

# European Electoral Regulations

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## **Part I Electoral Bodies**

### **Section 1 Federal Returning Officer**

(1) The Federal Returning Officer and his or her deputy shall be appointed indefinitely. The Federal Ministry of the Interior, Building and Community shall publicly announce the name of the Federal Returning Officer and of his or her deputy as well as the addresses and telecommunication details of their offices.

(2) The Federal Returning Officer shall be the central agency responsible for exchanging information with other member states of the European Union on election participation and candidacies of German citizens in other member states of the European Union and of Union citizens in Germany.

### **Section 2 Land Returning Officer**

The Land Returning Officer and his or her deputy shall be appointed indefinitely. The appointing agency shall inform the Federal Returning Officer of the name of the Land Returning Officer and of his or her deputy as well as of the addresses and telecommunication details of their offices, and shall publicly announce them.

### **Section 3 District Returning Officer and Town Returning Officer**

(1) The District Returning Officer and the Town Returning Officer shall be appointed prior to each election. They shall be appointed no later than after the date of the general election has been established. The appointing agency shall inform the Land Returning Officer and the Federal Returning Officer of their names as well as of the addresses and telecommunication details of their offices, and shall publicly announce them.

(2) The District Returning Officer, the Town Returning Officer and their deputies shall also exercise their offices after the general election, at the latest until the end of the legislative period.

## **Section 4**

### **Appointment of the Electoral Committees**

(1) The Federal Returning Officer, the Land Returning Officers as well as the District and Town Returning Officers shall appoint the Electoral Committee members and a deputy for each one immediately after the date of the general election has been established. The members of the Land Electoral Committees as well as the District and Town Electoral Committees shall be appointed from among the persons entitled to vote in the respective area; wherever possible, they should be resident at the seat of the Returning Officer.

(2) With regard to the choice of the Electoral Committee members, the parties entitled to submit nominations should generally be adequately considered in the order of the number of votes obtained in the respective area in the last election to the European Parliament and the persons entitled to vote who have been proposed in due course should be appointed.

(3) The Federal Returning Officer shall appoint two judges of the Federal Administrative Court, every Land Returning Officer shall appoint two judges of the Land's Higher Administrative Court and a deputy for each of them. They shall be appointed on the proposal of the Court's President. The provisions concerning the assessors of the Electoral Committees in Section 11 subsection (1) of the Federal Elections Act and Sections 5 and 10 of these Regulations shall apply as appropriate.

(4) The Electoral Committees shall also continue after the general election; at the latest until the end of the legislative period.

## **Section 5**

### **Activities of the Electoral Committees**

(1) The Electoral Committees shall constitute a quorum regardless of the number of members present.

(2) The chairperson shall determine where and when the meetings shall take place. He or she shall invite the members to the meetings and point out that the Committee constitutes a quorum regardless of the number of members present. The members should be given the opportunity to consider the documents to be deliberated before the meeting.

- (3) Time, venue and subject of the negotiations must be announced publicly.
- (4) The chairperson shall appoint a record keeper; he or she shall only be entitled to vote if he or she is also a member of the Committee.
- (5) The chairperson shall advise the members and the record keeper of their obligation to exercise their offices impartially and to maintain secrecy regarding information to which they attain access as a result of their official activities.
- (6) The chairperson shall be authorized to expel anyone who causes a disturbance from the meeting room.
- (7) The record keeper shall keep a record of each meeting; these records shall be signed by the chairperson, the members and the record keeper.

## **Section 6**

### **Electoral Officer and Electoral Board**

- (1) Prior to each election, an Electoral Officer and a deputy shall be appointed for each polling district, whenever possible, from among the persons entitled to vote in the municipality; in the case of Section 39 subsection (2), several Electoral Officers and their deputies shall be appointed.
- (2) The members of the Electoral Board should be appointed, whenever possible, from among the persons entitled to vote of the municipality and, again whenever possible, from among the persons entitled to vote in the polling district. The deputy of the Electoral Officer shall also be a member of the Electoral Board.
- (3) Prior to polling, the Electoral Officer and his or her deputy shall be advised by the local authority of the municipality that they are bound to perform the duties of their offices impartially and to maintain secrecy on information to which they attain access as a result of their official activities. During their activities, the members of the Electoral Board may not wear any visible sign indicating a political conviction.
- (4) The Electoral Officer shall appoint the record keeper and his or her deputy from among the members of the Electoral Board. If the members of the Electoral Board have been ordered in keeping with Section 5 subsection (3), first sentence, of the European Elections Act, to be appointed by the local authority of the municipality, the latter may appoint also the record keeper and his or her deputy.

(5) Prior to the election, the local authority of the municipality must inform the members of the Electoral Board about their duties so as to ensure that the poll proceeds in an orderly manner and the election result is established.

(6) The Electoral Board shall be convened by the local authority of the municipality or by the Electoral Officer on its behalf. The Electoral Board shall meet in the polling station on election day in due time before polling starts.

(7) The Electoral Board shall ensure that the election is carried out in an orderly manner. The Electoral Officer shall be in charge of the activities of the Electoral Board.

(8) During polling, the Electoral Officer and the record keeper or their deputies and at least another member of the Electoral Board must be present at all times. All members of the Electoral Board should be present when the election result is being established.

(9) The Electoral Board shall constitute a quorum whenever the Electoral Officer and the record keeper or their deputies and, during the poll, at least one more member of the Electoral Board are present and, during the establishment of the election result, at least three more members are present. The Electoral Officer must replace any members who are absent by persons entitled to vote whenever necessary for the Electoral Board to constitute a quorum. Pursuant to subsection (3), they must be advised that they are bound to perform the duties of their offices impartially and to maintain secrecy regarding information to which they attain access as a result of their official activities.

(10) Whenever necessary, the local authority of the municipality shall provide to the Electoral Board any helpers it may need.

## **Section 7**

### **Postal Ballot Officer and Postal Ballot Board**

Section 6 shall apply as appropriate for the Postal Ballot Officer and the Postal Ballot Boards, provided that:

1. When establishing several Postal Ballot Boards pursuant to Section 5 subsection (1) of the European Elections Act for a district or an urban district and when constituting Postal Ballot Boards pursuant to Section 5 subsection (2) of the European Elections Act for one or several municipalities of a district, the number of postal ballot letters per Postal Ballot Board must not be so small as to render discernible how individuals have voted; there should be at least 50 postal ballot letters per Postal Ballot Board.

2. The Land government or the agency designated by it shall decide how many Postal Ballot Boards are to be established in the case of an order issued pursuant to Section 5 subsection (2) of the European Elections Act to be able to establish the result of the postal ballot on election day.
3. If one Postal Ballot Board is established for several municipalities within the context of an order pursuant to Section 5 subsection (2) of the European Elections Act, one of these municipalities shall be entrusted with conducting the postal ballot.
4. The members of the Postal Ballot Board should, whenever possible, be appointed from among the persons in the district or urban district who are entitled to vote and are resident at the seat of the District or Town Returning Officer; when Postal Ballot Boards are established for one or more municipalities of a district, the members should, whenever possible, be appointed from among persons entitled to vote who are resident in the respective municipalities.
5. The District or Town Returning Officer shall publicly announce the time and venue of the Postal Ballot Board meeting, advise the Postal Ballot Officer and his or her deputy that they are bound to perform the duties of their offices impartially and to maintain secrecy regarding information to which they attain access as a result of their official duties, inform the Postal Ballot Board of its duties and convene the Board; this rule shall apply as appropriate to the appointment of two or more Postal Ballot Boards for a district or an urban district. If Postal Ballot Boards are established for one or more municipalities of a district, the respective municipality or the municipality entrusted with conducting the postal ballot pursuant to number 3 shall perform these functions.
6. The Postal Ballot Board shall constitute a quorum whenever the Postal Ballot Officer and the record keeper or their deputies and, during the process of validating and rejecting postal ballot letters pursuant to Section 68 subsections (1) and (2) at least one more member are present, and during the establishment of the postal ballot result pursuant to Section 68 subsection (3) at least three more members are present

## **Section 8**

### **Mobile Electoral Board**

For voting in smaller hospitals, smaller senior citizens' or nursing homes, monasteries and convents, socio-therapeutic and penal institutions, Mobile Electoral Boards shall be established wherever necessary and possible. The Mobile Electoral Board shall consist of the Electoral Officer from the relevant polling district or of his or her deputy and two members of the Electoral Board. The local authority of the municipality may also,

however, instruct the Mobile Electoral Board of another polling district of the municipality to receive the ballot papers.

## **Section 9 Honorary Offices**

The following persons may refuse honorary offices:

1. members of the federal government or a Land government as well as members of a comparable government of another member state of the European Union,
2. members of the European Parliament, the German Bundestag or a Landtag as well as of a parliament in another member state of the European Union that is comparable to the German Bundestag or a Landtag,
3. persons entitled to vote who will reach the age of sixty-five by election day,
4. persons entitled to vote who substantiate that the care of their family is a particular impediment to exercising the office,
5. persons entitled to vote who substantiate that they are prevented from the proper exercise of the office for urgent professional reasons, due to illness, due to disability or for some other compelling reason.

## **Section 10 Expenses Allowance for Holders of Elective Offices, Refreshment Allowance**

(1) Returning Officers and members of the Electoral Committees and Electoral Boards shall, whenever they work outside their polling district, receive an allowance to pay for necessary travel under Sections 4 and 5 subsection (1) of the Federal Law on Travel Expenses; if they work outside their place of abode, they shall also receive subsistence and accommodation allowances in accordance with the Federal Law on Travel Expenses.

(2) A refreshment allowance of 35 euros for the chairperson and 25 euros for every other member may be granted to the members of the Electoral Committees for attending a meeting convened under Section 5 and to the members of the Electoral Boards for election day. It shall be offset against any subsistence allowance paid pursuant to subsection (1) above.

## **Section 11 Fines**

Fines pursuant to Section 4 of the European Elections Act in conjunction with Section 49a subsection (1) number 1 of the Federal Elections Act shall be paid into the treasury of the

municipality in whose voters' register the offender must be registered; fines pursuant to Section 4 of the European Elections Act in conjunction with Section 49a subsection (1) number 2 of the Federal Elections Act shall be paid into the treasury of the federal government.

## **Part II Preparation of the Election**

### **Chapter I Polling Districts**

#### **Section 12 General Polling Districts**

(1) Municipalities with no more than 2,500 inhabitants shall normally constitute one polling district. Larger municipalities shall be divided into two or more polling districts. The local authority shall determine what polling districts are to be constituted.

(2) The polling districts should be so defined in accordance with local conditions as to make it as easy as possible for all persons entitled to vote to participate in the election. No polling district should contain more than 2,500 inhabitants. The number of persons entitled to vote in a polling district must not be so small, however, as to render discernible how individuals have voted.

(3) The persons entitled to vote in collective accommodation such as camps and living quarters of the Federal Armed Forces, the Federal Police or the Police should be divided among several polling districts on the basis of fixed distinguishing criteria. The same shall apply as appropriate to the persons entitled to vote pursuant to Section 6 subsections (1) and (2) of the European Elections Act if, pursuant to Section 16 subsection (2) number 4, they are eligible for registration in the voters' register of the "Bezirksamt Mitte" of Berlin.

(4) The District Returning Officer may combine small municipalities and parts of municipalities in the same administrative district to form one polling district. He or she shall determine which municipality is to conduct the election.



**Section 13**  
**Special Polling Districts**

- (1) For hospitals, senior citizens' homes, residential homes for the elderly, nursing homes, convalescent homes and similar establishments with a sizable number of persons eligible to vote who are unable to go to a polling station outside the establishment, the local authority of the municipality should establish whatever special polling districts are required to enable polling card holders to cast their votes.
- (2) Two or more establishments may be combined to form one special polling district.
- (3) If a special polling district is not established, Section 8 shall apply as appropriate.

**Chapter II**  
**Voters' Register**

**Section 14**  
**Maintenance of the Voters' Register**

- (1) Prior to each election, the local authority of the municipality shall compile a register of persons entitled to vote for each general polling district (Section 12), entering their surnames, forenames, date of birth and abode. An automated process may also be used to compile and maintain the voters' register.
- (2) The voters' register shall be compiled with serial numbers in the alphabetical order of surnames and, where surnames are identical, of forenames. It can also be subdivided by area, street and house number. It shall contain one column for endorsements relating to voting and one column for remarks.
- (3) The local authority of the municipality shall ensure that the documentation for the voters' registers is available at all times and is so complete that the voters' registers can be compiled in due time before elections.
- (4) Wherever a polling district comprises more than one municipality or parts of different municipalities, the local authority of each municipality shall compile the voters' register for its part of the polling district.

## Section 15

### Registration of the German Citizens Entitled to Vote in the Voters' Register

(1) Ex officio, all persons entitled to vote who, on the thirty-fifth day before the election (qualifying date), are registered with the registration authorities must be entered in the voters' register if they

1. have an abode, in case of several abodes their main abode,
2. are employed, hired to serve or are undergoing training as a captain or crew member of a seagoing vessel entitled to fly the German flag (in the version promulgated on 4 July 1990, Federal Law Gazette I p. 1342) in the version applicable at the time (Section 4 of the European Elections Act in conjunction with Section 12 subsection (4) number 1 of the Federal Elections Act),
3. live on an inland vessel enrolled in a ship's register within the Federal Republic of Germany (Section 4 of the European Elections Act in conjunction with Section 12 subsection (4) number 2 of the Federal Elections Act),
4. are at a penal or similar institution (Section 4 of the European Elections Act in conjunction with Section 12 subsection (4) number 3 of the Federal Elections Act).

(2) On application, those persons eligible to vote shall be entered in the voters' register

1. pursuant to Section 6 subsection (1), of the European Elections Act
  - a) (repealed)
  - b) who, without having an abode, are otherwise permanently resident in the electoral area,
  - c) who have an abode in another member state of the European Union or are otherwise permanently resident there,
  - d) who are at a penal or similar institution and, ex officio, are not to be entered in the voters' register pursuant to subsection (1) number 4.
2. pursuant to Section 6 subsection (2), of the European Elections Act in conjunction with Section 12 subsection (2), first sentence, of the Federal Elections Act, those who, ex officio, are not to be entered in the voters' register pursuant to subsection (1) number 1.

(3) Should a person entitled to vote who is entered in the voters' register pursuant to subsection (1) above move his or her abode and register with the registration authority of the new place of abode prior to the period for inspection of the voters' register (Section 4 of the European Elections Act in conjunction with Section 17 subsection (1), second sentence, of the Federal Elections Act), he or she shall only be entered in the voters' register of the municipality to which he or she has moved on application. A person

entitled to vote who is entered in the voters' register pursuant to subsection (1) above and who registers with the same municipality but under a new address shall remain entered in the voters' register of the polling district in which he or she was entered on the qualifying date. Upon registration, the person entitled to vote is to be informed of the provisions in the first two sentences above. Should an entry in the register be made on application, the local authority of the new place of abode shall report this immediately to the local authority of the former place of abode, and it shall then delete the person entitled to vote from its voters' register. If, in the case referred to in the first sentence above, the local authority of the former place of abode is in possession of, or subsequently receives, a notice of disenfranchisement, it shall immediately advise the local authority of the new place of abode of this, and it shall then delete the person from its voters' register; the person concerned shall be informed of this deletion.

