

# Federal Electoral Regulations

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## Table of Contents

### Part I

#### Electoral Bodies (sections 1 to 11)

*Section 1 Federal Returning Officer*

*Section 2 Land Returning Officer*

*Section 3 Constituency Returning Officer*

*Section 4 Establishment of the Electoral Committees*

*Section 5 Electoral Committee Functions*

*Section 6 Electoral Officer and Electoral Board*

*Section 7 Postal Ballot Officer and Postal Ballot Board*

*Section 8 Mobile Electoral Board*

*Section 9 Honorary Posts*

*Section 10 Reimbursement of Expenses for Holders of Electoral Posts,  
Refreshment Allowance*

*Section 11 Fines*

### Part II

#### Preparations for the Election (sections 12 to 48)

##### *Chapter I*

##### *Polling Districts*

*Section 12 General Polling Districts*

*Section 13 Special Polling Districts*

##### *Chapter II*

##### *Electoral Register*

*Section 14 Maintenance of the Electoral Register*

*Section 15 (Repealed)*

*Section 16 Entry of Persons Eligible to Vote in the Electoral Register*  
*Section 17 Responsibility for Entry in the Electoral Register*

*Section 18 Procedure for Entry in the Electoral Register upon Application*  
*Section 19 Notification of Persons Eligible to Vote*

*Section 20 Public Notice Regarding the Right to Inspect the Electoral Register and the Issue of Polling Cards*

*Section 21 Inspection of the Electoral Register*

*Section 22 Objections to the Electoral Register and Appeals*

*Section 23 Correction of the Electoral Register*

*Section 24 Closure of the Electoral Register*

*Chapter III*

*Polling Cards*

*Section 25 Conditions for Issuing Polling Cards*

*Section 26 Competent Authority, Form of the Polling Card*

*Section 27 Applications for Polling Cards*

*Section 28 Issue of Polling Cards*

*Section 29 Issue of Polling Cards to Particular Groups of Persons*  
*Section 30 Marks in the Electoral Register*

*Section 31 Objections to the Denial of Polling Cards and Appeals*

*Chapter IV*

*Nominations, Ballot Papers*

*Section 32 Call for Submission of Nominations*

*Section 33 Notification of Participation by the Parties Specified in Section 18*  
*Subsection (2) of the Federal Elections Act, Correction of Deficiencies*

2

*Section 34 Content and Form of Constituency Nominations*  
*Section 35 Preliminary Examination of Constituency Nominations by the*

*Constituency Returning Officer*

*Section 36 Admission of Constituency Nominations*

*Section 37 Appeals against Decisions of the Constituency Electoral*

*Committee Section 38 Publication of Constituency Nominations*

*Section 39 Content and Form of Land Lists*

*Section 40 Preliminary Examination of Land Lists by the Land Returning  
Officer Section 41 Admission of Land Lists*

*Section 42 Appeals against Decisions of the Land Electoral*

*Committee Section 43 Publication of Land Lists*

*Section 44 (Repealed)*

*Section 45 Ballot Papers, Envelopes for the Postal Ballot*

*Chapter V*

*Polling Stations, Polling Hours*

*Section 46 Polling Stations*

*Section 47 Polling Hours*

*Section 48 Public Announcement of the Poll by the Municipal Authority*

*Part III*

*The Poll (sections 49 to 66)*

*Chapter I*

*General Provisions*

*Section 49 Provision of Material to the Electoral Board*

*Section 50 Polling Booths*

*Section 51 Ballot Boxes*

*Section 52 Polling Table*

*Section 53 Opening of the Poll*

*Section 54 Public Access*

*Section 55 Public Order in the Polling Station*

*Section 56 Voting*

*Section 57 Voting by Persons with Disabilities*

*Section 58 (Repealed)*

*Section 59 Voting by Holders of a Polling Card*

*Section 60 Closing of the Poll*

## *Chapter II*

### *Special Provisions*

*Section 61 Voting in Special Polling Districts*

*Section 62 Voting in Smaller Hospitals and Smaller Retirement or Nursing*

*Homes Section 63 Voting in Monasteries and Convents*

*Section 64 Voting in Socio-Therapeutic Correctional Facilities and*

*Prisons Section 65 (Repealed)*

*Section 66 Postal Ballot*

## *Part IV*

*Determination and Establishment of the Election Results (sections 67 to 81)*

*Section 67 Determination and Establishment of the Election Result in the  
Polling District*

*Section 68 Counting of Voters*

*Section 69 Counting of Votes*

*Section 70 Announcement of the Election Result*

*Section 71 Early Reports, Provisional Election Results*

*Section 72 Election Record*

*Section 73 Handover and Storage of Electoral Documents*

*Section 74 Processing of Postal Ballot Return Letters, Preparations for  
the Determination and Establishment of the Postal Ballot  
Result*

*Section 75 Admission of Postal Ballot Return Letters, Determination  
and Establishment of the Postal Ballot Result*

*Section 76 Determination and Establishment of the Election Result in the  
Constituency Section 77 Determination and Establishment of the Result for the  
Second Votes in Each Land*

*Section 78 Final Determination and Establishment of the Election Result for the*

*Land Lists*

*Section 79 Public Announcement of the Final Election Results*

*Section 80 Notification of the Elected Candidates*

*Section 81 Scrutiny of the Election by the Land Returning Officers  
and the Federal Returning Officer*

Part V

Deferred Election, Repeat Election, Appointment of Successors (sections 82 to 84)

*Section 82 Deferred Election*

*Section 83 Repeat Election*

*Section 84 Appointment of Successors*

Part VI

Interim and Concluding Provisions (sections 85 to 93)

*Section 85 Special Data Protection Rules*

*Section 86 Public Announcements and Notices*

*Section 87 Service of Documents, Affirmations in Lieu of an  
Oath Section 88 Procurement of Ballot Papers and Official  
Forms*

*Section 89 Safeguarding of Electoral Documents*

*Section 90 Destruction of Electoral Documents*

*Section 91 City-State Clause*

*Section 92 (Amendment of the Federal Voting Machine  
Ordinance) Section 93 (Entry into Force, Termination)*

Annexes:

*Annex 1 (to section 18 subsection (6))*

*Application for entry in the electoral register to be filed by eligible voters returning to the Federal Republic of Germany as specified by section 12 subsection (2) of the Federal Elections Act, and affirmation in lieu of an oath  
– and leaflet with application information*

*Annex 2 (to section 18 subsection (4))*

*Application for entry in the electoral register and application for a polling card to be filed by Germans living abroad (section 12 subsection (2), first sentence, number 1 of the Federal Elections Act) (former abode / former stay in Germany)  
– application and leaflet with application information*

