospitals and nursing institutions, monasteries and convents, residential premises with limited access as well as sociotherapeutic and penal institutions,
16. the establishment of the election results, their transmission and announcement and the notification of the elected candidates,
17. the conduct of by-elections, repeat elections and replacement elections as well as the appointment of successors from the lists of candidates.

(2) The statutory provisions shall not require the endorsement of the Bundesrat.

(3) The Federal Ministry of the Interior, Building and Community shall be authorized to shorten the periods and deadlines prescribed in the Federal Elections Act and the Federal



Electoral Regulations by means of an ordinance and without the endorsement of the Bundesrat if the Bundestag is dissolved.

*(4) The Federal Ministry of the Interior, Building and Community shall be authorized, in the case of a natural disaster or similar force majeure event, to adopt rules, by way of a statutory instrument and with the consent of the Bundestag, which deviate from the provisions governing the nomination of candidates and to allow parties to deviate from any conflicting provisions in their statutes so as to enable candidates to be nominated, where necessary, without assemblies being convened, provided that the German Bundestag establishes, at a point in time of less than nine months before the beginning of the period specified in Article 39 paragraph (1), third sentence, of the Basic Law, that to hold meetings is completely or partly impossible. If insurmountable obstacles prevent the timely convening of the Bundestag or the Bundestag cannot muster a quorum, the Election Scrutiny Board of the Bundestag set up in accordance with Section (3) of the Law on the Scrutiny of Elections shall decide on the establishment and consent in keeping with the first sentence. Where the circumstances specified in the first sentence apply, rules can be adopted by statutory instrument as provided for in the first sentence which enable parties to deviate, for the purpose of the election, from conflicting provisions of this Act, the Federal Electoral Regulations and their statutes if a modification of party statutes cannot be effected in time on account of the circumstances quoted in the first sentence and the dates and deadlines laid down in this Act and the Federal Electoral Regulations, especially in order to*

- 1. be able to conduct the election of candidates and delegates for the delegates' assemblies with a smaller number of delegates in the delegates' assembly than required by the statutes, or have a delegates' assembly hold such election instead of a party members' assembly,*
- 2. be able to arrange for party members' assemblies or delegates' assemblies to be split up and held simultaneously at different locations while being connected by way of electronic communication,*
- 3. be able to exercise the right to propose a candidate, to introduce oneself and all other members' rights solely or additionally by way of electronic communication, except for the final vote on a nomination,*
- 4. be able to conduct the election of candidates and delegates for the delegates' assemblies by way of postal ballot or a combination of ballot box poll and postal ballot.*

**Section 53**  
**Transitional Provision**

Any disqualification from voting or ineligibility to stand for election which is not due to a judicial decision within the meaning of Section 13 of the version applying from 1 July 2019 or a judicial decision within the meaning of Section 15 subsection (2) number 2 shall not be stored in the population register pursuant to Section 3 subsection (2) number 1 letter a of the Federal Act on Registration.

**Section 54**  
**Periods, Deadlines and Form**

(1) The periods and deadlines provided for in this Act and in the Federal Electoral Regulations adopted on the basis of this Act shall not be extended or changed on account of the fact that the last day of the period in question or a particular date falls on a Saturday, Sunday, a statutory or a legally protected public holiday. Restitution to the former status shall be precluded.

(2) Unless otherwise provided for in this Act or in the Federal Electoral Regulations adopted on the basis of this Act, obligatory declarations must bear a personal and handwritten signature and their original has to be available at the authority responsible.

**Section 55**  
**(Entry Into Force)**

\*) The regulation in section 52 subsection 4 will expire on December 31, 2021.

**Annex 1 (to Section 50 subsection (3), third sentence)**

- I. The report of the Federal Statistical Office on the development of the election cost index in accordance with Section 50 subsection (3), third sentence, shall comprise:
1. a representation of the percentage change of the index of election costs from the previous year and
  2. the projection of the amounts in accordance with Section 50 subsection (3), second sentence, using the annual percentage change of the election cost index, with each amount rounded to four decimal places; amounts shall be rounded up if the place to be rounded is followed by a figure from 5 to 9, whereas figures below this shall be rounded down.
- II. The election cost index shall contain the following index series of the Federal Statistical Office:
1. from the index of agreed monthly earnings of the overall economy, excluding extra payments the index series of public administration and defence; compulsory social security (WZ<sup>1</sup> 0), with a share of 75 percent,
  2. from the index of producer prices of industrial products:
    - a) the index series of paper stationery (GP<sup>2</sup> 1723), with a share of 2 percent,
    - b) the index series of advertising catalogues, prospects, posters and other printed advertising (GP 181212), with a share of 5 percent,
    - c) the index series of computers and peripheral equipment (GP 262), with a share of 7 percent,
    - d) the index series of wooden office and shop furniture (GP 3101), with a share of 4 percent,
  3. from the consumer price indices for Germany:
    - a) the index series of rentals for housing including rental value of owner-occupied housing (SEA-VPI<sup>3</sup> no 041), with a share of 4 percent,  
and
    - b) the index series of electricity, gas and other fuels (SEA-VPI no 045), with a share of 3 percent.

---

<sup>1</sup> Classification of Economic Activities

<sup>2</sup> Product Classification for Production Statistics

<sup>3</sup> Classification of Income and Expenditure of Households, version for the consumer price index