(4) The first and third sentences of subsection (3) above shall apply as appropriate to persons entitled to vote who, on the qualifying date, are not registered as having an abode but who prior to the beginning of the period for inspection of the voters' register, register an abode with the registration authorities.

(5) Should a person entitled to vote who is entered in the voters' register pursuant to subsection (1) above occupy another abode in a different municipality, which becomes his or her main abode, or move his or her main abode to another municipality, subsection (3) above shall apply as appropriate if he or she registers with the registration authorities prior to the beginning of the period for inspection of the voters' register.

(6) Which of the abodes of a person entitled to vote is his or her main abode shall be determined by Section 21 subsection (2) of the Federal Act on Registration.

(7) Before a person is entered in the voters' register, it must be established whether he or she meets the requirements governing the entitlement to vote laid down in Section 6 subsection (1) of the European Elections Act or in Section 6 subsection (2) of the European Elections Act in conjunction with Section 12 subsection (2) of the Federal Elections Act, or whether he or she is disqualified from voting pursuant to Section 6a subsection (1) of the European Elections Act. Should a person entitled to vote pursuant to Section 6 subsection (1), first sentence, number 2 letter b of the European Elections Act or pursuant to Section 6 subsection (2) of the European Elections Act in conjunction with Section 12 subsection (2), first sentence, of the Federal Elections Act return to the electoral area, the municipal authority may demand that affirmation in lieu of an oath be given in accordance with Section 17 subsection (6), first sentence, as evidence of his or her eligibility to vote. The definition of abode and calculation of time limits are

determined by Section 4 of the European Elections Act in conjunction with Section 12 subsections (3) to (5), of the Federal Elections Act. If registration in the voters' register derives solely from an application, it must also be established whether the application has been submitted in due form and within the specified time.

(8) If a local authority does not accept an application for registration or deletes a person from the voters' register, it must inform the person concerned immediately. The person concerned may appeal against the decision; he or she must be advised of this option. Section 21 subsections (2), (4) and (5), of these Regulations shall apply as appropriate. The time limits stipulated for service of the decision (Section 21 subsection (4), first sentence) and for decision on the appeal (Section 21 subsection (5), fourth sentence) shall only apply if the objection has been filed prior to the twelfth day before the election.

(9) The local authority must advise the head of a penal or similar institution within the municipality, no later than the qualifying date, of the provisions of subsection (2), number 1 letter (d) and of the necessity to inform the persons concerned if Section 27 subsection (4) of the Federal Act on Registration does not provide for the compulsory registration of the inmates of such institutions.

## **Section 16**

### **Responsibilities for the Registration of German Citizens Entitled to Vote in the Voters' Register**

- (1) Responsibility for registration in the voters' register shall lie,
1. in the case referred to in Section 15 subsection (1) number 1 with the municipality responsible for the abode or, if there is more than one abode, the municipality responsible for the main abode,
  2. in the case referred to in Section 15 subsection (1), number 2 with the municipality responsible for the seat of the ship owner,
  3. in the case referred to in Section 15 subsection (1) number 3 with the municipality responsible for the home port of the inland vessel,
  4. in the case referred to in Section 15 subsection (1) number 4 with the municipality responsible for the penal or similar institution.
- (2) Responsibility for registration in the voters' register shall lie,
1. (repealed)

2. in the case referred to in Section 15 subsection (2) number 1b, with the municipality in which the person entitled to vote submits his or her application,
  3. (repealed)
  4. in the case referred to in Section 15 subsection (2), number 1 letter (c) and 2, with the municipality in the Federal Republic of Germany in which the person entitled to vote, according to his or her statement, was last registered before leaving the electoral area; if the person entitled to vote has never registered an abode in the electoral area, the responsibility shall lie with the "Bezirksamt Mitte" of Berlin. The first half of the first sentence above shall also apply to seamen and seawomen who have been sailing under a foreign flag since leaving the electoral area, as well as to boatmen and boatwomen on inland waterways whose vessels are not enrolled in a ship's register within the Federal Republic of Germany and to the members of their household. For seamen and seawomen who, since leaving a vessel which is entitled to fly the German flag, have sailed on a seagoing vessel under a foreign flag, responsibility shall lie with the municipality in which the seat of the owner of their former ship is located. For boatmen and boatwomen on inland waterways who, since last sailing on an inland vessel enrolled in a ship's register within the Federal Republic of Germany, have sailed on an inland vessel not enrolled in a ship's register within the Federal Republic of Germany or on a seagoing vessel under a foreign flag, responsibility shall lie with the municipality referred to in subsection (1), number 3 above.
  5. in the case referred to in Section 15 subsection (2) number 1 letter (d) with the municipality responsible for the penal or similar institution.
- (3) Responsibility for registration in the voters' register shall lie,
1. in the case referred to in Section 15 subsection (3) with the municipality in which the new abode is located,
  2. in the case referred to in Section 15 subsection (4) with the municipality in which the person entitled to vote has registered his or her abode or, if there is more than one abode, with the ,responsible for the main abode,
  3. in the case referred to in Section 15 subsection (5),with the municipality in which the new main abode is located.

## **Section 17**

### **Procedure for the Registration of German Citizens Entitled to Vote in the Voters' Register on Application**

(1) The application for registration in the voters' register must be submitted in writing to the cognizant local authority no later than the twenty-first day before the election. It must contain the surname, the forenames, the date of birth and the precise address of the person entitled to vote. Except in the cases referred to in subsection (5) below, collective applications shall be permissible; they must bear the personal handwritten signatures of all the persons entitled to vote listed. A person with disabilities who is eligible to vote may avail himself or herself of another person's assistance; Section 50 shall apply as appropriate.

(2) (repealed)

(3) In the cases referred to in Section 15 subsection (2) number 1 letter (b) persons entitled to vote are, until election day, to be listed in the voters' register of the municipality responsible pursuant to Section 16 subsection (2) number 2 even if after submitting their application, they have reregistered with another registration authority in the electoral area. They must be informed as appropriate upon registration.

(4) (repealed)

(5) In the cases referred to in Section 15 subsection (2) numbers 1 letter (c) and 2, the person entitled to vote must certify his or her right to vote by making an affirmation in lieu of an oath in his or her application for registration in the voters' register as per Annex 2 and declare that he or she shall not participate in the election in any other member state of the European Union and has not applied for registration in the voters' register in any other municipality in the electoral area. Application forms and leaflets may be requested from the diplomatic and full-time consular missions of the Federal Republic of Germany abroad, the Federal Returning Officer as well as the District and Town Returning Officers. Should there be doubt about the information provided by the applicant, the local authority must investigate the matter immediately. The Federal Returning Officer must be notified of the registration in the voters' register immediately by being forwarded the duplicate copy of the application as per Annex 2. Should the Federal Returning Officer receive notification of the registration of an applicant in the voters' register from more than one local authority, he or she shall immediately contact the local authority whose notification of registration in the voters' register is received after the first notification to inform it that the person entitled to vote is registered in the voters' register of the first notifying municipality. Any local authority receiving such information from the Federal Returning Officer must delete the person entitled to vote in question from the voters' register and inform him or her thereof.

(5a) Should the Federal Returning Officer receive notification from other member states of the European Union that a German citizen is registered in a voters' register there, he shall report this immediately to the municipality in which this person has declared to have had his or her abode or to have been permanently resident before moving. The local authority shall refuse an application by the German citizen concerned for registration in the voters' register or delete him or her from its voters' register and inform him or her thereof. The Federal Returning Officer shall compare the notifications that he or she receives as specified in the first sentence with the duplicate copies forwarded to him or her pursuant to subsection (5), fourth sentence, and with the notifications pursuant to subsection (6), third sentence, and shall inform the local authority in whose voters' register the person entitled to vote is entered of the notifications from other member states of the European Union; the local authority shall proceed as specified in the second sentence.

(5b) Should the Federal Returning Officer receive inquiries from other member states of the European Union and be asked to check the data that a German citizen gave in his or her formal declaration when applying for registration in the local voters' register, he shall forward this immediately to the municipality in which the person has declared to have had his or her last abode or to have been permanently resident before moving. If the person entitled to vote has never had an abode or a permanent abode in the electoral area, the Federal Returning Officer shall forward the inquiries to the "Bezirksamt Mitte" of Berlin. The local authority of the municipality shall check the data immediately and inform the Federal Returning Officer of the results, who shall then submit the results to the inquiring agency of the other member state.

(6) Should a person entitled to vote pursuant to Section 6 subsection (1), first sentence, number 2 letter b of the European Elections Act or pursuant to Section 6 subsection (2) of the European Elections Act in conjunction with Section 12 subsection (2), first sentence, of the Federal Elections Act return to the electoral area and register an abode with the local authority after the qualifying date as specified by Section 15 subsection (1) but prior to the beginning of the inspection period of the voters' register pursuant to Section 4 of the European Elections Act in conjunction with Section 17 subsection (1), second sentence, of the Federal Elections Act, that person will be entered in the voters' register of the local authority of the new place of abode only after filing an application as per Annex 1, thus providing evidence to the local authority of his or her eligibility to vote by affirmation in lieu of an oath and declaring that he or she has not submitted any other application for entry in the voters' register in the electoral area or in another member state of the European Union. The person entitled to vote must be advised of this when he or she registers. The local authority must inform the Federal

Returning Officer of the registration of such eligible person in the voters' register immediately by submitting the duplicate copy of the application, as per Annex 1, on which the registration has been recorded. The fifth and sixth sentences of subsection (5) shall apply as appropriate.

### **Section 17a**

#### **Registration of the Union Citizens Entitled to Vote, Responsibilities and Procedures for Registration in the Voters' Register**

(1) Union citizens entitled to vote pursuant to Section 6 subsection (3) of the European Elections Act, shall be entered into the voters' register on application, unless they are registered ex officio pursuant to Section 17b.

(2) The application for registration in the voters' register pursuant to Annex 2A must be submitted in writing to the cognizant local authority no later than the twenty-first day before the election. It must contain the surname, the forenames, the date and the place of birth of the person entitled to vote and must bear his or her personal handwritten signature. A person with disabilities who is eligible to vote may to this end avail himself or herself of another person's assistance; Section 50 shall apply as appropriate.

(3) Responsibility for registration in the voters' register lies,

1. with the municipality responsible for the abode or, if there is more than one abode, the municipality responsible for the main abode,
2. if the Union citizen concerned is employed, hired to serve or undergoing training as a captain or crew member of a seagoing vessel entitled to fly the German flag (in the version promulgated on 4 July 1990, Federal Law Gazette I, p. 1342) in the version applicable at the time (Section 4 of the European Elections Act in conjunction with Section 12 subsection (4) number 1, of the Federal Elections Act), with the municipality responsible for the seat of the ship owner,
3. if he or she is a boatsperson on an inland vessel enrolled in a ship's register within the Federal Republic of Germany as well as for members of his or her household, with the municipality responsible for the home port of the inland vessel,
4. if he or she is serving a term of imprisonment imposed by a court of law as well as is in a penal or similar institution, with the municipality responsible for the penal or similar institution.
5. if he or she is otherwise permanently resident, with the municipality in which he or she submits the application.



(4) In his or her application for registration in the voters' register, the Union citizen shall certify his or her right to vote by making an affirmation in lieu of an oath to the local authority of the municipality. The subject matter of the affirmation in lieu of oath shall be a declaration stating

1. his or her nationality,
2. his or her addresses in the Federal Republic of Germany,
3. the territorial authority or constituency of the home member state in whose voters' register he or she was possibly last registered,
4. that he or she shall only exercise his or her right to vote in the Federal Republic of Germany,
5. that he or she is not disqualified from voting in the home member state,
6. that, on election day, he or she has had an abode or has otherwise been permanently resident in the Federal Republic of Germany or another member state of the European Union for an uninterrupted period of at least three months.

If applicants need another person's assistance, this person shall make an affirmation in lieu of an oath to the local authority that he or she has completed the application form according to the information given by the applicant and that to his or her knowledge the information given is the truth. The local authority may demand that a valid identity document be presented. Application forms and leaflets shall be available from the local authority.

(5) The local authority must examine whether the application has been submitted in due form and within the specified time, whether the requirements concerning the entitlement to vote laid down in Section 6 subsection (3) numbers 1 and 2, of the European Elections Act are met and whether the Union citizen is not disqualified from voting pursuant to Section 6a subsection (2) number 1 of the European Elections Act. If one of these requirements is not met, the local authority shall turn down the application for registration in the voters' register. When all the requirements specified in the first sentence have been met, the local authority shall forward an electronic file containing the information requested concerning the Union citizen to the Federal Returning Officer in a file format provided to the member states by the European Commission or, if this should not be possible, the standard form for the exchange of information between member states in accordance with Annex 2B; the Federal Returning Officer shall forward an electronic file containing the information provided by the local authority in the file format supplied by the European Commission to the agency designated by the home member state or, if this should not be possible, the notification by the local authority in accordance with Annex 2B. If there are any doubts concerning the information given by

the applicant, the local authority shall investigate the matter immediately. Should the home member state inform the local authority that the information given by the applicant is not true, the local authority shall refuse the Union citizen's application for registration in the voters' register or delete him or her from the voters' register. Inquiries addressed to the home member state must be made via the Federal Returning Officer. Section 15 subsection (8) shall apply as appropriate.

(5a) If the local authority registers a Union citizen on application in the voters' register, it shall immediately make an entry in the population register pursuant to Section 3 subsection (2) number 1 letter (b) of the Federal Act on Registration.

(6) Should a Union citizen move his or her abode within the Federal Republic of Germany after applying for registration in the voters' register and register with the registration authority of the new abode prior to the period for inspection of the voters' register, Section 15 subsection (3) shall apply as appropriate. The local authority of the former abode shall carry out the procedure specified in subsection (5) and convey the results to the local authority of the new abode immediately. If in this case the requirements for registration in the voters' register are not met, the local authority of the new abode shall turn down the application for registration in the voters' register or delete the Union citizen from the voters' register. Section 15 subsection (8) shall apply as appropriate.

(7) Should a Union citizen who is entitled to vote and who does not have a registered abode, register an abode with the registration authority after applying for registration in the voters' register and prior to the period for inspection of the voters' register, subsection (6), second and third sentences above, and Section 15 subsection (3), first and third sentences, shall apply as appropriate.

(8) Should a Union citizen who is entitled to vote move to another abode in the same municipality within the Federal Republic of Germany after applying for registration in the voters' register and should this abode become his or her main abode, or should this person move his or her main abode to another municipality, subsection (6) shall apply as appropriate if he or she registers with the registration authority before the beginning of the period for inspection of the voters' register.

(9) Section 15 subsections (6), (7), third sentence, and (9), shall apply as appropriate.

## **Section 17b**

### **Registration ex officio of Union Citizens Entitled to Vote in the Voters' Register**

(1) If a Union citizen entitled to vote has been registered on application in a voters' register in the Federal Republic of Germany for the election of 13 June 1999 or for a later election to the European Parliament, he or she must be registered ex officio by the cognizant local authority for future elections to the European Parliament if the conditions of Section 15 subsection (1) are fulfilled and the Union citizen has not been disqualified from voting pursuant to Section 6a subsection (2) of the European Elections Act. Should the Union citizen move to another country and then move back to the Federal Republic of Germany, he or she must submit an application again in accordance with Section 17a subsection (1). Section 15 subsections (3) to (6), subsection (7), third sentence, and subsection (9) as well as Section 17a subsection (3) numbers 1 to 4 and subsection (5), third to sixth sentences, shall apply as appropriate.