*Annex 2a (to section 18 subsection (5))*

*Application for entry in the electoral register and application for a polling card to be filed by Germans living abroad (section 12 subsection (2), first sentence, number 2 of the Federal Elections Act) (familiarity with the political situation)  
– application and leaflet with application information*

*Annex 3 (to section 19 subsection (1))*

*Voter's notification*

*Annex 4 (to section 19 subsection (2))*

*Application for a polling card*

*Annex 5 (to section 20 subsection (1))*

*Public notice of the municipal authority regarding the right to inspect the electoral register and the issue of polling cards*

*Annex 6 (to section 20 subsection (2))*

*Public notice of the missions of the Federal Republic of Germany abroad for Germans regarding the election to the German Bundestag*

*Annex 7 (repealed)*

*Annex 8 (to section 24 subsection (1))*

*Certification of the closure of the electoral register by the municipal authority*

*Annex 9 (to section 26)*

*Polling card*

*Annex 10 (to section 28 subsection (3) and section 45 subsection (3)) Ballot paper envelope for the postal ballot*

*- front and back -*

*Annex 11 (to section 28 subsection (3) and section 45 subsection (4)) Official return envelope*

*- front and back -*

*Annex 12 (to section 28 subsection (3))*

*Leaflet informing about the postal ballot*

*- front and back -*

*Annex 13 (to section 34 subsection (1))*

*Constituency nomination*

*Annex 14 (to section 34 subsection (4))*

*Supporting signature and certification confirming the right to vote (constituency nomination)*

*Annex 15 (to section 34 subsection (5) numbers 1 and 3 letter (b))*

*Declaration of acceptance for candidates of a constituency nomination, with the affirmation in lieu of an oath on party membership for candidates of a party's constituency nomination*

*Annex 16 (to section 34 subsection (5) number 2 and section 39 subsection (4) number 2)*

*Certification confirming eligibility to stand for election*

*Annex 17 (to section 34 subsection (5) number 3 letter (a))*

*Record of the members' or delegates' assembly to select the constituency candidate*

*Annex 18 (to section 34 subsection (5) number 3 letter (a))*

*Affirmation in lieu of an oath on the selection of a candidate in the constituency*

*Annex 19 (to section 36 subsection (6))*

*Record of the meeting of the Constituency Electoral Committee to decide on the admission of the constituency nominations submitted*

*Annex 19a (to section 3, first sentence)*

*Statement on fulfilment of conditions as per section 26 subsection (3), first sentence, of the Federal Elections Act*

*Annex 20 (to section 39 subsection (1))*

*Land list*

*Annex 21 (to section 39 subsection (3))*

*Supporting signature and certification confirming the right to vote (Land list)*

*Annex 22 (to section 39 subsection (4) number 1)*

*Declaration of acceptance and affirmation in lieu of an oath on party membership for Land list candidates*

*Annex 23 (to section 39 subsection (4) number 3)*

*Record of the members' or delegates' assembly to select the Land list candidates*

*Annex 24 (to section 39 subsection (4) number 3)*

*Affirmation in lieu of an oath on the selection of the Land list*

*candidates Annex 25 (repealed)*

*Annex 26 (to section 28 subsection (3) and section 45 subsection (1)) Ballot paper*

*Annex 27 (to section 48 subsection (1))  
Public announcement of the poll by the municipal authority*

*Annex 28 (to section 71 subsection (7) and section 75 subsection (4)) Early report on the election result*

*Annex 29 (to section 72 subsection (1))  
Election record (ballot box poll)*

*Annex 30 (to section 72 subsection (3), section 75 subsection (6), section 76 subsections (1) and (6), section 77 subsection (1), section 78 subsection (4)) Summary table of the final election results*

*Annex 31 (to section 75 subsection (5))  
Election record (postal ballot)*

*Annex 32 (to section 76 subsection (6))  
Record of the meeting of the Constituency Electoral Committee to determine and establish the election result for the constituency*

*Annex 33 (to section 77 subsection (4))  
Record of the meeting of the Land Electoral Committee to determine and establish the election result for the Land*

## Part I Electoral Bodies

### Section 1 Federal Returning Officer

*The Federal Returning Officer and his or her deputy are appointed for an indefinite period. The Federal Ministry of the Interior and Community publishes the names of the Federal Returning Officer and his or her deputy, including the addresses and telecommunication details of their offices.*

### Section 2 Land Returning Officer

*The Land Returning Officer and his or her deputy are appointed for an indefinite period. The appointing agency notifies the Federal Returning Officer of the names of the Land Returning Officer and his or her deputy, including the addresses and telecommunication details of their offices, and publishes this information.*

### Section 3 Constituency Returning Officer

*(1) The Constituency Returning Officers and their deputies are appointed before each election. The appointment is made at the earliest date on which the delegates' assemblies may be convened pursuant to section 21 subsection (3) of the Federal Elections Act in order to select constituency candidates and, at the latest, as soon as possible after the date of the main election has been set. The appointing agency notifies the Land Returning Officer and the Federal Returning Officer of the names of the Constituency Returning Officers and their deputies, including the addresses and telecommunication details of their offices, and makes this information public.*

*(2) The Constituency Returning Officers and their deputies continue to perform the duties of their post after the main election, but not beyond the end of the legislative term.*

## Section 4

## Establishment of the Electoral Committees

*(1) The Federal Returning Officer, the Land Returning Officers and the Constituency Returning Officers appoint the assessors of the Electoral Committees and one deputy for each assessor as soon as possible once the date of the main election has been set. The assessors of the Land Electoral Committees and of the Constituency Electoral Committees must be appointed from among the electorate of the respective area; they should, wherever possible, be resident in the place where the office of the Returning Officer is located.*

*(2) In selecting the assessors to serve on the Electoral Committees, as a rule the political parties should be duly considered in the order of the number of second votes they received in the respective area in the last Bundestag election, and the eligible voters proposed by the parties in good time should be appointed.*

*(3) The Federal Returning Officer appoints two judges of the Federal Administrative Court, every Land Returning Officer appoints two judges of the Land's Higher Administrative Court, and a deputy is appointed for each of the judges. The judges are 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 apply accordingly.*

*(4) The Electoral Committees continue to exist after the main election, but not beyond the end of the legislative term.*

## Section 5

## Electoral Committee Functions

*(1) The Electoral Committees are deemed to have a quorum irrespective of the number of assessors present.*

*(2) The chairperson determines the venue and time of the meetings. He or she invites the assessors to the meetings, advising them that the Committee is deemed to have*

*a*

*quorum irrespective of the number of assessors present. Before the meeting, the assessors should be given opportunity to consider the documents to be discussed.*

*(3) The time, venue and subject of deliberation must be made public.*

*(4) The chairperson appoints a record keeper; this person is only entitled to vote if he or she is also an assessor.*

