**Article 10.**

(1) The Federation has powers of legislation and execution in the following matters:
   1.   the Federal Constitution, in particular elections to the National Council, and referenda as provided by the Federal Constitution; the Constitutional Court; "the Administrative Court;"

**Article 23a.**

(1) The members of the European Parliament shall in Austria be elected in accordance with the principles of proportional representation on the basis of equal, direct, personal, free and secret suffrage be men and women who have completed their sixteenth year of life on the day of election and on the day appointed for elecation are either endowed with Austrian nationality and not excluded from suffrage under the provisos of European Union law or endowed with the nationality of another member state of the European Union and qualified to vote under the provisos of European Union Law.

Federal territory constitutes for elections to the European Parliament a single electoral body.

(3) Eligible for election are all those in Austria entitled to vote for the European Parlament having completed their eighteenth year of life on the day of election.
(4) .Art. 26 para 5 to 8 is to be applied accordingly.

(5) (Note: Repealed by F.L.G. I No. 27/2007)

(6) (Note: Repealed by F.L.G. I No. 27/2007)

**Article 26.**

(1) The National Council is elected by the Federal people in accordance with the principles of proportional representation on the basis of equal, direct, personal, free and secret suffrage by men and women who have completed their sixteenth year of life on the day of election.

…

(4) Eligible for election are those being entitled to vote for the National Council, who are in the possession of the Austrian nationality on the keydate and have completed their eighteenth year of life on the day of election.

…

(6) Persons entitled to vote presumably prevented on the day of election to cast their vote before the electoral authority, for example for absence, for reasons of health or staying abroad may make use of their right to vote by postal ballot upon application indicating the reason. The identity of the applicant is to be proven prima facie. The qualified voter has to declare by signature in lieu of oath, that the vote has been cast personally and confidentially.

…

(8) Further details of the electoral procedure are determined by Federal law.

**Article 26a.**

The implementation and organization of the elections to the European Parliament, the National Council, the Federal President and of referenda as well as the participation in the control of popular initiativees, consultations of the people and plebiscites is incumbent to´election authorities being constituted anew before each election to the National Council. Members of the campaining parties have to sit in the election authority, as committee members, having a vote, in the Federal election authority also active or retired judges; the number of committee members is to be determined in the election rules to the National Council. The members not being judges shall be appointed on the basis of proposals of the campaining parties corresponding to their proportion in the preceeding election to the National Council. Parties represented in the recently elected National Council not being entitled to the appointment of committee members are however entitled to propose a committee member for the Federal election authority.

**Article 27.**

(1) The legislative period of the National Council lasts five years, calculated from the day of its first meeting, but in any case until the day on which the new National Council meets.

(2) The newly elected National Council shall be convened by the Federal President within thirty days after the election. The latter shall be so arranged by the Federal Government as to enable the newly elected National Council to meet on the day after the expiry of the fifth year of the legislative period.

**Article 41.**

(1) Legislative proposals are submitted to the National Council as motions by its members, by the Federal Council or by one third of the Federal Council's members, and as bills by the Federal Government.
(2) Every motion by 100,000 voters or by one sixth each of the voters in three Laender (henceforth called "popular initiative") shall be submitted by the Federal electoral board to the National Council for action. The right to vote, as to popular initiatives, appertains to those who on the last day of registration for National Council suffrage and have their principal domicile in a municipality in Federal territory. The popular initiative must concern a matter to be settled by Federal law and can be put forward in the form of a draft law.
(3) The detailed provisions on the procedure for the popular initiative shall be made by Federal Law.

**Article 45.**

(1) For a referendum the absolute majority of the validly cast votes is decisive.

   (2) The result of a referendum shall be officially announced.

**Article 46.**

(1) For a referendum the absolute majority of the validly cast votes is decisive.
(2) The result of a referendum shall be officially announced. Art. 46. (1) A referendum takes place at the order of the Federal President.
(2) Entitled to vote in referenda is who possesses the suffrage to the National Council on the day of the referendum.
(3) The detailed provisions on the procedure for the plebiscite shall be made by Federal Law. Art. 26 para 6 is to be applied analoguosly.

**Article 49b.**

(3) Consultations of the people shall be implemented in a manner analogous to Arts. 45 and 46. The right to vote, as to consultations of the people, appertains to those who on the day appointed for consultation possess National Council suffrage. The Federal electoral board must submit the result of a consultation to the National Council and the Federal Government.

**Article 60.**

(1) The Federal President is elected by the Federal people on the basis of equal, direct, personal, free and secret suffrage by men and women having suffrage to the National Council. If there is only one candidate, the election shall take place by way of referendum. Article 26 para 5 to 8 is to be applied accordingly.

**Article 64.**

(1) All the Federal President's responsibilities, should he be prevented from their discharge, pass in the first instance to the Federal Chancellor. A sojourn in another member state of the European Union is not deemed to be an impediment. If the impediment lasts longer than twenty days or if pursuant to Art. 60 para 6 the Federal President is prevented from the discharge of his office, the President, the Second President, and the Third President of the National Council acting as a committee shall undertake the responsibilities of the Federal President. The same holds good if the position of the Federal President is continuously in abeyance.