(2) The Union citizen may submit a written application in accordance with Annex 2C to the cognizant local authority no later than on the twenty-first day before the election that he or she not be registered in the voters' register. If the voters' register has already been set up, the local authority shall delete the citizen from the voters' register. Applications not submitted in the required form and within the specified deadline must be rejected by the local authority. The application in accordance with the first sentence shall be valid for all future elections to the European Parliament until the Union citizen submits another application in accordance with Section 17a subsection (1). The local authority shall immediately delete the entry made in the population register pursuant to Section 3 subsection (2) number 1 letter (b) of the Federal Act on Registration. Section 17a subsection (2), second and third sentences, and subsection (4), fifth sentence, shall apply as appropriate.

## **Section 18**

### **Notification of the Persons Entitled to Vote**

(1) The local authority of the municipality shall notify every person entitled to vote who is registered in the voters' register in accordance with the specimen in Annex 3 no later than the day before the voters' register is held ready for inspection by the public. The voter's notification should contain

1. the surname, the forenames and the abode of the person entitled to vote,
2. details of the polling station and whether it is barrier-free,
3. details of polling hours,

4. the number under which the person entitled to vote is registered in the voters' register,
5. a request to the voter to bring the notification with him or her to the polling station and to have his or her national identification card or passport ready, in the case of Union citizens some valid document providing proof of their identity,
- 5a. advice that, pursuant to Section 6 subsection (4) of the European Elections Act, every person entitled to vote may vote only once and must do so personally,
6. advice that the notification is not a substitute for a polling card and does not therefore confer the right to vote at any polling station other than the one designated,
7. a note as to where persons entitled to vote may obtain information on barrier-free polling stations and on aids,
8. advice on how to apply for a polling card and on the dispatch of postal ballot documents; it must at least contain information on
  - a) the fact that the application for a polling card must only be completed if the voter wishes to vote at another polling station in his or her district or urban district or by postal ballot,
  - b) the conditions under which a polling card is issued (Section 24 subsection (1) and Section 26 subsection (4), third sentence) and
  - c) the fact that applications for polling cards may be submitted by no other than the persons entitled to vote unless entitlement to apply is certified by submission of a written proxy (Section 26 subsection (3)).

If a voter who has been registered in the voters' register on application pursuant to Section 15 subsections (2) to (5) or pursuant to Section 17a subsections (1) and (4) to (7) is entered in the voters' register after the dispatch of the notification referred to in the first sentence, he or she shall be notified immediately after his or her registration.

(2) A form corresponding to the specimen in Annex 4 and to be used to apply for the issue of a polling card and postal ballot documents must be printed on the back of the notification referred to in subsection (1).

(3) Subsections (1) and (2) shall not apply to persons entitled to vote who are registered in the voters' register pursuant to Section 15 subsection (2) or pursuant to Section 17a subsection (1) solely on the grounds of application and have already applied for a polling card and postal ballot documents.

(4) Should a Land Returning Officer find that, as a result of natural disasters or similar acts of God, the timely notification pursuant to subsection (1) has been disrupted, he or she shall decide that the notification may subsequently be carried out in the area concerned. If there is cause for concern that the notification pursuant to subsection (1) cannot be effected until the sixth day before the election, he or she shall decide that the persons entitled to vote be notified of the details specified in subsection (1), second sentence, numbers 2, 3 and 5 to 7 in another appropriate way. To this end, the Land Returning Officer may make adjustments to allow for special circumstances in particular cases. He or she shall publicly announce in appropriate form the reasons for the disruption, the area concerned, the adjustments made by him or her in particular cases and the manner of notification.

## **Section 19**

### **Notice of the Right to Inspect the Voters' Register, of the Issue of Polling Cards and of the Conditions and Details of the Exercise of the Right to Vote by Union Citizens**

(1) The local authority of the municipality shall, no later than twenty-four days before the election and in the form specified in Annex 5, publicly announce

1. by whom, for what purposes and under what conditions, where, for how long and at what times of the day the voters' register may be inspected and whether the place for inspection is barrier-free,
2. that within the period for inspection an objection to the voters' register may be filed in writing or in record form with the local authority (Section 21),
3. that persons entitled to vote who are registered in the voters' register will receive a notification of the election no later than the day before the voters' register is held ready for inspection by the public and that persons entitled to vote who have been registered in the voters' register solely on the grounds of application and have already applied for a polling card with postal ballot documents will not receive such a notification,
4. where, during what time and under what conditions polling cards may be applied for (Section 24 ff.),
5. how a vote is cast by postal ballot (Section 59).

(2) The diplomatic missions of the Federal Republic of Germany abroad shall, immediately after the designation of the election day, publicly announce

1. the conditions under which Germans living abroad may participate in the election to the European Parliament within the Federal Republic of Germany,

2. where, in what form and within what period such persons must apply for registration in the voters' register in the Federal Republic of Germany in order to participate in the election.

Such notice must be given in accordance with Annex 6 by the embassies by means of at least one advertisement in German in a daily or a weekly national newspaper; in addition, full-time consulates may disseminate the content of the notice by means of advertisements in German in regional daily newspapers and the embassies and full-time consulates may publish such information on the internet if this seems advisable on account of the local circumstances. If such notice cannot be given in particular cases for a well-founded reason or if it appears unjustified, it must be given by posting a bulletin in the mission premises and, wherever possible, by notifying the relevant known individuals.

(3) The Federal Returning Officer and the District or Town Returning Officer shall, immediately after the designation of the election day, publicly announce

1. the conditions under which Union citizens living in the Federal Republic of Germany may participate in the election to the European Parliament within the Federal Republic of Germany,
2. whether, where, in what form and within what period such persons as referred to in number 1 must apply for registration in the voters' register in the Federal Republic of Germany in order to participate in the election.

Such notice must be given in accordance with Annex 6 by the Federal Returning Officer, notwithstanding the provision in Section 79 subsection (1), by means of at least one advertisement in German in both a daily and a weekly national newspaper and by the District or Town Returning Officer by means of at least one advertisement in German in a regional daily newspaper.

## **Section 20**

### **Inspection of the Voters' Register**

(1) The local authority shall hold the voters' register ready for inspection by the public at least at the administrative center of the municipality during the general opening hours. If an automated process is used to maintain the voters' register, inspection through a data terminal may be permitted .

(2) (repealed)

(3) Within the period for inspection, persons entitled to vote shall be permitted to make copies of parts of the voters' register if this is associated with the verification of the

right of specific individuals to vote. The copies may only be used for this purpose and must not be rendered accessible to uninvolved third parties.

## **Section 21**

### **Objections to the Voters' Register, Appeals**

- (1) Anyone who considers the voters' register incorrect or incomplete may lodge an objection within the period for inspection.
- (2) The objection must be lodged with the local authority in writing or in record form. If the claims are not obvious, the objector must produce the necessary evidence.
- (3) Should the local authority intend to uphold an objection to the registration of another person, it must give that person the opportunity to speak before making its decision.
- (4) The local authority must serve the objector and the person concerned its decision no later than the tenth day before the election and must advise them of the permissible legal remedies. When the local authority upholds an objection that refers to a registration, it shall indicate this, after amending the voters' register, by sending the person entitled to vote a notice. In the cases referred to in Section 17 subsections (5) and (6) as well as Section 17a subsection (5), third sentence, it shall immediately inform the Federal Returning Officer of the entry or deletion. In the cases referred to in Section 17 subsection (5), third sentence, the Federal Returning Officer shall then inform the agency designated by the home member state.
- (5) An appeal against the decision of the local authority may be made within two days of its service to the District Returning Officer in a district and to the Town Returning Officer in an urban district. The appeal must be lodged with the local authority in writing or in record form. The local authority shall immediately forward the appeal and the relevant files to the District or Town Returning Officer. The District or Town Returning Officer must decide on the appeal no later than the fourth day before the election. Subsection (3) above shall apply as appropriate. The persons concerned and the local authority shall be notified of the decision on the appeal. It shall be final, pending a different decision being made in the scrutiny procedure. Subsection (4), third and fourth sentences, shall apply as appropriate.

**Section 22**  
**Correction of the Voters' Register**

(1) After the beginning of the period for inspection, persons may only be entered in or deleted from the voters' register or other amendments made to it on the grounds of an objection filed in due time. Section 15 subsections (2) to (5), Section 17 subsection (5), sixth sentence, subsection (5a), second and third sentences, and subsection (6), fourth sentence, Section 17a subsections (1) and (5) to (8), Section 17b as well as Section 29 shall remain unaffected.

(2) Should the voters' register be obviously incorrect or incomplete, the local authority may also rectify the fault ex officio. This shall not apply to faults which have given rise to an objection. Section 21 subsection (3) to (5) shall apply as appropriate. The time limits stipulated for serving the decision (Section 21 subsection (4), first sentence) and for deciding on the appeal (Section 21 subsection (5), fourth sentence) shall only apply if the faults which the local authority can rectify ex officio become known before the twelfth day before the election.

(3) Any amendments made after the start of the period for inspection must be explained in the "Remarks" column and include the date of the amendment and the signature of the official who made them; in an automated process, the signature must be replaced by a reference to the official responsible.

(4) No further amendments may be made after the closure of the voters' register, with the exception of those provided for in subsection (2) above and in Section 46 subsection (2).

**Section 23**  
**Closure of the Voters' Register**

(1) The voters' register must be closed by the local authority no later than the day before the election but no earlier than the third day before the election. Upon closure, the local authority shall establish the number of persons entitled to vote in the polling district. The closure shall be certified in accordance with the specimen in Annex 7. If an automated process is used to maintain the voters' register, a print-out must be produced prior to certification.

(2) Voters' registers of two or more municipalities or parts of municipalities which are combined to form one polling district shall be combined by the local authority which is



carrying out the election in the polling district to form the voters' register of the polling district and then closed.

## **Chapter III Polling Cards**

### **Section 24 Conditions for the Issue of Polling Cards**

- (1) A person entitled to vote who is registered in the voters' register shall receive a polling card on application.
- (2) Persons entitled to vote who are not registered in the voters' register shall receive a polling card on application
  1. if they certify that through not fault of their own they have failed to meet the deadline for application specified in Section 17 subsection (1) or Section 17a subsection (2), or the deadline for objections specified in Section 21 subsection (1),
  2. if their right to participate in the election was not acquired until after the deadlines specified in Section 17 subsection (1), Section 17a subsection (2) or Section 21 subsection (1),
  3. if their right to vote was established by means of the objection procedure and the fact that it has been established only came to the knowledge of the local authority after the closure of the voters' register.

### **Section 25 Competent Authority, Form of the Polling Card**

The polling card shall, in accordance with the specimen in Annex 8, be issued by the local authority of the municipality in whose voters' register the person entitled to vote is registered or should have been registered.

### **Section 26 Polling Card Applications**

- (1) Polling cards may be applied for from the local authority in writing or orally. Telegrams, telex messages, fax messages, e-mails and any other documentable form of electronic communication shall also be considered valid forms of writing.

Applications cannot be made by telephone. A person with disabilities who is eligible to vote may avail himself or herself of another person's assistance in making the application; Section 50 shall apply as appropriate.

(2) The applicant must state his or her surname, forenames, date of birth and place of residence (street, house number, postal code, town).

(3) Anyone applying on behalf of another person must certify that he or she is authorized to do so by submitting a written proxy.

(4) Polling cards may be applied for until 6 p.m. on the second day before the election. In the cases referred to in Section 24 subsection (2) polling cards may be issued until 3 p.m. on election day. The same shall apply if a certified sudden illness renders it impossible or unreasonably difficult for a person entitled to vote to go to the polling station; in this case, the local authority must inform the Electoral Officer responsible for the person's polling district before issuing the polling card, and he or she must proceed in accordance with Section 46 subsection (2).

(5) For Germans entitled to vote who, pursuant to Section 15 subsection (2), are registered in the voters' register solely on account of an application, such an application shall also count as an application for a polling card unless they wish to vote before the Electoral Board of their own polling district.

(6) Written applications which are received too late must be packed unprocessed, with the accompanying envelopes and put into temporary storage.

## **Section 27**

### **Issue of Polling Cards**

(1) Polling cards must not be issued prior to the approval of nominations by the Federal Electoral Committee in accordance with Section 14 subsections (1) and (4) of the European Elections Act or by the Federal Constitutional Court in accordance with Section 14 subsection (4a) of the European Elections Act.

(2) The polling card must be signed personally by the official charged to issue it and bear the official seal. The official seal may be embossed. Contrary to the first sentence, the signature is not absolutely necessary if the polling card has been produced with the aid of automatic equipment; instead, the name of the official charged with the issue can be imprinted.

- (3) The following shall be appended to the polling card:
1. an official ballot paper in accordance with the specimen in Annex 22,
  2. an official ballot paper envelope in accordance with the specimen in Annex 9,
  3. an official return envelope in accordance with the specimen in Annex 10, bearing the full address to which the postal ballot letter must be sent (recipient of the postal ballot letter pursuant to Section 59 subsection (2)), the designation of the local authority which has issued the polling card (issuing office) and the polling card number or the polling district entered beforehand by the issuing office, and
  4. a leaflet on the postal ballot in accordance with the specimen in Annex 11.

Sentence 1 shall not apply in the cases specified in Section 28 subsection (1).

(4) The polling card and postal ballot documents shall be sent or officially delivered to the place of residence of the person eligible to vote provided that the application does not contain another address or provides for the documents to be collected. If dispatch to another address has been applied for in a form provided for in Section 26 subsection (1), second sentence, the sending of the postal ballot documents shall include the dispatch of a notice to the place of residence at the same time. Outgoing mail shall be stamped by the local authority. The local authority shall send the polling card and postal ballot documents to the person entitled to vote by airmail if the application reveals that he or she wishes to vote from an area outside Europe or if the use of airmail otherwise appears necessary.

(5) If the person entitled to vote collects the polling card and postal ballot documents from the local authority personally, he or she should be given the opportunity to cast his or her postal vote there and then. Arrangements must be made to ensure that the person can mark the ballot paper and place it in the ballot paper envelope without being observed. The polling card and postal ballot documents may only be handed over to someone other than the person eligible to vote in person if the authorization to take receipt of the documents is certified by the submission of a written authority. Section 26 subsection (1), fourth sentence, shall apply as appropriate. The authorization may be used only if the person authorized represents not more than four persons entitled to vote; this must be confirmed to the local authority in writing by the person authorized before he or she takes receipt of the documents. The person authorized must identify himself or herself upon request.

(6) The local authority shall maintain a polling card register, the cases referred to in Section 24 subsection (1) and those referred to in subsection (2) being recorded

separately. The register shall be kept as a list or as a collection of the carbon copies of the polling cards. The number under which the polling card is recorded in the polling card register as well as the number under which the person entitled to vote is registered in the voters' register or the name of the envisaged polling district shall be entered on the polling card. Wherever persons entitled to vote are not registered in the voters' register, a note shall be made on the polling card to the effect that the card has been issued pursuant to Section 24 subsection (2) and stating the polling district to which the voter is assigned. If further polling cards are issued after the closure of the voters' register, a special register shall be kept in accordance with the first three sentences above in respect of such cards.