*(5) The chairperson advises the assessors and the record keeper of their obligation to perform the duties of their posts impartially and to keep confidential any information they have received in the course of their official duties.*

*(6) The chairperson is authorised to eject any persons disturbing the peace from the meeting room.*

*(7) The record keeper must draw up a record of each meeting; it must be signed by the chairperson, the assessors and the record keeper.*

## Section 6 Electoral Officer and Electoral Board

*(1) Before each election, an Electoral Officer and his or her deputy, and in the case referred to in section 46 subsection (2) several Electoral Officers and their respective deputies, must be appointed for each polling district, wherever possible from among the electorate of the respective municipality.*

*(2) The assessors of the Electoral Board should be appointed, wherever possible, from among the electorate of the respective municipality, and, if possible, from among the electorate of the polling district. The Deputy Electoral Officer is also an assessor of the Electoral Board.*

*(3) Prior to the start of the poll, the Electoral Officer and his or her deputy are advised by the municipal authority to perform the duties of their posts impartially and to keep confidential any information they have received in the course of their official duties. The*

*members of the Electoral Board may not wear any visible sign or symbol indicating a political conviction in the course of their duties.*

*(4) The Electoral Officer appoints the record keeper and his or her deputy from among the assessors. If an order has been issued as per section 9 subsection (2), third sentence, of the Federal Elections Act for the assessors of the Electoral Board to be appointed by the municipal authority, the latter may also appoint the record keeper and his or her deputy.*

*(5) Prior to the election, the municipal authority must inform the members of the Electoral Board of their duties in a manner that ensures that the poll and the determination and establishment of the election result are properly carried out.*

*(6) The Electoral Board is summoned by the municipal authority or by the Electoral Officer on the authority's behalf. It assembles at the polling station in good time prior to the start of polling hours on election day.*

*(7) The Electoral Board ensures that the election is conducted properly. The Electoral Officer directs the activities of the Electoral Board.*

*(8) During the poll, the Electoral Officer and the record keeper or their deputies and at least one assessor of the Electoral Board must be present at all times. All members of the Electoral Board should be present for the determination and establishment of the election result.*

*(9) The Electoral Board is deemed to have a quorum if the Electoral Officer and the record keeper, or their deputies, are present; in addition at least one assessor must be present during the poll, and at least three assessors must be present for the determination and establishment of the election result. Absent assessors must be replaced by eligible voters*

*nominated by the Electoral Officer if this is required for the Electoral Board to have a quorum. The Electoral Officer will advise such persons of their obligations as per subsection (3).*

*(10) If necessary, the municipal authority provides the Electoral Board with any*

*necessary auxiliary personnel.*

13

Section 7

Postal Ballot Officer and Postal Ballot Board

*Section 6 applies accordingly to Postal Ballot Officers and Postal Ballot Boards, subject to the following provisos:*

- 1. If more than one Postal Ballot Board is established for a constituency pursuant to section 8 subsection (1) of the Federal Elections Act, or if Postal Ballot Boards are established pursuant to section 8 subsection (3) of the Federal Elections Act for individual or several municipalities or for individual administrative districts within a constituency, the number of postal ballot return letters allotted to a Postal Ballot Board may not be so small as to reveal how individual voters have voted; at least fifty postal ballot return letters should be allotted to each Postal Ballot Board.*
- 2. The Land Government or the agency designated by it decides how many Postal Ballot Boards are to be established in the event of an order as per section 8 subsection (3) of the Federal Elections Act to ensure that the result of the postal ballot can be established on the actual election day.*
- 3. If a single Postal Ballot Board is established for more than one municipality under an order as per section 8 subsection (3) of the Federal Elections Act, one of these municipalities must be charged with conducting the postal ballot.*
- 4. The members of the Postal Ballot Boards for the individual constituencies must be appointed, wherever possible, from among the electorate of the constituency who are resident in the place where the office of the Constituency Returning Officer is located; the members of Postal Ballot Boards for individual or for several municipalities or for individual administrative districts within a constituency must be appointed, wherever possible, from among the electorate resident in the respective municipalities or administrative districts.*
- 5. The Constituency Returning Officer makes the venue and time of the meeting of the Postal Ballot Board public, advises the Postal Ballot Officer and his or her deputy of their obligation to perform their duties impartially and to keep confidential any information they have received in the course of their official duties, informs the members of the Postal Ballot Board of their duties and calls the Postal Ballot Board together; the same applies accordingly to the establishment of two or more Postal Ballot Boards for one constituency. If Postal Ballot Boards are established*

for

14

*individual or several municipalities or for individual administrative districts within a constituency, the relevant municipal authority or the municipal authority in charge of the postal ballot as per number 3, or the administrative authority of the respective district discharges these duties.*

6. *The Postal Ballot Board is deemed to have a quorum for the admission or rejection of postal ballot return letters in accordance with section 75 subsections (1) and (2) if at least three members are present, including the Electoral Officer and the record keeper or their deputies, and to have a quorum for the determination and establishment of the postal ballot result as per section 75 subsection (3) if at least five members are present, including the Electoral Officer and the record keeper or their deputies.*

#### Section 8 Mobile Electoral Board

*Mobile Electoral Boards should be established wherever necessary and possible for voting in smaller hospitals, smaller retirement or nursing homes, monasteries, convents, socio therapeutic correctional facilities and prisons. The Mobile Electoral Board comprises the Electoral Officer of the respective polling district or his or her deputy and two assessors of the Electoral Board. The municipal authority may, however, also instruct the Mobile Electoral Board of another polling district in the municipality to take receipt of the ballot papers.*

#### Section 9 Honorary Posts

*The following persons may refuse an honorary electoral post:*

- 1. members of the Federal Government or a Land Government,*
- 2. members of the European Parliament, the German Bundestag or a Land parliament,*
- 3. eligible voters who will have reached the age of sixty-seven on election day,*
- 4. eligible voters who credibly assert that their family care duties are a particular impediment to carrying out the functions of the post,*

5. *eligible voters who credibly assert that they are prevented from properly carrying out the functions of the post for urgent professional reasons, due to illness or disability, or for other good reason.*

#### Section 10

Reimbursement of Expenses for Holders of Electoral Posts, Refreshment Allowance

*(1) Returning Officers, assessors of the Electoral Committees and members of the Electoral Boards are reimbursed for any necessary travel expenses as per sections 4 and 5 subsection (1) of the Federal Travel Expenses Act when they work outside their own polling districts; if they work outside their place of residence, they additionally receive daily and accommodation allowances pursuant to the Federal Travel Expenses Act. The city states of Berlin, Bremen and Hamburg may make different provisions for a flat-rate reimbursement of 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 must be offset against any daily allowance paid in accordance with subsection (1).*