**Article 95.**

(1) The legislation of the Laender is carried out by the Diets. The Diets are elected by equal, direct, personal, free and secret suffrage on the basis of proportional represenation by the male and female Land citizens who in accordance with the Diet electoral regulations are entitled to vote. Land law regulates the detailed provisions respecting the electoral procedure and, if need be, the compulsory voting. This Land law shall in particular prescribe the grounds on which non-participation in the election notwithstanding compulsory voting is deemed to be excused. The constiution of a Land may provide that nationals, who had a residence in the Land, before moving their domicile abroad are entitled to vote for the duration of this sojourn abroad, for a maximum period of ten years.
(2) The Diet electoral regulations may not impose more stringent conditions for suffrage and electoral eligibility than does the Federal Constitution for elections to the National Council.
(3) The voters exercise their franchise in self-contained constituencies which can be divided into self-contained regional constituencies. The number of deputies shall be divided among the constituencies in proportion to the numbers of inhabitants . The Diet electoral regulations can provide for a final distribution procedure throughout the Land whereby a balance between the seats allocated to the candidate parties in the constituencies and likewise a distribution of the as yet unallocated seats is effected in accordance with the principles of proportional representation. A division of the electorate into other electoral bodies is not admissible.
(4) Detailed regulations on the election procedure shall be determined by the Diets´Standing Orders. Art. 26 para 6 is to be applied accordingly.
(5) To public employees who seek a seat in the Diet or who are elected to membership of a Diet, Art. 59a shall apply, stricter regulations are admissible. Land constitutional law can create an institution with the same powers and the same obligation to publicize a report as those of the Commission under Art. 59b.

**Article 117.**

…

(2) The municipal council is elected on the basis of proportional representation by equal, direct, personal and secret suffrage by the male and female Federal nationals who have their principal domicile in the municipality. The election regulations laws can however stipulate that also nationals who have a domicile, but not their principal domicile, in the municipality, are entitled to vote. In the electoral regulations the conditions for suffrage and electoral eligibility may not be more restrictive than in the electoral regulations for the Diet; the provision can however be made that individuals who have not yet been a year resident in the municipality shall not be entitled to vote or to stand for election to the municipal council if their residence in the municipality is manifestly temporary. Among the conditions to be laid down by the election regulation is the entitlement to suffrage and electoral eligibility also for nationals of other European member states. The electoral regulation can provide that the voters exercise their suffrage in self-
contained constituencies. . A division of the electorate into
other electoral bodies is not admissible. Article 26 para 6 is to be applied accordingly. The electoral regulations can, in cases where no election proposals are brought forward, decree that individuals shall be deemed elected whose names appear most frequently on the ballot papers.

…
(6) The mayor shall be elected by the municipal council. Land constitution can however stipulate that the mayor shall be elected by those with municipal council suffrage. In this case Article 26 para 6 is to be applied accordingly.

…

(7) The business of the municipalities will be performed by the local administrative office (city administrative office), that of towns with their own charter by the City administration. A civil servant with legal training shall be appointed to take charge as city administration's chief executive of the City administration's internal services.

**Article 141.**

(1) The Constitutional Court pronounces upon
   a)   challenges to the election of the Federal President and elections to the general representative bodies, the European Parliament and the constituent authorities (representative bodies) of statutory professional associations;
   b)   challenges to elections to a Land Government and to municipal authorities entrusted with executive power;

   c)   application by a popular representative body for a loss of seat by one of its members; application by at least eleven members of the European Parliament from the Republic of Austria for a loss of seat by a member from the Republic of Austria;
   d)   application by a constituent authority
(representative body) of a statutory professional association for a loss of seat by one of the members of such an authority;
   e)   the challenge to rulings whereby the loss of a seat in a general representative body, in a municipal authority entrusted with executive power or in a constituent authority (representative body) of a statutory professional association has been enunciated, in so far as laws of the Federation or Laender governing elections provide for declaration of a loss of seat by the ruling of an administrative authority, and after all stages of legal remedy have been exhausted.

The challenge (application) can be based on the alleged illegality of the electoral procedure or on a reason provided by law for the loss of membership in a general representative body, in the European Parliament, in a municipal authority entrusted with executive power, or in a constituent authority (representative body) of a statutory professional association. The Court shall allow an electoral challenge if the alleged illegality has been proved and was of influence on the election result. In the proceedings before the administrative authorities the general representative body or statutory professional association has litigant status.
(2) If a challenge pursuant to para 1 subpara a above is allowed and it thereby becomes necessary to hold the election to a general representative body, to the European Parliament or to a constituent authority of a statutory professional association in whole or in part again, the representative body's members concerned lose their seat at the time when it is assumed by those elected at the ballot which has to be held within a hundred days after delivery of the Constitutional Court's decision.
(3) The premises for a decision by the Constitutional Court in challenges to the result of popular initiatives, consultations of the people or referenda will be prescribed by Federal law. How long, in view of the possibility of such a challenge, it is necessary to retard publication of the law about which a referendum has taken place, can also be laid down by Federal law.