(7) If a polling card is issued pursuant to Section 24 subsection (2) to a person entitled to vote under Section 6 subsection (1) number 2 letter (b), of the European Elections Act and Section 6 subsection (2) of the European Elections Act in conjunction with Section 12 subsection (2), first sentence, of the Federal Elections Act, the local authority shall notify the Federal Returning Officer of this immediately. Section 17 subsection (5), fifth and sixth sentences, shall apply as appropriate.

(8) If a person entitled to vote who has already received a polling card is deleted from the voters' register, the polling card must be declared invalid. The local authority shall keep a register of such cases in which the name of the person entitled to vote and the number of the invalidated polling card must be recorded; it must correct the polling card register. The local authority shall inform the District or Town Returning Officer, who shall advise all the Electoral Boards in the district or urban district of the invalidity of the polling card. In the cases referred to in Section 4 of the European Elections Act in conjunction with Section 39 subsection (5), of the Federal Elections Act, a suitable note should be made in the polling card register and in the register of invalidated polling cards to the effect that the vote of a voter, who has already participated in the postal ballot, is not invalid.

(9) After the closure of the voters' register, the local authority, if the authority itself or another local authority is not responsible for the conduct of the postal ballot, shall send the District or Town Returning Officer by the quickest means available the register referred to in the second sentence of subsection (8) above and addenda to that register or a notification that no polling cards have been invalidated early enough for it to be received at his or her office on the morning of election day at the latest. If another local authority has been charged with the conduct of the postal ballot pursuant to Section 7 number 3, the local authority must send the register and the addenda or a notification as described in the first sentence above to the cognizant local authority.

(10) Lost polling cards shall not be replaced. Should a person entitled to vote provide a substantiated affirmation that he or she did not receive the polling card he or she applied for, a new polling card may be issued to such a person until 12 noon on the day before the election; the first three sentences of subsection (8) above as well as subsection (9) shall apply as appropriate.

## **Section 28**

### **Issue of Polling Cards to Particular Groups of Persons**

(1) The local authority shall, no later than the eighth day before the election, request from the managements of

1. the establishments for which a special polling district has been formed (Section 13),
2. smaller hospitals, smaller senior citizens' or nursing homes, monasteries, convents, socio-therapeutic and penal institutions where provision has been made for their persons entitled to vote to vote before a mobile Electoral Board (Sections 8 and 55 to 57),

a register of the persons entitled to vote from the municipality who are in the establishment or are employed there and who wish to vote in the establishment on election day. It shall issue polling cards without postal ballot documents for such persons eligible to vote and send them directly to these persons.

(2) The local authority shall, no later than the thirteenth day before the election, instruct the managements of the establishments

1. to inform the persons entitled to vote who are in the establishment or are employed there and who are listed in the voters' register of other municipalities in the same district that they may only vote in the establishment if they have obtained a polling card from the local authority in whose voters' register they are registered,
2. to inform the persons entitled to vote who are in the establishment or are employed there and who are listed in the voters' register of municipalities in other districts or other urban districts that they may only exercise their right to vote by postal ballot in their home district or home town and for this purpose must obtain a polling card with postal ballot documents from the local authority in whose voters' register they are registered.

(3) The local authority shall, no later than the thirteenth day before the election, request the military units stationed in the territory of the municipality to inform the service personnel entitled to vote in accordance with subsection (2) above.

### **Section 29**

#### **Notes in the Voters' Register**

If a person entitled to vote has received a polling card, the word "Wahlschein" (polling card) or the letter "W" shall be entered in the voters' register in the column for voting endorsements.

### **Section 30**

#### **Objections to the Withholding of Polling Cards and Appeals**

If an application for a polling card is turned down, an objection may be filed. Section 21 subsections (2), (4) and (5) shall apply as appropriate. The time limits stipulated for serving the decision (Section 21 subsection (4), first sentence) and for deciding on an appeal (Section 21 subsection (5), fourth sentence) shall only apply if the objection has been filed before to the twelfth day before the election.

## **Chapter IV**

### **Nominations, Ballot Papers**

#### **Section 31**

##### **Call for Submission of Nominations**

(1) Once the election day has been designated, the Land Returning Officers shall, by public announcement, call for the nominations to be submitted to the Federal Returning Officer at the earliest possible date and draw attention to the requirements concerning the submission of nominations laid down in Section 2 subsection (1), and Section 8 of the European Elections Act. They shall state where and by what time the nominations must be submitted and shall draw attention to the provisions governing the content and form of the nominations, to the number of signatures, supporting documents and certificates to be provided in particular cases and to the declarations, records and affirmations to be submitted with the nominations (Sections 9 and 11 of the European Elections Act).

(2) The Federal Returning Officer shall publicly announce where, how and by what time the exclusion from the combined list of a party entitled to make a nomination may be declared (Section 2 subsection (2) and Section 11 subsection (3), of the European Elections Act).

### **Section 32**

#### **Content and Form of Nominations**

(1) The nominations should be submitted in duplicate in accordance with the specimens in Annexes 12 and 13. They must contain:

1. if they are a party nomination, the name of the submitting party as well as any shortened form of its name it may use; the party may add the name and shortened form of its European organization;
2. if they are a nomination by another political association, the name as well as a code word if it uses such a code word; the association may add the name and any shortened form of its association with organized membership in the electoral area and of its European organization;
3. in a discernible order, the names of the candidates and any substitute candidates named, their surnames, forenames, occupation or status, date of birth, place of birth and address (main abode).

They should also contain the name and address of a spokesperson and deputy spokesperson.

(2) The list for a Land must bear the personal and handwritten signatures of at least three members of the executive board of the Land party organization of the party entitled to make a nomination, including that of the chairperson or his or her deputy. Should a party entitled to nominate a candidate have no Land organization or no united Land organization in the Land in question, the nomination must be signed in accordance with the first sentence by the executive boards of the next lower regional organizations in whose area the Land is situated. The signatures of the submitting executive board shall suffice if it furnishes a written proxy from the other executive boards in accordance with the first sentence within the period stipulated for submission. A combined list for all Laender must be signed by the executive board of the national party organization of the party entitled to nominate a candidate in accordance with the first sentence. Should a party entitled to nominate a candidate in the electoral area have no national party organization or no united federal organization, the nomination must be signed by all the executive boards of the next lower regional organizations in the electoral area, or should another political association not have a federal or a regional organization in the electoral

area, it must be signed by its highest executive board in one of the other member states of the European Union in accordance with the first and the third sentences.

(3) If a nomination pursuant to Section 9 subsection (5) of the European Elections Act must be signed by a certain minimum number of persons entitled to vote, such signatures shall be submitted on official forms as per Annex 14, the following provisions being observed:

1. The forms shall be supplied by the Federal Returning Officer for combined lists for all Laender and by the Land Returning Officer for lists for an individual Land on request and free of charge; they may be provided also as a master copy or electronically. The request must contain the name of the party entitled to nominate a candidate, any shortened form or code name it may use and a declaration that the nomination is made for an individual Land, stating this Land, or for all Laender. The cognizant Returning Officer must record this information at the head of the forms.
2. The persons entitled to vote who support a nomination must affix their personal handwritten signature to the declaration on the form. Besides the signature, the surnames, forenames, date of birth and address (main abode) of the signatory as well as the date of signature must be entered. Persons entitled to vote within the meaning of Section 6 subsection (1) number 2 letter (b) and subsection (2), of the European Elections Act shall also give notice of their last abode in the Federal Republic of Germany or state that they have never registered an abode in this area; evidence of their right to vote is to be provided by submitting the information specified in Annex 2 and by making an affirmation in lieu of an oath. Persons entitled to vote within the meaning of Section 6 subsection (3), of the European Elections Act are to certify their right to vote by making an affirmation in lieu of an oath in accordance with Annex 14A.
3. For each signatory, the local authority in whose voters' register he or she is registered shall make a note on the form or on a separate document, certifying that at the time of signature he or she was entitled to vote in the Land in question. Parties entitled to submit nominations must append separate certificates of their right to vote to the supporting signatures when they submit the nomination. Anyone applying for a certificate of the right to vote on another person's behalf must certify that the person concerned supports the nomination.
4. A person entitled to vote may sign only one nomination; wherever anyone has signed more than one nomination, his or her signature shall be invalid on all other nominations.



5. Nominations from parties and other political associations may only be signed after a candidate and a substitute candidate have been selected by a members' or representatives' assembly. Nominations signed earlier shall be invalid.

(4) The nomination shall be accompanied

1. by the declarations from the nominated candidates and substitute candidates, in accordance with the specimen in Annex 15, that they accept their nomination and have not given their consent to being nominated as a candidate or substitute candidate for any other nomination or that they have consented to being nominated for another Land list, and the affirmation in lieu of an oath be made that they are not nominated for election in another member state of the European Union and that they are not members of any party or political association other than the one submitting the nomination; for receiving the affirmation in lieu of an oath, Section 11 subsection (2), second and third sentences, of the European Elections Act shall apply as appropriate.
2. for German citizens, by the certificates issued by the cognizant local authorities, in accordance with the specimen in Annex 16, stating that the candidates and substitute candidates nominated are eligible to stand for election,
  - 2a. for Union citizens, by the certificates prescribed pursuant to Section 11 subsection (2), first sentence, number 1 letter (b) of the European Elections Act issued by the cognizant German local authorities in accordance with the specimen in Annex 16A,
  - 2b. for Union citizens, by the prescribed affirmations in lieu of an oath in accordance with the specimen in Annex 16B required pursuant to Section 11 subsection (2), first sentence, number 1 letter (c) of the European Elections Act,
3. by a copy of the record documenting the decision taken by the members' or representatives' assembly at which the candidates and substitute candidates were nominated and the order of the candidates in the nomination was established, together with the affirmation in lieu of an oath prescribed by Section 11 subsection (2), first sentence, number 2 of the European Elections Act; the record should be in accordance with the specimens in Annexes 17 and 18 and the affirmations in lieu of an oath made in accordance with the specimen in Annex 19,
4. by the number of supporting signatures together with the certificates of the right to vote of the undersigned as required under subsection (3) if the party

entitled to make a nomination has not been continuously represented by at least five representatives in the European Parliament, in the German Bundestag or in a Landtag since the last election on the basis of nominations made by the party itself in the electoral area,

5. by the written statutes and the program as well as a copy of the record of the election, conducted in line with democratic principles, of the executive board, which must sign the nomination pursuant to subsection (2) together with the names and addresses of the members of the executive board if the party entitled to make a nomination has not been continuously represented by at least five representatives in the European Parliament, in the German Bundestag or in a Landtag since the last election on the basis of nominations made by the party itself in the electoral area.

(5) The certificate of the right to vote (subsection (3) number 3), the certificate of the right to stand for election (subsection (4) number 2) and the certificate of the German local authority stating that he or she has not been disqualified from the right to stand for election and the fact of abode (subsection (4) number 2 letter (a)) shall be issued free of charge. The local authority may only issue the certificate of the right to vote to each person entitled to vote once; it must not keep any record showing the nomination the certificate is intended for.

(6) For candidates and substitute candidates who have no abode in the Federal Republic of Germany and are not otherwise permanently resident there, the Federal Ministry of the Interior, Building and Community shall issue the certificate of the right to stand for election. It must be applied for at the diplomatic or full-time consular mission of the Federal Republic of Germany responsible for the candidate's or substitute candidate's place of abode, otherwise directly upon submission of the necessary supporting certificates.

### **Section 33**

#### **Preliminary Examination of Nominations**

(1) The Federal Returning Officer shall record on each nomination the date and, if it is received on the last day of the stipulated submission period, the time of receipt and shall immediately forward a copy of the lists for the Land concerned and a copy of the combined lists for all Länder to the Land Returning Officers. The Federal Returning Officer shall examine whether a German citizen is listed as candidate or substitute candidate in a nomination of whom he has received notice from another member state of the European Union that this person is standing as a candidate for election there. He shall

immediately examine whether the nominations received are complete and in compliance with the requirements of the European Elections Act and these Regulations.

(1a) Should a Union citizen be listed in a nomination as candidate or substitute candidate, the Federal Returning Officer shall immediately send the second copy of the affirmation in lieu of an oath issued in accordance with Annex 16B, together with the information specified in Section 11 subsection (2), first sentence, number 1 letter (c) of the European Elections Act, to the agency designated by the home member state. Where information is not received from the home member state within a period of five working days as to whether the Union citizen concerned does not have the right to stand for election in his or her home member state owing to a decision in an individual case as provided for in Article 6 paragraph 1 of Council Directive 93/109/EC of 6 December 1993 laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals (OJ L 329 of 30 December 1993, p. 34), last amended by Directive 2013/1/EU (OJ L 26 of 26 January 2013, p. 27), the Union citizen must be treated as if he or she had the right to stand for election in the home member state until information to the contrary has been provided by that member state.

(2) The Federal Returning Officer shall examine whether a candidate or substitute candidate listed on a nomination has also been nominated on another nomination.

(3) Should an appeal be lodged with the Federal Electoral Committee pursuant to Section 13 subsection (4) of the European Elections Act, in a fault rectification proceeding, the Federal Electoral Committee must immediately make a decision on the order of the Federal Returning Officer. The spokesperson for the respective nomination must be given the opportunity to speak.

### **Section 34**

#### **Approval of Nominations**

(1) The Federal Returning Officer shall invite the spokespersons for the nominations to the meeting at which the decision is to be made on the approval of the nominations.

(2) The Federal Returning Officer shall submit all the nominations received to the Federal Electoral Committee and report to it on the result of the preliminary examination.

(3) The Federal Electoral Committee shall examine the nominations received and decide on their approval or rejection as well as on the deletion of candidates and

substitute candidates. Prior to a decision being made, the spokesperson for the nomination concerned must, if present, be given the opportunity to speak.

(4) The Federal Electoral Committee shall establish the approved nominations in the final order of candidates and with the information specified in Section 32 subsection (1), second sentence. Should the names of two or more parties entitled to make a nomination, their shortened forms, code names or additions give rise to confusion in one of the Länder, the Federal Electoral Committee shall add a distinguishing designation to one or more of the nominations.

(5) The Federal Returning Officer shall announce the decision of the Federal Electoral Committee as soon as it has been made at the meeting, summarizing the reasons and indicating the legal remedies admissible pursuant to Section 14 subsections (4) and (4a) of the European Elections Act and the applicable time limit.

(6) The record of the meeting shall be drawn up immediately in accordance with the specimen in Annex 20. The main grounds must be presented in the record. The approved nominations, in the form established by the Federal Electoral Committee, must be appended to the record.

(7) Immediately after the meeting, the Federal Returning Officer shall forward a copy of the record and the annexes to the Land Returning Officers.

(8) The Federal Returning Officer shall immediately, but not later than on the day following the meeting of the Federal Electoral Committee and by the quickest means available, send to the parties or associations whose nominations have been rejected wholly or partly a copy of that part of the record which relates to them, including the notices required pursuant to subsection (5).