#### Section 11

Fines

*Fines pursuant to section 49a subsection (1) number 1 of the Federal Elections Act are paid into the treasury of the municipality in whose electoral register the person concerned must be listed, while fines pursuant to section 49a subsection (1) number 2 of the Federal Elections Act are paid into the federal treasury.*

### Part II

## Preparations for the Election

### Chapter I

#### Polling Districts

16  
Section 12  
General Polling Districts

*(1) Municipalities with a population of no more than 2,500 normally form a polling district. Larger municipalities are divided into several polling districts. The municipal authority decides which polling districts are to be formed.*

*(2) The polling districts should be delimited according to local conditions in a manner that makes it as easy as possible for the entire electorate to participate in the election. No polling district should have a population of more than 2,500. The number of persons eligible to vote in a polling district may not be so small as to reveal how individual voters have voted.*

*(3) The persons eligible to vote in collective living quarters such as camps, quarters of the Federal Armed Forces, the Federal Police or the police, should be divided among two or more polling districts on the basis of fixed delimitation criteria.*

*(4) The Constituency Returning Officer may combine small municipalities and parts of municipalities of the same administrative zone to form one polling district, and may merge parts of municipalities that are intersected by constituency boundaries with neighbouring municipalities or parts of municipalities of another administrative zone to form one polling district. The Constituency Returning Officer determines which municipality conducts the election.*

Section 13  
Special Polling Districts

*(1) For hospitals, retirement homes, senior living communities, nursing homes, convalescent homes and similar establishments with a sizable number of persons who are eligible to vote but are unable to go to a polling station outside the establishment, the municipal authority should form special polling districts, where necessary, to enable polling card holders to cast their votes.*

*(2) Two or more establishments may be combined to form a special polling district.*

*(3) If a special polling district is not formed, section 8 applies accordingly.*

## Chapter II Electoral Register

### Section 14 Maintenance of the Electoral Register

*(1) Before each election, the municipal authority compiles a register of the eligible voters for each general polling district (section 12), listing the voters' surnames and first names, dates of birth and residential addresses. The electoral register may also be maintained by means of an automated process.*

*(2) The electoral register is compiled such that it contains consecutively numbered entries, which are ordered alphabetically by the voters' surnames and, where surnames are identical, by the first names. It may also be subdivided by locality, street and street number. It contains a column for voting-related marks and an additional column for remarks.*

*(3) The municipal authority ensures that the documentation for the electoral registers is available at all times and is so complete that the registers can be compiled in good time before elections.*

*(4) If a polling district comprises more than one municipality or parts of more than one municipality, each municipal authority compiles the electoral register for its part of the polling district.*

### Section 15 (Repealed)

### Section 16 Entry of Persons Eligible to Vote in the Electoral Register

*(1) All eligible voters must be entered in the electoral register ex officio if they are registered with the residents' registration offices on the forty-second day before the election (qualifying date)*

*1. in respect of an abode,*

*2. in respect of a seagoing vessel which is eligible to fly the German flag (section 12 subsection (4) number 1 of the Federal Elections Act) and on which the eligible voters are employed or hired to serve or undergoing training as a captain or crew member,*

*3. in respect of an inland waterway vessel that is registered on a shipping register in the Federal Republic of Germany (section 12 subsection (4) number 2 of the Federal Elections Act),*

*4. in respect of a prison or similar facility (section 12 subsection (4) number 3 of the Federal Elections Act).*

*(2) In the electoral register must be listed, upon application, those persons eligible to vote*

*1. as per section 12 subsection (1) of the Federal Elections Act,*

*a) (repealed)*

*b) who, without having an abode, are otherwise habitually resident in the electoral area,*

*c) who are in a prison or similar facility and do not have to be entered in the electoral register ex officio as per subsection (1) number 4,*

*2. as per section 12 subsection (2), first sentence of the Federal Elections Act, who do not have to be entered in the electoral register ex officio as per subsection (1) number 1.*

*(3) If a person eligible to vote who is listed in the electoral register as per subsection (1) changes abode and registers with the registration office of the new place of residence prior to the beginning of the period during which the electoral register may be inspected (section 17 subsection (1), second sentence, of the Federal Elections Act), the eligible voter will be entered in the electoral register of the municipality to which he or she has moved upon application only. An eligible voter listed in the electoral register as per subsection (1) who registers a new address within the same municipality remains on the electoral register of the polling district in which he or she was registered on the qualifying date. The eligible voter must be advised of the provisions of the first and second sentences when registering.*

*If the entry in the electoral register is made upon application, the municipal authority of the new place of residence reports this without delay to the municipal authority of the former place of residence, which removes the eligible voter from its electoral register. If, in the case specified in the first sentence, the municipal authority of the former place of residence has received or subsequently receives a notice of disqualification from voting, it reports this information without delay to the municipal authority of the new place of residence, which removes the person from its electoral register; the person concerned must be notified of their removal from the register.*

*(4) Subsection (3), first and third sentences, apply accordingly to eligible voters who are not registered in respect of an abode on the qualifying date, but register with the residents' registration office in respect of an abode prior to the electoral register inspection period.*

*(5) If a person eligible to vote who is listed in the electoral register as per subsection (1) moves into an additional abode in a different municipality, which becomes his or her main residence, or moves his or her main residence to another municipality, subsection (3) applies accordingly if he or she registers with the registration office prior to the electoral register inspection period.*

*(6) Section 21 subsection (2) of the Federal Act on Registration determines which is the main residence of an eligible voter with multiple abodes.*

*(7) Before a person is entered in the electoral register, it must be verified that he or she meets the voting requirements laid down in section 12 of the Federal Elections Act and that he or she is not disqualified from voting pursuant to section 13 of the Federal Elections Act. In cases where this is required for checking a returning person's eligibility to vote as per section 12 subsection (2), third sentence, of the Federal Elections Act, the municipal authority may demand an affirmation in lieu of an oath as evidence of the returning person's eligibility to vote in accordance with section 18 subsection (6), first sentence. If entry in the electoral register is based solely on an application, it must also be ascertained whether the application was submitted within the time limit and in the prescribed manner.*

*(8) If a municipal authority does not approve an application for entry in the electoral*

*register or removes a person from the register, it must notify the person concerned without*

20

*delay. The person concerned may lodge an objection against the decision; he or she must be advised of this option. Section 22 subsections (2), (4) and (5) apply accordingly. The periods stipulated for service of the decision (section 22 subsection (4), first sentence) and for a decision on the appeal (section 22 subsection (5), fourth sentence) only apply if the objection has been lodged before than the twelfth day prior to the election.*

*(9) The municipal authority must advise, not later than the qualifying date, the management of any prison or similar facility within the municipality of the provisions of subsection (2) number 1 letter (c) and of the need to notify the persons concerned if registration of the inmates of such facilities is not required pursuant to section 27 subsection (4) of the Federal Act on Registration.*

## Section 17 Responsibility for Entry in the Electoral Register

*(1) Responsibility for entry in the electoral register lies*

- 1. in the case specified in section 16 subsection (1) number 1, with the municipality responsible for the abode or, if there is more than one abode, with the municipality responsible for the main residence,*
- 2. in the case specified in section 16 subsection (1) number 2, with the municipality responsible for the registered office of the ship owner,*
- 3. in the case specified in section 16 subsection (1) number 3, with the municipality responsible for the home location of the inland vessel,*
- 4. in the case specified in section 16 subsection (1) number 4, with the municipality responsible for the prison or similar facility.*

*(2) Responsibility for entry in the electoral register lies*

- 1. (repealed)*
- 2. in the case specified in section 16 subsection (2) number 1 letter (b), with the municipality in which the person eligible to vote submits his or her application, 3. in the case specified in section 16 subsection (2) number 1 letter (c), with the municipality responsible for the prison or similar facility,*

4. (repealed)

21

5. *in the case specified in section 16 subsection (2) number 2, with the municipality in the Federal Republic of Germany in which the eligible voter, according to his or her statement, was last registered before leaving the electoral area, or, if he or she has never been registered in the electoral area, with the municipality he or she declares to have the closest connection with within the meaning of section 12 subsection (2), first sentence, number 2 of the Federal Elections Act. The first sentence also applies to sailors who have been sailing under a foreign flag since leaving the electoral area, to inland waterway sailors whose vessels are not registered on a shipping register in the Federal Republic of Germany, and to the members of their households. In the case of a sailor who previously sailed on a seagoing vessel eligible to fly the German flag and now sails on a seagoing vessel under a foreign flag, responsibility lies with the municipality in which the registered office of the ship owner is located. In the case of an inland waterway sailor who previously sailed on an inland vessel registered on a shipping register in the Federal Republic of Germany and now sails on an inland vessel not registered on a shipping register in the Federal Republic of Germany or on a seagoing vessel under a foreign flag, the municipality specified in subsection (1) number 3 is responsible.*

*(3) Responsibility for entry in the electoral register lies*

- 1. in the case specified in section 16 subsection (3), with the municipality of the new place of residence,*
- 2. in the case specified in section 16 subsection (4), with the municipality in which the eligible voter has registered an abode or, if there is more than one abode, has his or her main residence,*
- 3. in the case specified in section 16 subsection (5), the municipality of the new main residence.*

## Section 18

### Procedure for Entry in the Electoral Register upon Application

*(1) The application for entry in the electoral register must be submitted in writing to the competent municipal authority not later than the twenty-first day before the election. It*

*must contain the surname, the first name(s), the date of birth and the exact address of the person eligible to vote. Except in the cases specified in subsections (4) and (5), group*

22

*applications are permissible; they must bear the personal handwritten signatures of all the eligible voters listed. Eligible voters with disabilities may seek the assistance of another person to this end; section 57 applies accordingly.*

*(2) In the cases specified in section 16 subsection (2) number 1, eligible voters must be listed until election day in the electoral register of the municipality which is responsible pursuant to section 17 subsection (2) number 2 or 3 even if they have registered a new address with another residents' registration office in the electoral area after the qualifying date. They must be advised of this accordingly when registering.*

*(3) In the cases specified in section 16 subsection (2) number 1 letter (b), the Federal Returning Officer must be notified without delay of the entry in the electoral register. If the Federal Returning Officer receives notification from more than one municipal authority regarding the entry of the same applicant in the electoral register, the Federal Returning Officer must immediately contact the municipal authority whose notification of entry in the electoral register was received after the first notification in order to inform that authority about the entry of the eligible voter in the electoral register of the first notifying municipality. The municipal authority receiving such information from the Federal Returning Officer must remove the eligible voter from its electoral register.*

*(4) In the cases specified in section 16 subsection (2) number 2 in conjunction with section 12 subsection (2), first sentence, number 1 of the Federal Elections Act, eligible voters must assure the municipal authority, when applying for entry in the electoral register as shown in Annex 2, that the requirements for their eligibility to vote are met and that they have not applied to be entered in the electoral register in any other municipality in the electoral area. Fax, e-mail and any other verifiable forms of electronic transmission are also valid forms of written communication.*

*(5) In the cases specified in section 16 subsection (2) number 2 in conjunction with section 12 subsection (2), first sentence, number 2 of the Federal Elections Act, the eligible voter must, when applying for entry in the electoral register as shown in Annex*

*2a, provide the municipal authority with evidence of his or her eligibility to vote by supplying an affirmation in lieu of an oath and declare that he or she has not applied to be entered in the electoral register in any other municipality in the electoral area.*

23

*(5a) Application forms and information leaflets for the application as per section 16 subsection (2) number 2 may also be ordered from the diplomatic and full-time consular missions of the Federal Republic of Germany abroad, from the Federal Returning Officer and the Constituency Returning Officers. If there is any doubt regarding the information provided by the applicant, the municipal authority must investigate the matter without delay. The Federal Returning Officer must be notified without delay of the entry in the electoral register and of the information about the applicant contained in the application as shown in Annex 2 or Annex 2a. Section (3), second sentence, applies accordingly. The municipal authority receiving such information from the Federal Returning Officer must remove the eligible voter from the electoral register and inform the voter thereof.*

*(6) If a person entitled to vote in accordance with section 12 subsection (2), first sentence, of the Federal Elections Act returns to the electoral area and registers an abode there after the qualifying date as specified in section 16 subsection (1) but prior to the beginning of the electoral register inspection period pursuant to section 17 subsection (1), second sentence, of the Federal Elections Act, this eligible voter is only entered in the electoral register of the municipality of the new place of residence after filing an application as shown in Annex 1, in which he or she provides evidence to the municipal authority of his or her eligibility to vote by submitting an affirmation in lieu of an oath and declares that he or she has not submitted any other application for entry in the electoral register. The eligible voter must be advised accordingly when registering. The municipal authority must immediately communicate the entry of such an eligible voter in the electoral register to the Federal Returning Officer, along with the information about the applicant contained in the application, as shown in Annex 1, stating that the voter has been entered in the electoral register. Section (3), second sentence, applies accordingly. The municipal authority receiving such information from the Federal Returning Officer must remove the eligible voter from its electoral register and notify the voter thereof.*

*(7) The notifications as per subsection (3), first sentence, subsection (5a), third sentence, and subsection (6), third sentence, are made using an electronic procedure*

*provided by the Federal Returning Officer. Appropriate technical and organisational measures must be taken to prevent unauthorised access to the data.*

24

## Section 19

### Notification of Persons Eligible to Vote

*(1) Every eligible voter who is listed in the electoral register is sent a notification, similar to that shown in Annex 3, by the municipal authority not later than the day before the electoral register is opened for inspection. The notification letter, which is clearly recognisable as an electoral document on the outside, should contain*