### **Section 35**

#### **Appeals against Decisions of the Federal Electoral Committee**

(1) An appeal against a decision of the Federal Electoral Committee in accordance with Section 14 subsection (4) of the European Elections Act shall be lodged with the Federal Electoral Committee in writing or in record form. The Federal Returning Officer shall lodge his or her appeal with the Federal Electoral Committee in writing. Telegrams and telex or fax messages shall also be considered valid forms of written communication.

(2) The Federal Electoral Committee shall invite the appellants and the spokespersons for the nominations concerned to the meeting at which the decision on the appeal is to be made. The spokespersons must be given the opportunity to speak.

(3) The Federal Electoral Committee shall announce its decision at the meeting as soon as it has been made, summarizing the reasons.

### **Section 36**

#### **Exclusion from the Combination of Nominations**

(1) The declaration that one or more nominations of the same party entitled to make a nomination are to be excluded from the combination of lists (Section 11 subsection (3) of the European Elections Act) shall be made to the Federal Returning Officer jointly by the spokesperson and deputy spokesperson for the nomination concerned in accordance with the specimen in Annex 21. It must contain the designation of each nomination excluded from the combination, stating the name of the party entitled to make a nomination and the Land, and must bear the personal handwritten signatures of the spokesperson and the deputy spokesperson for the nomination concerned.

(2) The Federal Returning Officer shall record on each declaration of exclusion the date and, if it is received on the last day of the stipulated submission period, the time of receipt. He or she shall examine the declarations of exclusion received immediately. Should the Federal Returning Officer have reservations against a declaration of exclusion, he or she shall communicate these to the spokesperson and the deputy spokesperson for the nomination. Section 13 of the European Elections Act shall apply as appropriate.

(3) Should the Federal Electoral Committee reject an exclusion from a combination of lists, the Federal Returning Officer shall communicate this to the spokesperson and the deputy spokesperson for the nomination concerned.

### **Section 37**

#### **Promulgation of Nominations**

(1) The Federal Returning Officer shall publicly announce the nominations approved by the Federal Electoral Committee and indicate which combinations of lists are valid and which nominations are excluded from such a combination. The promulgation shall contain the information stipulated in Section 32 subsection (1), second sentence, for

each nomination, though, in place of the date of birth, only the year of birth of each candidate and substitute candidate, and a note indicating the Land for which the nomination is put up or whether it is put up as a combined list for all Laender. Should a candidate provide evidence to the Federal Returning Officer before the end of the submission period that a blocking note relating to him or her is contained in the population register in accordance with Section 51 subsection (1) of the Federal Act on Registration, a contact address must be indicated for the candidate instead of the address of his or her main abode; indicating a post office box shall not be sufficient. If the candidate has been nominated on a Land list, the Federal Returning Officer shall immediately inform the cognizant Land Returning Officer of this contact address.

(2) The Land Returning Officer shall arrange the nominations approved by the Federal Electoral Committee for the Land under serial numbers in the order stipulated in Section 15 subsection (3) of the European Elections Act. He shall publicly announce the order of the nominations and communicate this order to the Federal Returning Officer immediately.

### **Section 38**

#### **Ballot Papers, Envelopes for the Postal Ballot**

(1) The ballot paper shall be at least 21 by 29.7 cm in size (standard German A4 size) and made of white or off-white paper. The paper must be of such quality that, after the voter has marked and folded it, his or her vote is not discernible to other persons. The ballot paper shall contain, in each Land, the nominations approved for this Land, together with the information specified in Section 15 subsection (2) of the European Elections Act in the order and numeration of promulgation by the Land Returning Officer and, to the right of the nomination designation, a circle for the voter's mark. In addition, a registered religious name or pseudonym (Section 5 subsection (2) number 12 of the Act on Identity Cards, Section 4 subsection (1) number 4 of the Passport Act) may be indicated. Each nomination shall have a defined space. The nominations shall be listed in black type in a single column on the front of the ballot paper. Annex 22 contains a specimen for ballot papers. The shortened form for the individual Laender listed in this annex shall be used with candidates for combined lists for all Laender. The ballot papers must be of the same colour and quality in each polling district.

(2) The upper right corner of the ballot paper shall be punched or cut off to enable the use of ballot paper templates. Immediately after their completion, specimens of the ballot papers shall be made available to the associations of the blind who have expressed their willingness to produce ballot paper templates.

(3) The ballot paper envelopes for the postal ballot should be 11.4 by 16.2 cm in size (standard German C6 size), blue in colour and printed in accordance with the specimen in Annex 9.

(4) The official return envelopes should be approximately 12 by 17.6 cm in size, light red and printed in accordance with the specimen in Annex 10.

(5) Character font, size and contrast are to be chosen so as to facilitate legibility. Immediately after their completion, specimens of the ballot papers shall be made available to the Associations of the Blind who have expressed their willingness to produce ballot paper templates.

(6) The District or Town Returning Officer shall allocate the ballot papers to the local authorities of the municipalities for further distribution to the Electoral Officers. He or she shall supply the local authorities with the return envelopes and the ballot paper envelopes required for the postal ballot.

## **Chapter V**

### **Polling Stations, Polling Hours**

#### **Section 39**

#### **Polling Stations**

(1) The local authority of the municipality shall designate a polling station for each polling district. Wherever possible, the municipality shall provide polling stations in its own buildings. The polling stations shall be selected and equipped in accordance with the local conditions so as to make it as easy as possible for the entire electorate, and in particular for persons with disabilities and other people with impaired mobility, to participate in the election. The local authorities of the municipalities shall announce in good time and in appropriate form which of the polling stations are barrier-free.

(2) In larger polling districts where voters' registers are divisible, voting may take place in various buildings, in various rooms of the same building or at various tables in the same polling station. An Electoral Board shall be appointed for each polling station or table. If two or more Electoral Boards are on duty in one polling station, the local authority shall designate the Board responsible for maintaining public order in the polling station.

**Section 40**  
**Polling Hours**

- (1) Voting shall begin at 8 a.m. and end at 6 p.m.
- (2) In particular cases where special circumstances so demand, the Land Returning Officer may stipulate that polling shall begin earlier.

**Section 41**  
**Notice of Polling from the Local Authority**

- (1) The local authority shall publicly announce the beginning and end of polling hours, the polling districts and polling stations in accordance with the specimen in Annex 23 no later than the sixth day before the election; in lieu of a list of the polling districts with their boundaries and polling stations, reference can be made to the information provided in the voter's notification. The local authority shall point out
1. that the voter has one vote,
  2. that the ballot papers are manufactured by the government and are available in the polling station,
  3. what the ballot paper contains and how it is to be marked,
  4. how votes can be cast with a polling card, particularly by postal ballot,
  5. that pursuant to Section 6 subsection (4) of the European Elections Act, each person entitled to vote may exercise the right to vote only once and only in person and exercising the right to vote by proxy is not permitted,
  - 5a. that pursuant to Section 6 subsection (4a) of the European Elections Act, a person eligible to vote who is illiterate or prevented by a disability from casting his or her vote may avail himself or herself 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 and such assistance must not be granted 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,
  6. that pursuant to Section 107a subsection (1) of the Penal Code, anyone shall be liable to imprisonment for up to five years or pay a fine who votes without authorization or otherwise causes a distortion of the result of an election or falsifies the result, and, while rendering permissible assistance, anyone who casts a vote contrary to the electoral decision of the person eligible to vote or



without that person having expressed such decision, also votes without authorization, and that even the attempt to do so shall be punishable pursuant to Section 107a subsection (3) of the Penal Code.

(3) The polling notice or an excerpt thereof containing numbers 1, 3, 4 and 6 of Annex 23 must be posted prior to the beginning of polling at or in the entrance to the building in which the polling station is located. A specimen ballot paper must be appended to the notice.

## **Part III The Poll**

### **Chapter I General Provisions**

#### **Section 42 Stationery and Equipment for the Electoral Board**

The local authority of the municipality shall hand over to the Electoral Officer of each polling district prior to the start of the poll

1. the closed voters' register,
2. the register of enrolled persons entitled to vote who have been issued polling cards after the closure of the voters' register,
3. a sufficient number of official ballot papers,
4. an official form for the election record,
5. an official form for the rapid report,
6. copies of the European Elections Act, the Federal Elections Act and these Regulations, which need not contain the annexes to these provisions,
7. a copy of the polling notice or an excerpt thereof containing numbers 1, 3, 4 and 6 of Annex 23,
8. material for locking the ballot box,
9. packaging and sealing material for packaging the ballot papers and polling cards.

#### **Section 43 Polling Booths**

(1) In each polling station, the local authority of the municipality shall erect one or more polling booths with tables where the voter shall be able to mark his or her ballot paper and fold it without being observed. The polling booths must be clearly visible from the table of the Electoral Board. An adjoining room accessible only through the polling station may also serve as a polling booth if its entrance is clearly visible from the table of the Electoral Board.

(2) A pen or pencil should be provided in the polling booth.

#### **Section 44 Ballot Boxes**

(1) The local authority of the municipality shall provide the requisite ballot boxes.

(2) The ballot box must be fitted with a lid. The inside height of the box should as a rule be 90 cm, the distance from wall to wall at least 35 cm. In the lid of the ballot box, there must be a slot, which must not be wider than 2 cm. The ballot box must be lockable.

(3) Smaller ballot boxes may be used for voting in special polling districts and before a Mobile Electoral Board.

#### **Section 45 Polling Table**

The table at which the Electoral Board sits must be accessible from all sides. The ballot box shall be placed at or on this table.

#### **Section 46 Opening of the Poll**

(1) The Electoral Officer shall open the poll by advising the members of the Electoral Board present that they are bound to perform the duties of their offices impartially and to maintain secrecy regarding information to which they gain access as a result of their official duties. He shall ensure that all members of the Electoral Board have been advised of the above before they engage in their activity.

(2) Prior to voting, the Electoral Officer shall amend the voters' register in accordance with the register which lists any polling cards issued after the closure of the voters'

register (Section 27 subsection (6)) by entering the word "Wahlschein" (polling card) or the letter "W" in the column for voting endorsements. He or she shall amend the certificate of closure of the voters' register as appropriate in the column provided, adding written confirmation in the space provided. Should the Electoral Officer subsequently receive notification of the issue of polling cards pursuant to Section 26 subsection (4), third sentence, he or she shall proceed in accordance with the first and second sentences above.

(3) Before the beginning of voting, the Electoral Board shall satisfy itself that the ballot box is empty. The Electoral Officer shall lock the ballot box. It must not be opened again until the poll is closed.

#### **Section 47**

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

During the poll as well as during the establishment of the election result, everyone shall have access to the polling station as far as this is possible without disrupting the electoral process.

#### **Section 48**

##### **Public Order in the Polling Station**

The Electoral Board shall maintain public order in the polling station. If a large number of voters all come to vote at the same time, it shall regulate access to the polling station.

#### **Section 49**

##### **Voting**

(1) When the voter enters the polling station, he or she shall receive an official ballot paper. The Electoral Board may require him or her to show his or her voter's notification.

(2) The voter shall enter the polling booth, mark his or her ballot paper there and fold it there in such a manner that his or her vote is not discernible. It is not permitted to take photos or videos in the polling booth. The Electoral Board shall take care to ensure that there is only one voter in the polling booth at any time and that each voter only stays in the polling booth for as long as is necessary.

(3) The voter shall then proceed to the table of the Electoral Board. Upon request, the voter must hand in his or her voter's notification and provide proof of his or her identity, particularly if he or she does not hand in the voter's notification.

(4) As soon as the record keeper has found the name of the voter in the voters' register and the voter's right to vote is established, and if there are no grounds for turning the voter away pursuant to subsections (6) and (7) below, the Electoral Officer shall grant the voter access to the ballot box. The voter shall throw the folded ballot paper into the ballot box. The record keeper shall record the casting of the vote in the designated column of the voters' register. Except for the purpose of determining the right to vote, the members of the Electoral Board shall not be authorized to announce personal details of the voter in such a way that they may be noted by other persons present at the polling station.

(5) (repealed)

(6) The Electoral Board must turn away any voter who

1. is not registered in the voters' register and does not possess a polling card,
  - 1a. is unable produce some means of personal identification when asked to do so by the electoral board or refuses to cooperate in the process of establishing his or her identity,
2. does not present a polling card although there is a polling card endorsement in the voters' register (Section 29), unless it is established that the voter is not registered in the polling card register,
3. has already a voting endorsement in the voters' register, unless the voter presents certification that he or she has not yet voted,
4. has marked or folded his or her ballot paper outside the polling booth, or
5. has folded his or her ballot paper in such a manner that his or her vote is discernible or has put an outwardly visible sign on the ballot paper that evidently endangers the secrecy of the ballot, or
  - 5a. in a manner visible to the Electoral Board, has taken photos or videos in the polling booth, or
6. in a manner visible to the Electoral Board, wishes to deposit two or more ballot papers or a ballot paper that has not been manufactured by the government, or wishes to throw another object into the ballot box together with the ballot paper.

A voter in the situation described in number 1 of the first sentence above who has not lodged an objection, having assumed on the basis of the notification sent to him or her

that he or she is registered in the voters' register, must, on being turned away, be informed that he or she may apply to the local authority for a polling card until 3 p.m.

(7) Should the Electoral Officer feel bound to question the right of a person registered in the voters' register to vote, or should any member of the Electoral Board express doubts about allowing a voter to cast his or her vote, the Electoral Board shall decide whether to allow the voter to do so or not. The decision shall be recorded in the voters' register.

(8) Wherever the voter makes a mistake on his or her ballot paper or accidentally renders the ballot paper unusable, or wherever the voter is turned away pursuant to subsection (6) numbers 4 to 6 above, the voter must, on request, be issued a new ballot paper after he or she has destroyed the former ballot paper in the presence of a member of the Electoral Board.

## **Section 50**

### **Voting by Persons with Disabilities**

(1) A voter who is illiterate or prevented by a disability from marking the ballot paper, folding it or throwing it into the ballot box shall designate another person of whose assistance he or she wishes to avail himself or herself and intimate this to the Electoral Board. The helper may also be a member of the Electoral Board designated by the voter.

(2) 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. Assistance must not be granted 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.

(3) The helper may enter the polling booth together with the voter if necessary. The helper shall be bound to secrecy in respect of any information obtained about another person's vote while rendering assistance.

(4) A blind or visually impaired voter may also use a ballot paper template for marking the ballot paper.

## **Section 51**

**(repealed)**

**Section 52**  
**Voting by Holders of Polling Cards**

The holder of a polling card shall state his or her name, provide proof of his or her identity and hand over the polling card to the Electoral Officer. The latter shall examine the polling card. Should doubt arise as to the validity of the polling card or its rightful ownership, the Electoral Board shall clarify the matter as far as possible and decide whether to grant or refuse the holder permission to vote. The occurrence shall be recorded in the election record. The Electoral Officer shall retain the polling card, even if the holder is refused permission to vote.

**Section 53**  
**Closure of the Poll**

As soon as polling hours are over, an appropriate announcement shall be made by the Electoral Officer. From then on, only those voters already in the polling station shall be permitted to cast their votes. No-one must be allowed to enter the polling station until the voters present have cast their votes; Section 47 must be observed. The Electoral Officer shall then declare the poll closed.