- 1. the surname, the first name(s) and the residential address of the person eligible to vote,*
- 2. details of the polling station and whether it is fully accessible,*
- 3. details of the polling hours,*
- 4. the number under which the person eligible to vote is listed in the electoral register,*
- 5. the request for the eligible voter to bring the voter's notification to the poll and to have his or her national identity card or passport ready,*
- 5a the instruction that each eligible voter may vote once only and must do so personally as laid down in section 14 subsection (4) of the Federal Elections Act,*
- 6. the instruction that the voter's notification is not a substitute for a polling card and therefore does not entitle the voter to vote at any polling station other than the one designated,*
- 7. a note as to where eligible voters may obtain information on accessible polling stations and aids,*
- 8. instructions on how to apply for a polling card and the dispatch of postal ballot documents. The instructions must at least contain information*
  - a) stating that the application for a polling card must only be completed if the person eligible to vote wishes to vote at another polling station in his or her constituency or by postal ballot,*
  - b) regarding the conditions under which a polling card is issued (section 25 subsection (1) and section 27 subsection (4), third sentence),*
  - c) stating that no-one other than the person eligible to vote may apply for the polling card unless written authorisation is provided which entitles another party to apply for a polling card (section 27 subsection (3)).*

*If an eligible voter is entered in the electoral register upon application as per section*

*16 subsections (2) to (5) after the notifications specified in the first sentence have been sent,*

25

*the voter's notification must be sent to the voter immediately after the voter has been added to the register.*

*(2) An application form for the issue of a polling card and postal ballot documents, as shown in Annex 4, must be printed on the reverse of the notification specified in subsection (1).*

*(3) Subsections (1) and (2) do not apply to eligible voters who are entered in the electoral register upon application only as per section 16 subsection (2) and who have already applied for a polling card and postal ballot documents.*

*(4) If a Land Returning Officer finds that the timely notification as per subsection (1) is disrupted owing to natural disasters or force majeure, he or she is to decide that the notification may be carried out later in the area concerned. If there is cause for concern that the notification pursuant to subsection (1) cannot be effected by the sixth day before the election, he or she is to decide that the eligible voters will be notified of the details specified in subsection (1), second sentence, numbers 2, 3, 5 to 7 in another appropriate way. To this end, the Land Returning Officer may make arrangements to respond to the special circumstances in individual cases. The Land Returning Officer makes known to the public, in an appropriate way, the reasons for the disruption, the area concerned, the adjustments made in individual cases and the manner of notification.*

## Section 20

### Public Notice Regarding the Right to Inspect the Electoral Register and the Issue of Polling Cards

*(1) Not later than twenty-four days before the election, the municipal authority issues a public notice, as shown in Annex 5, stating*

*1. by whom the electoral register may be inspected, for what purposes and under what conditions, where, for how long and at what times of day and whether the place for inspection is fully accessible,*

*2. that within the inspection period an objection to the electoral register may be lodged with the municipal authority in writing or by means of a minuted statement (section 22),*

26

*3. that eligible voters who are listed in the electoral register will receive a voter's notification not later than the twenty-first day before the election and that eligible voters who are listed in the electoral register upon application only and have already applied for a polling card with postal ballot documents will not receive a voter's notification,*

*4. the place, period and conditions under which applications for polling cards may be submitted (section 25 ff.),*

*5. how votes are cast by postal ballot (section 66).*

*(2) Immediately after the election day has been set, the diplomatic missions of the Federal Republic of Germany abroad issue a public notice stating:*

*1. the conditions under which Germans living abroad may participate in the election to the German Bundestag,*

*2. where, in what form and within what period such persons must apply for entry in an electoral register in the Federal Republic of Germany in order to participate in the election.*

*The notice as shown in Annex 6 must be published on the websites of the embassies and full-time consular missions and be available until the end of election day. The content of the notice is additionally published on the website of the Federal Foreign Office. If, in justified individual cases, a public notice cannot be issued or does not appear warranted, such a notice must be displayed on a noticeboard on the premises of the mission and, where possible, individuals concerned who are known to the respective mission must be informed thereof.*

## Section 21 Inspection of the Electoral Register

*(1) The municipal authority keeps the electoral register available for inspection at least at the administrative centre of the municipality on the working days from the twentieth to the sixteenth day before the election during normal opening hours. If an automated process is used to maintain the electoral register, inspection through a data terminal*

*can also be facilitated. Care must be taken to ensure that remarks are displayed in plain text (section 23 subsection (3)). The data terminal may only be operated by an employee of the municipal authority.*

27

*(2) (Repealed)*

*(3) Within the inspection period, eligible voters are allowed to obtain extracts from the electoral register if this is in the context of verifying the voting rights of specific individuals. The extracts may be used for this purpose only and may not be made available to uninvolved third parties.*

## Section 22 Objections to the Electoral Register and Appeals

*(1) Anyone who deems the electoral register to be incorrect or incomplete may lodge an objection within the inspection period.*

*(2) The objection must be lodged with the municipal authority in writing or as a minuted statement. If the assertions are not obvious, the objecting party must produce the requisite evidence. An eligible voter with disabilities may seek the assistance of another person to this end; section 57 applies accordingly.*

*(3) If the municipal authority intends to uphold an objection to the inclusion of another person in the electoral register, it must give the person concerned the opportunity to comment before taking its decision.*

*(4) The municipal authority must serve its decision to the objecting party and the person concerned not later than the tenth day before the election and must advise them of the legal remedies available. When the municipal authority upholds an objection whose purpose is to enter the person concerned in the electoral register, it does so by amending the electoral register and sending the eligible voter a voter's notification. In the cases specified in section 18 subsections (3) to (6), it notifies the competent authorities of the entry without delay.*

*(5) An appeal against the decision of the municipal authority may be lodged with the Constituency Returning Officer within two days after the decision has been served. The*

*appeal must be lodged with the municipal authority in writing or by means of a minuted*

28

*statement; subsection (2), third sentence, applies accordingly. The municipal authority submits the appeal with the relevant files to the Constituency Returning Officer without delay. The Constituency Returning Officer must decide on the appeal not later than the fourth day before the election; subsection (3) applies accordingly. The decision on the appeal must be communicated to the parties involved and to the municipal authority. It is final, unless otherwise decided in the electoral scrutiny procedure.*

### Section 23 Correction of the Electoral Register

*(1) Once the inspection period has begun, the inclusion or removal of persons and other amendments to the electoral register are only permissible on the grounds of an objection filed in time. This does not affect section 16 subsections (2) to (5), section 18 subsection (3), third sentence, subsection (5a), fifth sentence, subsection (6), fourth sentence, and section 30.*