**Chapter II**  
**Special Arrangements**

**Section 54**  
**Voting in Special Polling Districts**

(1) Permission to vote in special polling districts (Section 13) shall be granted to each person present in the establishment who is entitled to vote and who has a polling card valid for the district or the urban district.

(2) Different people may be appointed as Electoral Board members for the different parts of a special polling district.

(3) The local authority of the municipality shall designate a suitable polling station in consultation with the management of the establishment. Different polling stations may be designated for the different parts of a special polling district. The local authority shall set up the polling station.

(4) The local authority shall stipulate the polling hours for the special polling district in consultation with the management of the establishment within the framework of the general polling hours and in accordance with actual requirements.

(5) The management of the establishment shall inform the persons entitled to vote of the time and place of voting on the day before the election and advise them of the possibility of voting in accordance with subsection (6) below.

(6) The Electoral Officer and his or her deputy and two Board members may also go to the rooms and beds of patients, taking a locked ballot box and the requisite ballot papers with them. There they shall take receipt of the polling cards and proceed in accordance with Section 52 and Section 49 subsections (4) to (8). They must also provide bedridden voters the opportunity to mark their ballot papers and to fold them without being observed. The Electoral Officer or his or her deputy shall advise voters who wish to avail themselves of another person's assistance in casting their vote that they may also use the services of a member of the Electoral Board designated by the voter as a helper. Upon completion of voting, the locked ballot box and the polling cards must be taken to the polling station of the special polling district immediately. The ballot box shall be kept there, locked, under the supervision of the Electoral Board until the completion of general voting. Its contents shall then be mixed with the contents of the general ballot box and the votes counted together with the other votes cast in the special polling district. The process shall be recorded in the election record.

(7) The public character of the poll and of the establishment of the election result should, wherever possible, be ensured through the presence of other persons entitled to vote.

(8) In respect of patients with contagious diseases, the management of the establishment must observe in particular Section 30 subsection (1) of the Protection against Infections Law.

(9) The result of the election in the special polling district must not be established before the end of general polling hours.

(10) In all other respects, the general provisions shall apply.

## **Section 55**

### **Voting in Smaller Hospitals and Smaller Senior Citizens' or Nursing Homes**

(1) Whenever necessary and possible, the local authority of the municipality should, in liaison with the management of a smaller hospital or a smaller senior citizens' or nursing home, permit persons there who are entitled to vote and who have a polling card valid for the district or urban district to vote before a Mobile Electoral Board (Section 8).

(2) The local authority shall determine the time of voting within the general polling hours jointly with the management of the establishment. The management of the establishment shall, wherever necessary, provide a suitable polling station. The local authority shall set up the polling station. The management of the establishment shall advise the persons entitled to vote of the time and place of voting.

(3) The Mobile Electoral Board shall enter the hospital, senior citizens' or nursing home, taking a locked ballot box and the requisite ballot papers with them, take receipt of the polling cards and proceed in accordance with Section 52 and Section 49 subsections (4) to (8). The Electoral Officer or his or her deputy shall advise voters who wish to avail themselves of another person's assistance in casting their vote that they may also use the services of a member of the Electoral Board designated by the voter as a helper. Upon completion of voting, the locked ballot box and the polling cards must be taken to the polling station of the polling district immediately. The ballot box shall be kept there, locked, under the supervision of the Electoral Board until the completion of general voting. Its contents shall then be mixed with the contents of the general ballot box and the votes counted together with the other votes cast in the polling district. The process shall be recorded in the election record.

(4) Section 54 subsections (6) to (8) shall apply as appropriate. In all other respects, the general provisions shall apply.

### **Section 56**

#### **Voting in Monasteries and Convents**

Wherever necessary and possible, the local authority should, in liaison with the directorate of a monastery or convent, provide facilities for voting there in accordance with Section 55.

### **Section 57**

#### **Voting in Socio-Therapeutic and Penal Institutions**

(1) Wherever necessary and possible, the local authority of the municipality should provide persons entitled to vote in socio-therapeutic and penal institutions who have a



polling card valid for the district or urban district the opportunity to vote in the institution before a Mobile Electoral Board (Section 8).

(2) The local authority shall determine the time of voting within the general polling hours jointly with the management of the institution. The management of the institution shall provide a polling station. The local authority shall set up the polling station. The management of the institution shall inform the persons entitled to vote of the time and place of voting and ensure that they are able to visit the polling station for the purpose of voting.

(3) Section 55 subsection (3) and Section 54 subsections (6) to (8), shall apply as appropriate. In all other respects, the general provisions shall apply.

**Section 58  
(repealed)**

**Section 59  
Postal Ballot**

(1) Anyone voting by postal ballot shall mark the ballot paper personally, place it in the official ballot paper envelope and seal the ballot paper envelope, sign the affirmation in lieu of an oath regarding the postal ballot printed on the polling card, stating the date of signature, insert the sealed official ballot paper envelope and the signed polling card into the return envelope, seal the return envelope, and dispatch the postal ballot letter via a postal company to the cognizant authority referred to in subsection (2) below as designated on the return envelope in good time. The postal ballot letter may also be handed in to the authority in question. Once the postal ballot letter has been received by the cognizant authority, it must not be returned.

(2) The postal ballot letters must be received by the District or the Town Returning Officer of the district or urban district for which the polling card is valid. If Postal Ballot Boards are appointed for one or more municipalities within the district by reason of an order pursuant to Section 5 subsection (2) of the European Elections Act, the postal ballot letters must be received by the local authority which has issued the polling cards.

(3) The voter must mark the ballot paper and place it in the ballot paper envelope without being observed; Section 49 subsection (8) shall apply as appropriate. For voting by persons with disabilities, Section 50 shall apply as appropriate. If the voter has had his or her ballot paper marked by a helper, the latter shall affirm that he or she has marked

the ballot paper in accordance with the declared will of the voter by signing the affirmation in lieu of an oath regarding the postal ballot; the helper must have completed the sixteenth year of age.

(4) In hospitals, senior citizens' homes, nursing homes, convalescent homes and socio-therapeutic and penal institutions as well as collective accommodation, care must be taken to ensure that voters can mark the ballot paper and place it in the ballot paper envelope without being observed. The management of the establishment shall designate a suitable room, have it furnished and equipped and inform the voters of the times at which the room is available for casting the postal vote. Section 49 subsection (8) shall apply as appropriate.

(5) The local authority shall inform the management bodies of the establishments in its municipality of the provisions of subsection (4) above no later than the thirteenth day before the election.

## **Part IV Establishment of Election Results**

### **Section 60 Establishment of the Election Result in the Polling District**

Following the poll, the Electoral Board shall immediately establish the election result in the polling district. It shall declare

1. the number of persons entitled to vote,
2. the number of voters,
3. the number of valid and invalid votes,
4. the number of valid votes cast for each nomination.

### **Section 61 Counting of Voters**

Before the ballot box is opened, all unused ballot papers shall be removed from the polling table. The ballot papers shall then be taken from the ballot box, unfolded and counted. At the same time, the number of voting endorsements in the voters' register and the number of polling cards collected shall be established. Should no consensus be established even after repeated counting, a record must be made in the election record and, wherever possible, an explanation given.

## **Section 62**

### **Counting of Votes**

(1) Once the ballot papers, the voting endorsements and the polling cards have been counted, two or more Board members shall form, under the supervision of the Electoral Officer, the following piles of ballot papers, which they shall keep under their charge:

1. piles sorted by nominations, with the ballot papers on which the votes have beyond doubt been cast for the respective nomination and are valid,
2. a pile with the unmarked ballot papers.

Ballot papers which give cause for doubt shall be set aside and placed in the custody of a Board member designated for this purpose by the Electoral Officer.

(2) The Board members in charge of the ballot papers sorted by nominations (subsection (1), first sentence, number 1 above) shall hand over the piles one by one, some to the Electoral Officer and some to his or her deputy. They shall examine whether the ballot papers of each pile all bear the same marks and announce aloud the nomination for which the votes in each pile have been cast. Should a ballot paper give the Electoral Officer or his or her deputy cause for doubt, they shall add it to the ballot papers set aside pursuant to the second sentence of subsection (1) above.

(3) The Electoral Officer shall then examine the unmarked ballot papers (subsection (1), first sentence, number 2 above), which shall be given to him or her for this purpose by the Board member who has custody of them. The Electoral Officer shall announce aloud in each case that the vote is invalid.

(4) Successive groups of two Board members designated by the Electoral Officer shall then, under mutual scrutiny, each count the different piles of ballot papers examined pursuant to subsections (2) and (3) above and establish the number of valid votes cast for the various nominations as well as the number of invalid votes. The numbers shall be entered in the election record as subtotals.

(5) The Electoral Board shall finally decide on the validity of the votes cast on the ballot papers which have been set aside. The Electoral Officer shall announce the decision orally and in the case of valid votes say which nomination the vote has been cast for. He or she shall record on the back of each ballot paper whether and for which nomination the vote has been declared valid or whether it has been declared invalid and mark the ballot papers with serial numbers. The respective numbers of votes shall be entered in the election record as subtotals.

(6) The aggregate numbers of invalid votes and votes cast for the various nominations, as established pursuant to subsection (4) and (5) above, shall be entered in the election record by the record keeper. Two Board members designated by the Electoral Officer shall verify the calculation. Should a member of the Electoral Board request a recount of the votes prior to the signing of the election record, the procedure stipulated in subsections (1) to (5) shall be repeated. The reasons for the recount shall be recorded in the election record.

(7) The Board members designated by the Electoral Officer shall collect

1. the ballot papers sorted by the nominations which have received the votes,
2. the unmarked ballot papers,
3. the ballot papers which have given cause for doubt,

in separate bundles and keep them under their charge.

### **Section 63**

#### **Announcement of the Election Result**

Following the establishments pursuant to Section 60, the Electoral Officer shall announce the election result for the polling district orally, stating the details specified in these Regulations. Prior to the signature of the election record (Section 65 subsection (1), second sentence), the result must not be communicated by members of the Electoral Board to any agencies other than those specified in Section 64.

### **Section 64**

#### **Rapid Reports, Provisional Election Results**

(1) As soon as the election result in the polling district is established, the Electoral Officer shall report it to the District or the Town Returning Officer. If a municipality belonging to a district is divided into several polling districts, the Electoral Officer shall report the election result of his or her polling district to the local authority of the municipality, which shall collect the election results of all polling districts of the municipality and report them to the District Returning Officer.

(2) The report shall be made by the quickest means (e.g. by telephone or by other forms of electronic communication). It shall contain the number of

1. persons entitled to vote,
2. voters,
3. valid and invalid votes,
4. valid votes cast for each nomination.

(3) Following the receipt of the rapid reports, the District Returning Officer shall establish the provisional result of the election for the district. Following the receipt of the rapid reports, the Town Returning Officer shall establish the provisional result of the election for the urban district. Taking into account the results of the postal ballot (Section 68 subsection (4)), the District and the Town Returning Officers shall report the provisional election result to the Land Returning Officer by the quickest means. The Land Returning Officer shall report the district and town election results to the Federal Returning Officer continuously as soon as each is received.

(4) Following the receipt of the rapid reports from the District and the Town Returning Officers, the Land Returning Officer shall establish the provisional election result for the Land and report this result to the Federal Returning Officer by the quickest means.

(5) Following the receipt of the rapid reports from the Land Returning Officers, the Federal Returning Officer shall establish the provisional election result for the electoral area in keeping with Section 71.

(6) After carrying out the verifications that can be made without having the election records, the Returning Officers shall announce the provisional election results orally or in another appropriate form. The Federal Returning Officer shall not announce the provisional election result for the electoral area until voting has been completed in all member states of the European Union.

(7) The rapid reports by the Electoral Officers, local authorities as well as the District and Town Returning Officers shall be made in accordance with the specimen in Annex 24. The Land Returning Officer may issue instructions concerning the way and form of communication. He or she may also order the election results of the polling districts and the municipalities to be reported simultaneously to the District or Town Returning Officer and to him or her. The Land Returning Officer may only take into account the reported results in the establishment of the provisional election result for the Land after he or she has received the report of the District or Town Returning Officer pursuant to Section 3, third sentence.

## **Section 65**

### **Election Record**

(1) The record keeper shall draw up a record of the poll and the establishment of the election result in accordance with the specimen in Annex 25. The record must be approved and signed by the members of the Electoral Board. Should a member of the

Electoral Board refuse to sign, the reason for the refusal shall be recorded in the election record. With their signatures, the members of the Electoral Board approve the election record. Decisions taken pursuant to Section 49 subsection (7), Section 52, third sentence, and Section 62 subsection (5) of these Regulations, as well as decisions on objections lodged during the poll or during the establishment of the election result, shall be recorded in the election record. The following documents shall be appended to the election record: the ballot papers on which special decisions have been made by the Electoral Board pursuant to Section 62 subsection (5), as well as the polling cards on which special decisions have been made by the Electoral Board pursuant to Section 52, third sentence.

(2) The Electoral Officer must hand over the election record and its annexes to the local authority of the municipality, in urban districts to the Town Returning Officer, immediately.

(3) The local authority shall forward the election records of its Electoral Boards and their annexes to the District Returning Officer by the quickest means. Should the municipality consist of more than one polling district, it shall append a compilation of the election results for the various polling districts in accordance with the specimen in Annex 26.

(4) Electoral Officers, local authorities as well as District and Town Returning Officers must ensure that the election records and their annexes are not accessible to unauthorized persons.

## **Section 66**

### **Hand-over and Storage of Electoral Documents**

(1) Once the Electoral Board has completed its duties, the Electoral Officer shall pack, separately,

1. the ballot papers, sorted into bundles for each nomination and bundles of un-marked ballot papers,
2. (repealed)
3. the polling cards collected,

if these items are not appended to the election record, close and seal the individual parcels, mark them with a note stating their contents and hand them over to the local authority of the municipality. Until the parcels are handed over to the local authority, the Electoral Officer must ensure that the documents listed in number 1 to 3 above are not accessible to unauthorized persons.

(2) The local authority shall store the parcels until authorization is issued for the electoral documents to be destroyed (Section 83). It must ensure that the parcels are not accessible to unauthorized persons.

(3) The Electoral Officer shall return the stationery and equipment provided to him or her pursuant to Section 42 as well as the voters' notifications collected to the local authority.

(4) The local authority must submit the documents described in subsection (1) above to the District or Town Returning Officer on demand. Should only parts of a parcel be required, the local authority shall break open the parcel in the presence of two witnesses, remove the part required and reseal the parcel. A record of the process shall be drawn up and signed by all the participants.

**Section 67**  
**Processing of Ballot Letters, Preparations for the Establishment**  
**of the Postal Ballot Result**

(1) The authority responsible for the receipt of postal ballot letters (Section 59 subsection (2)) shall collect the postal ballot letters unopened and keep them under lock and key. It shall mark each postal ballot letter received on election day after closure of the poll with the date and time of receipt, those letters received from the day after the election onwards only with the date of receipt.

(2) (repealed)

(3) Postal ballot letters received late shall be accepted by the responsible authority, marked with the endorsement described in subsection (1) above and packaged unopened. The parcel shall be closed and sealed, marked with a note stating its contents and stored until authorization is issued for the postal ballot letters to be destroyed (Section 83). The cognizant authority must ensure that the parcels are not accessible to unauthorized persons.

(4) The cognizant authority, which wherever a Postal Ballot Board is appointed for more than one municipality pursuant to Section 7 number 3, is the local authority charged with conducting the postal ballot, shall

- distribute the postal ballot letters to each Postal Ballot Board,

- hand over to each Postal Ballot Board the register of invalidated polling cards and the addenda to that register, or a notice that no polling cards have been invalidated (Section 27 subsection (9)),
- ensure the provision and the furnishing and equipping of the polling station, and
- provide to the Postal Ballot Board whatever helpers it requires.

(5) If one Postal Ballot Board is appointed for two or more municipalities, the local authorities of the municipalities must forward to the local authority charged with conducting the postal ballot,

- all the postal ballot letters received by them until the day before the election by 12 noon on election day, and
- all the other postal ballot letters received by them before the closure of the poll by the quickest means possible after the closure of the poll.

### **Section 68**

#### **Validation of Postal Ballot Letters, Establishment of the Postal Ballot Result**

(1) A member of the Postal Ballot Board designated by the Postal Ballot Officer shall open the ballot letters one by one and take out the polling card and the ballot paper envelope. Should the polling card be listed in a register of invalidated polling cards, or should doubts be expressed as to the validity of the polling card, the postal ballot letter, along with its contents, shall be set aside under the supervision of the Postal Ballot Officer and later processed in accordance with subsection (2) below. The ballot paper envelopes taken from the other postal ballot letters shall be thrown into the ballot box unopened; the polling cards shall be collected.

(2) Should doubts be expressed about a postal ballot letter, the Postal Ballot Board shall decide whether to accept or reject it. The postal ballot letter must be rejected by the Postal Ballot Board if any of the circumstances described in Section 4 of the European Elections Act in conjunction with Section 39 subsection (4), first sentence, numbers 2 to 8, of the Federal Elections Act exist. The number of postal ballot letters queried, the number validated by special decision and the number rejected shall be recorded in the election record. The postal ballot letters rejected, along with their contents, shall be set aside, marked with a note stating the reason for their rejection, resealed and marked with serial numbers. The senders of rejected postal ballot letters shall not be counted as voters; their votes shall be deemed to have not been cast (Section 4 of the European Elections Act in conjunction with Section 39 subsection (4), second sentence, of the Federal Elections Act).



(3) After the ballot paper envelopes have been taken out of the postal ballot letters and thrown into the ballot box, but not before the end of the general polling hours, the Postal Ballot Board shall establish the election result, stating the details specified in Section 60 numbers 2 to 4 of these Regulations. Sections 61 to 63 shall apply as appropriate subject to the proviso that the ballot paper envelopes must first be counted unopened, that empty ballot paper envelopes must be processed in accordance with Section 62 subsection (1), first sentence, number 2, subsection (3) and subsection (7) number 2, and that ballot paper envelopes containing two or more ballot papers or giving cause for doubt must be processed in accordance with Section 62 subsection (1), second sentence, subsection (5) and subsection (7) number 3.

(4) As soon as the result of the postal ballot is established, the Postal Ballot Officer shall report it to the District or Town Returning Officer by the quickest means. If the Postal Ballot Boards are appointed for one or more municipalities by reason of an order pursuant to Section 5 subsection (2), of the European Elections Act, the Postal Ballot Officer shall report the result of the postal ballot to the cognizant local authority, which shall incorporate it into the rapid report for the area of the municipality. The rapid reports shall be made in accordance with the specimen in Annex 24.

(5) A record of the validation of postal ballot letters as well as of the establishment of the postal ballot results shall be drawn up by the record keeper in accordance with the specimen in Annex 27. The following documents shall be appended to it:

1. the ballot papers and ballot paper envelopes on which the Postal Ballot Board has taken special decisions in accordance with Section 62 subsection (5),
2. the postal ballot letters rejected by the Postal Ballot Board,
3. the polling cards on which the Postal Ballot Board has taken a decision but which have not been rejected.

(6) The Postal Ballot Officer shall hand over the election record and its annexes to the District or Town Returning Officer immediately. Should Postal Ballot Boards be appointed for one or more municipalities within a district, the election records and its annexes shall be handed over to the local authority of the municipality or to the local authority charged with conducting the postal ballot. The cognizant local authority of the municipality shall forward the election records with their annexes to the District Returning Officer and, wherever necessary, append compilations of the postal ballot results in accordance with the specimen in Annex 26. Section 65 subsection (4) shall apply as appropriate.

(7) The Postal Ballot Officer shall pack the electoral documents in accordance with Section 66 subsection (1) and hand them over to the District or Town Returning Officer, who shall store them until authorization is issued to destroy them (Section 83). Should Postal Ballot Boards be appointed for one or more municipalities within a district, the

Postal Ballot Officer shall hand over the documents to the authority which appointed the Postal Ballot Board. This authority shall proceed in accordance with Section 66 subsections (2) to (4). Section 65 subsection (4), shall apply as appropriate.

(8) In all other respects, the provisions applying to the Electoral Board shall apply as appropriate to the procedure of the Postal Ballot Board.

(9) The result of the postal ballot shall be incorporated by the District or Town Returning Officer into the rapid report pursuant to Section 64 subsection 3 and into the compilation of the final election result for the district or the urban district pursuant to Section 69.

(10) Should the Federal Returning Officer find that, as a result of natural disasters or similar acts of God, the regular conveyance of postal ballot letters has been disrupted in the electoral area, the postal ballot letters affected by the occurrence which are received by the cognizant authority (Section 59 subsection (2)) after the consequences of the occurrence have been remedied but no later than the twenty-second day after the election shall be deemed to have been received in time if, without the disruption, they would have been received on election day by 6 p.m. Postal ballot letters dispatched within the electoral area shall also be deemed to have been received in time if their postmark indicates that they have been dispatched no later than the second day before the election. The postal ballot letters deemed to have been received in time must be forwarded by the quickest means to the cognizant Postal Ballot Board for the subsequent establishment of the postal ballot result if the District or Town Returning Officer decides that the number of postal ballot letters required pursuant to Section 7 number 1, has been reached. Should this number not be reached for specific Postal Ballot Boards, the District or Town Returning Officer shall decide to which Postal Ballot Board of the district or urban district the postal ballot letters affected by the occurrence are to be forwarded. Should the number of postal ballot letters required pursuant to Section 7 number 1, not be reached in the district or urban district, the District or Town Returning Officer shall decide which Postal Ballot Board is to decide on the acceptance or refusal of the postal ballot letters and which Postal Ballot Board of the district or urban district is to decide on the validity of the votes cast and to establish the postal ballot result. In all other respects, the Land Returning Officer may make adjustments to allow for special circumstances in particular cases.

**Section 69**  
**Establishment of the Election Results**  
**in the District or Urban District**

(1) The District or Town Returning Officer shall examine the election records of the Electoral Boards for completeness and due form. On the basis of the election records, he or she shall compile the final result of the election in the district or the urban district by nominations sorted by polling districts and by Postal Ballot Boards in accordance with the specimen in Annex 26. At the same time, the District Returning Officer shall compile subtotals for the municipalities and, wherever possible, also for the postal ballot results. Should doubts be expressed about the proper conduct of the election on account of the election record or for any other reasons, the District or Town Returning Officer shall resolve them wherever possible.

(2) After the report has been made by the District or Town Returning Officer, the District or Town Electoral Committee shall establish the election result for the district or urban district. It shall establish

1. the number of persons entitled to vote,
2. the number of voters,
3. the number of valid and invalid votes,
4. the number of valid votes cast for each nomination.

The District or Town Electoral Committee shall be entitled to correct figures calculated by the Electoral Board and to decide differently on the validity of votes cast. It shall make a note of any unresolved doubts in the election record.

(3) After the election result has been established, the District or Town Returning Officer shall announce it orally, stating the details specified in the second sentence of subsection (2) above.

(4) A record of the meeting (Section 5 subsection (7)) shall be drawn up in accordance with the specimen in Annex 28. The record and the appended compilation of the election result in accordance with the specimen in Annex 26 shall be signed by all the members of the District or Town Electoral Committee who attended the meeting and by the record keeper.

(5) The District or Town Returning Officer shall forward a copy of the record of the District or Town Electoral Committee and the accompanying compilation to the Land Returning Officer and the Federal Returning Officer by the quickest means.

## **Section 70**

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

(1) The Land Returning Officer shall examine the election records of the District and Town Electoral Committees and compile the final election results in the various districts and urban districts of the Land (Section 69 subsection (2)), in accordance with the specimen in Annex 26, to obtain the election result in the Land.

(2) After the report has been made by the Land Returning Officer, the Land Electoral Committee shall establish the election result in the Land. It shall establish

1. the number of persons entitled to vote,
2. the number of voters,
3. the number of valid and invalid votes,
4. the number of valid votes cast for each nomination.

The Land Electoral Committee shall be entitled to correct figures calculated by the Electoral Boards as well as by the District and Town Electoral Committees.

(3) After the election result has been established, the Land Returning Officer shall announce it orally, stating the details specified in the second sentence of subsection (2) above.

(4) A record of the meeting (Section 5 subsection (7)) shall be drawn up in accordance with the specimen in Annex 29. Section 69 subsection (4), second sentence, shall apply as appropriate.

(5) The Land Returning Officer shall forward a copy of the record of the meeting and the establishment of the election result for the Land as well as a compilation of the election results in the various districts and urban districts of the Land (subsection (1)) to the Federal Returning Officer.

## **Section 71**

### **Final Establishment of the Election Result in the Electoral Area**

(1) The Federal Returning Officer shall examine the election records of the Land Electoral Committees. On the basis of the election records of the Land Electoral Committees and the District and Town Electoral Committees, he or she shall establish

1. the number of valid votes cast for the nominations of each party entitled to make a nomination in accordance with the specimen in Annex 26
2. the total number of valid votes cast in the electoral area as well as
3. the percentage of votes cast for the nominations of the various parties entitled to make a nomination in the electoral area with respect to the total number of valid votes.

In accordance with Section 2 subsections (2) to (7), of the European Elections Act, the Federal Returning Officer shall calculate the numbers of votes for the various nominations and allocate the seats to the various nominations. He or she shall likewise calculate the distribution of the seats obtained by each combined list among the various lists (Section 2 subsection (6) of the European Elections Act) of the parties entitled to make a nomination.

(2) After the report has been made by the Federal Returning Officer, the Federal Electoral Committee shall establish the overall result of the election. He or she shall establish for the electoral area

1. the number of persons entitled to vote,
2. the number of voters,
3. the number of valid and invalid votes,
4. the number of valid votes cast for the nominations of each party entitled to make a nomination,
5. the nominations which, pursuant to Section 2 subsection (7), of the European Elections Act,
  - a) shall be regarded in the distribution of seats,
  - b) shall be disregarded in the distribution of seats,
6. the number of seats allocated to the various nominations that have to be regarded,
7. the surname, forenames, occupation or status, year of birth, place of birth and address (main abode) of each candidate elected.

The Federal Electoral Committee shall be entitled to correct figures calculated by the Land Electoral Committees.

(3) After the election result has been established, the Federal Returning Officer shall announce it orally, stating the details specified in subsection (2), second sentence, numbers 1 to 6 above. At the same time, the Federal Returning Officer shall intimate that he or she will promulgate the result specified in subsection (2), second sentence, number 7 above by posting a notice in the conference room. If a candidate has provided evidence pursuant to Section 37 subsection (1), third sentence, the candidate's contact address must be indicated instead of the address of his or her main abode.

(4) The record of the meeting (Section 5 subsection (7)) shall be drawn up in accordance with the specimen in Annex 30. Section 69 subsection (4), second sentence, shall apply as appropriate.

(5) The Federal Returning Officer shall inform the Land Returning Officers which candidates are elected.

## **Section 72**

### **Announcement of the Final Election Results**

(1) As soon as the establishment procedures have been completed by all Electoral Committees ,

1. the Federal Returning Officer shall publicly announce the final election result for the electoral area, stating the details specified in Section 71 subsection (2), second sentence, numbers 1 to 6 and the names of the elected candidates,
2. the Land Returning Officer shall publicly announce the final election result for the Land, stating the details specified in Section 70 subsection (2), second sentence.

(2) The Federal Returning Officer shall forward a copy of his or her announcement to the President of the German Bundestag and to the Land Returning Officers. The Land Returning Officer shall forward a copy of his or her announcement to the Federal Returning Officer.

## **Section 73**

### **Notification of the Candidates Elected**

(1) Following the Federal Returning Officer's oral announcement of the final election results, he or she shall inform the candidates who have been declared duly elected by the Federal Electoral Committee and advise them of the provisions of Section 19 and Section 21 subsection (1) of the European Elections Act. In the case of a repeat election (Section 4 of the European Elections Act in conjunction with Section 44 of the Federal Elections Act), he or she shall inform the candidates elected by means of a served notice (Section 80 subsection (1)) and advise them of the provisions of Section 21 subsection (2), and Section 4 of the European Elections Act in conjunction with Section 44 subsection (4), second sentence, of the Federal Elections Act.

(2) The Federal Returning Officer shall inform the President of the German Bundestag, immediately if a candidate elected has refused election. In the case of a repeat election (Section 4 of the European Elections Act in conjunction with Section 44 of the Federal Elections Act), the Federal Returning Officer shall furthermore communicate immediately

upon expiration of the time limit referred to in Section 4 of the European Elections Act in conjunction with Section 44 subsection (4), second sentence, of the Federal Elections Act, of the dates on which the declarations of acceptance by the candidates elected were received and which candidates have refused election. In the cases referred to in Section 21 subsection (2), second sentence, of the European Elections Act, the Federal Returning Officer shall intimate the dates on which the notices were served.

#### **Section 74**

### **Scrutiny of the Election by the Land Returning Officers and the Federal Returning Officer**

(1) The Land Returning Officers and the Federal Returning Officer shall examine whether the election has been conducted in accordance with the provisions of the European Elections Act, these Regulations and the Federal Voting Machines Ordinance in the version applicable at the time. They shall decide, in accordance with the result of their scrutiny, whether an objection to the election is to be lodged (Section 26 subsection (1), of the European Elections Act in conjunction with Section 2 subsection (2), of the Law on the Scrutiny of Elections).

(2) On demand, the District and Town Returning Officers must forward the electoral documents they and the municipalities hold to the Land Returning Officer and through him or her to the Federal Returning Officer. The Federal Returning Officer may require the Land Returning Officers to forward the electoral documents they hold to him or her.

#### **Part V**

### **By-Election, Repeat Election, Appointment of Successors from the Lists**

#### **Section 75**

### **By-Election**

(1) As soon as it is certain that the election cannot be conducted on account of an act of God or for any other reason, the District or Town Returning Officer shall cancel the election and publicly announce that a by-election will be held. He or she shall inform the Land Returning Officer immediately and the latter the Federal Returning Officer.

(2) The by-election shall be conducted with the voters' register compiled for the general election, on the basis of the nominations approved for the general election, in the polling districts and polling stations designated for the general election and before the Electoral

Boards appointed for the general election.

(3) The polling cards issued for the general election shall remain valid for the by-election. New polling cards may only be issued by municipalities in the area in which the by-election is to be conducted.

(4) The Land Returning Officer may, on an ad hoc basis, make adjustments to allow for special circumstances.