*(2) If the electoral register is evidently incorrect or incomplete, the municipal authority may also correct the deficiency ex officio. This does not apply to deficiencies which are the subject of objection proceedings. Section 22 subsections (3) to (5) apply accordingly. The deadlines stipulated for service of the decision (section 22 subsection (4), first sentence) and for a decision on the appeal (section 22 subsection (5), fourth sentence) only apply if the deficiencies which the municipal authority may correct ex officio become evident prior to the twelfth day before the election.*

*(3) All amendments made after the beginning of the inspection period must be explained in the column for "Remarks", and dated and signed by the executing official; in an automated process, the signature is replaced by a reference to the responsible official.*

*(4) After closure of the electoral register, no further amendments may be made with the exception of those provided for in subsection (2) and in section 53 subsection (2).*

### Section 24

## Closure of the Electoral Register

29

*(1) The electoral register is closed by the municipal authority not later than the day before the election but not earlier than the third day before the election. Upon closure, the municipal authority determines the number of eligible voters in the polling district. Closure is certified as shown in Annex 8. If an automated process is used to maintain the electoral register, a print-out must be produced prior to certification.*

*(2) Electoral registers of two or more municipalities or parts of municipalities which have been combined to form one polling district are merged by the municipal authority conducting the election in the polling district to form the electoral register of the polling district and are then closed.*

## Chapter III Polling Cards

### Section 25 Conditions for Issuing Polling Cards

*(1) A person eligible to vote who is listed in the electoral register receives a polling card upon application.*

*(2) A person eligible to vote who is not listed in the electoral register receives a polling card upon application*

- 1. if the eligible voter provides evidence that that he or she failed to meet the deadline for application under section 18 subsection (1) or the deadline for objections under section 22 subsection (1) through no fault of his or her own,*
- 2. if his or her right to participate in the election did not begin until after the periods stipulated in sections 18 subsection (1) or section 22 subsection (1),*
- 3. if his or her right to vote was established by means of the objection proceedings and the establishment of this right only came to the attention of the municipal authority after the closure of the electoral register.*

### Section 26 Competent Authority, Form of the Polling Card

*The polling card, as shown in Annex 9, is issued by the municipal authority in whose electoral register the eligible voter is listed or ought to have been listed.*

## Section 27 Applications for Polling Cards

*(1) An application for a polling card may be made in writing or in person to the municipal authority. Fax, e-mail and any other verifiable forms of electronic transmission are also valid forms of written communication. Application by telephone is not permissible. An eligible voter with disabilities may seek assistance from another person to submit the application; section 57 applies accordingly.*

*(2) The applicant must state his or her surname, first name(s), date of birth and residential address (street, street number, postal code, place).*

*(3) Anyone applying on behalf of another person must provide evidence that he or she is authorised to do so by presenting written authorisation.*

*(4) Polling cards may be requested until 3 p.m. on the second day before the election. In the cases specified in section 25 subsection (2), it is possible to request a polling card as late as 3 p.m. on election day. The same applies if a confirmed sudden illness makes it impossible or unreasonably difficult for an eligible voter to go to the polling station; in this case, before issuing the polling card, the municipal authority must notify the Electoral Officer responsible for the eligible voter's polling district, who must then proceed in accordance with section 53 subsection (2).*

*(5) For eligible voters who, pursuant to section 16 subsection (2), are listed in the electoral register upon application only, such an application is also considered an application for a polling card unless the eligible voter wishes to vote before the Electoral Board of his or her polling district.*

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

Section 28  
Issue of Polling Cards

*(1) Polling cards may not be issued prior to the admission of the nominations by the Land and Constituency Electoral Committees in accordance with sections 26 and 28 of the Federal Elections Act.*

*(2) The polling card must be signed personally by the official in charge of issuing it and must bear the official seal. The official seal may be pre-printed on the polling card. If the polling card is produced by means of automated equipment, there may be no signature, in derogation from the first sentence; instead, the name of the official in charge may be shown in printed form.*

*(3) The polling card must be accompanied by*

- 1. an official ballot paper for the constituency as shown in Annex 26,*
- 2. an official ballot paper envelope as shown in Annex 10,*
- 3. an official return envelope as shown in Annex 11, on which the full address to which the postal ballot return letter is to be sent, (recipient of the postal ballot return letter in accordance with section 66 subsection (2)), the name of the municipal authority that issued the polling card (issuing office) and the polling card number or polling district have been entered beforehand by the issuing office, and*
- 4. an information leaflet for postal voters as shown in Annex 12.*

*The first sentence does not apply in the cases specified in section 29 subsection (1).*

*(4) The polling card and postal ballot documents are externally marked as official election documents and are sent or officially delivered to the residential address of the eligible voter unless the application specifies a different address or that the documents are to be collected. If dispatch to another address has been requested in one of the ways described in section 27 subsection (1), second sentence, a notice is additionally sent to the residential address when the postal ballot documents are dispatched. The municipal authority must pay the postage on outgoing mail. The municipal authority sends the polling card and postal ballot documents to the eligible voter by air mail if it is clear from the application that the voter wishes to vote from an area outside Europe or if this appears necessary for other reasons.*

*(5) If the eligible voter collects the polling card and postal ballot documents in person from the municipal authority, he or she should be given the opportunity to cast his or her postal vote directly on site. It is important to ensure that the ballot paper can be marked and placed in the ballot paper envelope in secret. The polling card and postal ballot documents may only be handed over personally to someone other than the eligible voter*

*if this person can present written authorisation proving that he or she is authorised to take receipt of the documents. Section 27 subsection (1), fourth sentence, applies accordingly. The written authorisation may only be used if the authorised person represents not more than four eligible voters; the authorised person must confirm this in writing to the municipal authority before he or she takes receipt of the documents.*

*The authorised*

*person must identify himself or herself upon request.*

*(6) The municipal authority keeps a polling card register of the issued polling cards in which the cases specified in section 25 subsection (1) and subsection (2) are recorded separately. The register is kept as a list or as a collection of the carbon copies of the polling cards. The polling card bears the number under which the polling card is recorded in the polling card register and the number under which the eligible voter is listed in the electoral register, or the name of the envisaged polling district. Where eligible voters are not listed in the electoral register, a note is made on the polling card confirming that the card has been issued under section 25 subsection (2) and stating the polling district to which the eligible voter is assigned. If further polling cards are issued after closure of the electoral register, a special register must be kept for such cards in accordance with the first to third sentences.*

*(7) The municipal authority must notify the Federal Returning Officer without delay of any polling card issued pursuant to section 25 subsection (2) to a person eligible to vote as per section 12 subsection (2), first sentence, of the Federal Elections Act. Section 18 subsection (5a), fourth and fifth sentences, apply accordingly.*