(5) The Land Returning Officer shall publicly announce the date of the by-election.

### **Section 76** **Repeat Election**

(1) The electoral procedure must only be repeated if this is necessary due to the decision made in the electoral scrutiny procedure.

(2) Should the election be repeated in specific polling districts only, the boundaries of these districts must not be altered. In other respects, too, the election should, wherever possible, be repeated in the same polling districts as in the general election. New Electoral Boards may be appointed and new polling stations designated.

(3) Should the repeat election take place as a result of irregularities in the compilation and treatment of voters' registers, the process of compilation, inspection by the public, revision and closure of the voters' register shall be repeated in the polling districts in question, unless restrictions result from the electoral scrutiny procedure.

(4) Voters who have lost their right to vote since the general election shall be deleted from the voters' register. If the election is repeated in specific polling districts only within six months of the general election, persons entitled to vote to whom a polling card was issued for the general election may only participate in the election if they surrendered their polling cards in the polling districts in which the election is being repeated.

(5) Polling cards may only be issued by municipalities in the area in which the repeat election is taking place. If the election is repeated in specific polling districts only within six months of the general election, persons who voted by polling card in those districts at the general election shall, on application, have their polling cards returned with a validity endorsement for the repeat election if they have later moved away from the area in which the repeat election is to be held.



(6) Nominations may only be amended if this is necessitated by the decision resulting from the electoral scrutiny procedure.

(7) Within the scope of the decision resulting from the electoral scrutiny procedure, the Land Returning Officer may make adjustments to the procedure for repeat elections to allow for special circumstances.

## **Section 77**

### **Appointment of Successors from the Lists**

(1) Provided that the preconditions for a succession from the list are met, the Federal Returning Officer shall notify the next candidate on the list by means of a served notice (Section 80 subsection (1)) and advise him or her of the provisions of Section 21 subsection (2) of the European Elections Act. He shall invite him or her to state in writing within a week whether he or she accepts election, and affirm in lieu of an oath that he or she has not resigned from the party or other political association submitting the list or become a member of another party or political association. For receiving the affirmation in lieu of an oath, Section 11 subsection (2), second and third sentences, of the European Elections Act shall apply as appropriate.

(2) The Federal Returning Officer shall establish which successor from the list shall enter the European Parliament and immediately communicate to the President of the German Bundestag his or her surname. In addition, a registered religious name or pseudonym (Section 5 subsection (2) number 12 of the Act on Identity Cards, Section 4 subsection (1) number 4 of the Passport Act) may be indicated., forenames, occupation or status, year of birth, place of birth and address (main abode) as well as the date on which the declaration of acceptance was received from the latter. In the case referred to in Section 21 subsection (2), second sentence, of the European Elections Act, the Federal Returning Officer shall intimate the date on which the notice was served and on which the successor acquires membership to the European Parliament.

(3) In keeping with Section 72 subsection (1) number 1, the Federal Returning Officer shall publicly announce which candidate has entered the European Parliament and the date on which he or she has acquired membership to the European Parliament, he shall submit a copy of the announcement to the President of the German Bundestag. The President of the German Bundestag shall immediately inform the President of the European Parliament of the appointment of the successor.

(4) A non-elected candidate or substitute candidate shall forfeit the right of succession from the list if he or she submits a written statement of refusal to the Federal Returning Officer. The refusal is irrevocable.

## **Part VI Interim and Final Provisions**

### **Section 78 Special Data Protection Rules**

(1) The right of access to personal data contained in the voters' register in accordance with Article 15 paragraph 1 and the right to receive a copy in accordance with Article 15 paragraph 3 of the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Official Journal L 119 of 4 Mai 2016, p. 1; L 314 of 22 November 2016, p. 72) are guaranteed by the data subject being allowed to inspect the voters' register as stipulated in Section 4 of the European Elections Act in conjunction with Section 17 of the Federal Elections Act and Section 20 of the present Regulations and to make copies of parts of the voters' register as stipulated in Section 20 subsection (3).

(2) With regard to personal data contained in the voters' register, the right to rectification in accordance with Article 16 and the right to restriction of processing in accordance with Article 18 of the Regulation (EU) 2016/679 shall be exercised in keeping with Section 15 subsection (8) and Section 21. With regard to personal data contained in nominations, the right to rectification in accordance with Article 16 and the right to restriction of processing in accordance with Article 18 of the Regulation (EU) 2016/679 shall be exercised from the deadline for submitting the nominations to the end of election day in keeping with Section 13 of the European Elections Act.

(3) By official notification pursuant to Section 19 on personal data processed for the purpose of keeping a voters' register and for issuing a polling card, the data subject shall be provided with information as laid down in Article 13 of Regulation (EU) 2016/679.

**Section 78a**  
**Verifying the Right of German Citizens to Stand for Election in other**  
**Member States**

(1) When the Federal Returning Officer is notified by another member state of the European Union that a German citizen is standing as a candidate for election there, he or she shall immediately obtain a certificate of good conduct for the latter pursuant to Section 31 subsection (1) of the Federal Central Criminal Register Act and shall also immediately submit the notification of the other member state to the competent local authority of the municipality, referring to the period allowed for verifying the citizen's right to stand for election pursuant to subsection (2), first sentence. The competent local authority shall be the local authority of the municipality to which the last address of the German citizen in Germany stated in the notification is allocated. Within the period specified, the local authority shall notify the Federal Returning Officer of the verification result and, if applicable, inform him or her of the date and file reference of the decision from which follows that the citizen is disqualified from the right to stand for election.

(2) The Federal Returning Officer shall inform the other member state within five working days after the notification has been received from that member state or, if possible, within a shorter period of time of whether the German citizen is disqualified from the right to stand for election in Germany and, in the case of a given disqualification from the right to stand for election, the Federal Returning Officer shall submit the information specified in subsection (1), third sentence. The Federal Returning Officer shall immediately submit the information specified in the first sentence to the member state if the information becomes available to him or her only after the period specified in the first sentence has expired.

**Section 79**  
**Public Announcements**

(1) The public announcements prescribed by the European Elections Act and by these Regulations shall be made by the Federal Minister of the Interior, Building and Community in the Federal Bulletin, the Federal Returning Officer in the Federal Bulletin, the Land Returning Officers in the State Bulletin or in the ministerial or official gazette of the Land Government or the Ministry of the Interior, the District or Town Returning Officers in the official gazettes or newspapers generally designated for announcements of the districts or urban districts, the local authorities of the municipalities in the manner customary in each locality.

(2) With regard to the public announcement pursuant to Section 5 subsection (3) of these Regulations, a notice posted at or in the entrance to the conference building and indicating that the meeting is open to everyone shall suffice.

(3) The contents of the public announcements prescribed by the European Elections Act and these Regulations may additionally be published on the internet. In doing so, the integrity and completeness of the release and its allocation to the source have to be ensured by state-of-the-art technology. Instead of an address, only the town of residence shall be indicated. Personal data in online releases of public announcements pursuant to Section 37 must be deleted not later than six months after the final election result has been publicly announced, those in public announcements pursuant to Section 72 subsection (1) and Section 77 subsection (3) not later than six months after the end of the electoral period.

## **Section 80**

### **Service of Documents, Affirmations in Lieu of an Oath**

(1) The service of documents shall be governed by the Federal Service of Writs Act in the version applicable at the time.

(2) The respective local authority shall be responsible for receiving affirmation given in lieu of an oath in accordance with Section 15 subsection (7), second sentence, Section 17 subsection (5), first sentence, and subsection (6), first sentence, Section 17a subsection (4) and Section 32 subsection (3) number 2.

## **Section 81**

### **Procurement of Ballot Papers and Official Forms**

(1) The District or Town Returning Officer shall procure

1. the pre-printed polling cards (Annex 8) unless the local authority of the municipality procures them in agreement with the District or Town Returning Officer,
2. the ballot paper envelopes for the postal ballot (Annex 9), and
3. the return envelopes (Annex 10) if the postal ballot result is to be established at his or her seat alone, and
4. the information leaflets for the postal ballot (Annex 11),

if the Land Returning Officer does not undertake procurement.

(2) The Land Returning Officer shall procure

1. (repealed)
2. (repealed)
3. the forms for submitting a Land list (Annex 12),
4. the forms for the supporting signatures for a Land list (Annex 14),
- 4a. the forms for the affirmation in lieu of an oath for Union citizens as proof of the right to vote for a supporting signature for a Land list (Annex 14A),
5. the forms for declarations of consent by the nominated candidates with the affirmations in lieu of an oath for the prevention of a multiple candidacy (Annex 15),
6. the forms for certifying the right of the nominated candidates to stand for election (Annex 16),
- 6a. the forms for certifying that Union citizens have an abode and have not been disqualified from voting and standing for election (Annex 16A),
- 6b. the forms for the affirmation in lieu of an oath pursuant to Section 11 subsection (2), first sentence, number 1 letter (c), of the European Elections Act (Annex 16B),
7. the forms for the records on the selection of candidates for a Land list (Annex 17),
8. the forms for the affirmation in lieu of an oath regarding the selection of candidates (Annex 19), and
9. the ballot papers (Annex 22).

(2a) For the purpose of saving costs, the Land Returning Officer may undertake to print or mail, or both, all or part of the voters' notifications pursuant to Section 18 subsection (1), first sentence. The local authorities of the municipalities shall forward to the Land Returning Officer, or to the agency designated by him, the requisite information and documents in due time.

(3) The Federal Returning Officer shall procure

1. (repealed)
2. the application forms and information leaflets concerning the exercise of the right to vote by persons entitled to vote pursuant to Section 6 subsection (1), number 2 letter (b), and subsection (2), of the European Elections Act (Annex 2),
- 2a. the application forms and information leaflets concerning the exercise of the right to vote by persons entitled to vote pursuant to Section 6 subsection (3), of the European Elections Act (Annex 2A),
- 2b. the standard forms for the exchange of information between the member states (Annex 2B),

- 2c. the application forms and information leaflets concerning the applications in accordance with Section 17b subsection (2) that the Union citizen not be registered in the voters' register (Annex 2C),
3. the forms for submitting a combined list for all Laender (Annex 13),
4. the forms for the supporting signatures for the combined list for all Laender (Annex 14),
- 4a. the forms for the affirmations in lieu of an oath for Union citizens as proof of the right to vote for a supporting signature for a combined list for all Laender (Annex 14A),
5. the forms for the declarations of consent by the nominated candidates with the affirmations in lieu of an oath for the prevention of a multiple candidacy (Annex 15),
6. the forms for certifying the right of the candidates nominated to vote and to stand for election (Annex 16),
  - 6a. the forms for certifying that Union citizens have an abode and have not been disqualified from voting and standing for election (Annex 16A),
  - 6b. the forms for the affirmation in lieu of an oath pursuant to Section 11 subsection (2), first sentence, number 1 letter (c), of the European Elections Act (Annex 16B),
  - 6c. (repealed)
7. the forms for the records on the selection of candidates for a combined list for all Laender (Annex 18),
8. the forms for the affirmation in lieu of an oath regarding the selection of candidates (Annex 19), and
9. the forms for a declaration of exclusion from a combined nomination (Annex 21).

(4) The local authority of the municipality shall procure the forms required for the polling districts and municipalities if the Federal, Land, District or Town Returning Officer does not undertake to supply them.

(5) The procurement of the forms at Annexes 1, 2, 2A to 2C, 5, 6A, 7, 8, 12 to 16B, 17 to 21, 23 to 25 and 27 to 30 may also be effected by provision in electronic form.

## **Section 82**

### **Safeguarding of Electoral Documents**

(1) The voters' registers, the polling card registers, the registers referred to in Section 27 subsection (8), second sentence, and Section 28 subsection (1) the forms with support-

ing signatures for nominations and the voters' notifications collected must be stored in such a manner as to be protected against perusal by unauthorized persons.

(2) Information from voters' registers, polling card registers and registers referred to in Section 27 subsection (8), second sentence, and Section 28 subsection (1) may only be disclosed to authorities, courts of law and other official bodies in the electoral area and only then if they are required by the recipient in connection with the election. Such a requirement exists in particular with regard to suspicion of electoral offenses, matters pertaining to the electoral scrutiny procedure and work associated with electoral statistics.

(3) Members of electoral bodies, office-bearers and persons specially commissioned by the public authorities may only disclose information concerning supporting signatures for nominations to authorities, courts of law and other official bodies in the electoral area and only then if the information is required for the conduct of the election or an electoral scrutiny procedure or for an investigation of a suspected electoral offense.

### **Section 83** **Destruction of Electoral Documents**

(1) The voters' notifications collected must be destroyed immediately.

(2) Voters' registers, polling card registers and registers referred to in Section 27 subsection (8), second sentence, and Section 28 subsection (1) as well as forms with supporting signatures for nominations shall be destroyed six months after the election unless the Federal Returning Officer orders otherwise in view of pending electoral scrutiny procedures or unless the documents could be of relevance to the prosecuting authority in the investigation of an electoral offense.

(3) The other electoral documents may be destroyed sixty days before the election of the new European Parliament. The Land Returning Officer may consent to the destruction of the documents at an earlier date unless they could be of relevance to pending electoral scrutiny procedures or to the prosecuting authority in the investigation of an electoral offense.

### **Section 84** **(repealed)**

## **Section 85**

### **City-State Clause**

In the Laender of Berlin, Bremen and Hamburg, the Senate shall determine which authorities are to perform the functions assigned to the local authorities of the municipalities under the Act and the present Regulations.

## **Section 86**

### **Certificate Confirming The Right to Stand for Election**

In order to prove that they are not disqualified from the right to stand for election, Union citizens entitled to vote within the meaning of Section 6 subsection (3) of the European Elections Act as well as German citizens who have no abode in the Federal Republic of Germany and are not otherwise permanently resident there and wish to stand for election in Germany (Section 32 subsection (6)) must apply for a certificate of good conduct pursuant to Section 30 subsection (5) of the Federal Central Criminal Register Law. Should the certificate of good conduct be issued on the request of a Union citizen, it shall be forwarded directly to the relevant local authority of the municipality; should the certificate of good conduct be issued on the request of a German citizen, it shall be forwarded directly to the Federal Ministry of the Interior, Building and Community.

## **Section 87**

### **Interim Provision**

(1) Contrary to Section 83, applications from Union citizens pursuant to Section 17a that have led to their registration in the voters' register may not be destroyed; they shall be stored separately. Based on those applications, the local authority shall immediately make an entry for every Union citizen concerned in accordance with Section 3 subsection (2) number 1 letter (b) of the Federal Act on Registration. Then the applications shall be treated as specified in Section 83. Should the Union citizen have moved away from the abode in the municipality in which he or she has been registered in the voters' register, the registration authority previously responsible, and any registration authority responsible in case of another move, shall inform the registration authority of the new place of abode about the registration in the voters' register for the purpose of making an entry in accordance with Section 3 subsection (2) number 1 letter (b) of the Federal Act on Registration. The fourth sentence shall apply as appropriate if the previous sole abode or the previous main abode has become a secondary abode.



(2) The exchange of information between member states pursuant to Section 17a subsection (5), third sentence, should be effected in accordance with the recommendations of the Commission of the European Union.

**Section 88**  
**(Entry into Force, Termination)**