*(8) If an eligible voter who has already received a polling card is removed from the electoral register, the polling card must be declared invalid. The municipal authority keeps a register of such occurrences, recording in it the name of the eligible voter and the number of the invalid polling card; it must amend the polling card register. The*

*municipal authority*

33

*informs the Constituency Returning Officer, who notifies all Electoral Boards in the constituency of the invalidity of the polling card. In the cases specified in section 39 subsection (5) of the Federal Elections Act, a suitable entry must be made in the polling card register and in the register of polling cards that have been declared invalid, stating that the vote of an eligible voter who has already participated in the postal ballot is not invalid.*

*(9) If the municipal authority itself, another municipal authority or the administrative authority of the district is not responsible for conducting the postal ballot, the municipal authority sends the Constituency Returning Officer, by the quickest means available, the register specified in subsection (8), second sentence, and addenda to that register, or a notification that no polling cards have been declared invalid, in good time for them to arrive on the morning of election day at the latest. If another municipal authority has been charged pursuant to section 7 number (3) with conducting the postal ballot, or if the administrative authority of the district bears that responsibility, the municipal authority must send the register and the addenda or a notification as described in the first sentence to the municipal authority in charge or to the administrative authority of the district.*

*(10) If a person eligible to vote credibly asserts that he or she did not receive the polling card he or she applied for or has lost it, he or she may be issued a new polling card until 12 noon on the day before the election; subsection (8), first to third sentences, and subsection (9) apply accordingly.*

## Section 29

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

*(1) The municipal authority contacts, not later than the eighth day before the election, the managements of*

- 1. the establishments for which a special polling district has been formed (section 13),*
- 2. smaller hospitals, smaller retirement or nursing homes, monasteries, convents and socio-therapeutic correctional facilities and prisons where provision has been made for occupants who are eligible to vote to cast their votes before a Mobile Electoral Board (sections 8 and 62 to 64),*

to request a register of the eligible voters from the municipality who live in the establishment or are employed there and who wish to vote in the establishment on election day. The municipal authority issues polling cards without postal ballot documents for such eligible voters and sends them directly to these persons.

(2) The municipal authority instructs the managements of the establishments, not later than the thirteenth day before the election,

1. to inform the eligible voters who live in the establishment or are employed there and who are listed in the electoral register of other municipalities in the same constituency that they may only vote in the establishment if they have obtained a polling card from the municipal authority in whose electoral register they are listed,
2. to inform the eligible voters who live in the establishment or are employed there and who are listed in the electoral register of municipalities in other constituencies that they may only exercise their right to vote by postal ballot in their home constituency and for this purpose must obtain a polling card with postal ballot documents from the municipal authority in whose electoral register they are listed.

(3) The municipal authority requests, not later than the thirteenth day before the election, the military units stationed in the territory of the municipality to inform the soldiers who are eligible to vote of the provisions of subsection (2) number 2.

### Section 30 Marks in the Electoral Register

*If an eligible voter has received a polling card, the word "Wahlschein" (polling card) or the letter "W" is entered in the electoral register in the column for voting-related marks.*

### Section 31 Objections to the Denial of Polling Cards and Appeals

*If the issue of a polling card is denied, an objection may be lodged. Section 22 subsections (2), (4) and (5) apply accordingly. The deadlines stipulated for serving the decision (section 22 subsection (4), first sentence) and for the decision on an appeal (section 22*

*subsection (5), fourth sentence) only apply if the objection has been lodged prior to the twelfth day before the election.*

## Chapter IV Nominations, Ballot Papers

### Section 32 Call for Submission of Nominations

*Once the election day has been set, the Constituency and Land Returning Officers issue a public notice calling for the earliest possible submission of nominations and drawing attention to the conditions for the submission of nominations as per section 18 subsection (2) of the Federal Elections Act. They state where and by what time the notifications of participation specified in section 18 subsection (2) of the Federal Elections Act and the nominations must be submitted and draw attention to the provisions governing the content and form of the nominations, the number of signatures and the certification to be provided in particular cases, and the declarations, records and affirmations to be submitted together with the nominations (sections 20, 21 and 27 of the Federal Elections Act).*

### Section 33 Notification of Participation by the Parties Specified in Section 18 Subsection (2) of the Federal Elections Act, Correction of Deficiencies

*(1) The Federal Returning Officer records the date of receipt on every notification of participation and examines without delay whether the notification meets the requirements of the Federal Elections Act. If deficiencies are found, the Federal Returning Officer immediately notifies the executive committee of the party and asks the committee to correct remediable deficiencies in good time; in so doing, the Federal Returning Officer must also point out that, as laid down in section 18 subsection (3) of the Federal Elections Act,*

- 1. after expiration of the notification period, deficiencies in notifications may only be corrected if the notifications are otherwise valid,*
- 2. no deficiencies of any kind may be corrected after the decision on the recognition as a party has been taken,*

*3. the party's executive committee may appeal to the Federal Electoral Committee against orders issued by the Federal Returning Officer.*

*(2) The Federal Returning Officer invites the associations which have given notification of their participation in the election to the meeting at which the decision is to be taken on their recognition as political parties for the election. In the invitation, the Federal Returning Officer points out that the decision will be announced at the meeting and refers to the legal consequences. He or she submits the notifications of participation to the Federal Electoral Committee and reports on the result of the preliminary examination. If the names of parties or their shortened forms may be confused, the Federal Returning Committee determines distinguishing designations which must be added to one or more nominations upon admission. Before the decision is taken, the persons concerned who are present must be given the opportunity to comment.*

*(3) After the confirmation process specified in section 18 subsection (4) of the Federal Elections Act has been completed, the Federal Returning Officer announces the decision of the Federal Electoral Committee at the meeting, briefly stating the reasons for the decision. If parties or associations are prevented from submitting nominations on account of the decision taken in the confirmation process, the Federal Returning Officer also advises them of the legal remedy of lodging a complaint as per section 18 subsection (4a) of the Federal Elections Act, of the applicable deadline and of the legal consequences of a complaint. The Federal Returning Officer makes the decision public.*

*(4) The record of the meeting (section 5 subsection (7)) must be drawn up without delay. The main reasons must be presented in the record. The Federal Returning Officer sends without delay, but not later than on the day following the meeting of the Federal Electoral Committee and by the quickest means available, the parties or associations prevented from submitting nominations on account of the decision taken in the confirmation process a copy of that part of the record which relates to them, including the information required pursuant to subsection (3), second sentence.*

*(1) The constituency nomination should be submitted as shown in Annex 13. It must contain*

- 1. the surname, the first name(s), the occupation or status, the date of birth, the place of birth and the address (main residence) of the candidate,*
- 2. the name of the submitting party and any shortened form of the party name that the party may use or, in the case of non-party constituency nominations (section 20 subsection (3) of the Federal Elections Act), their identifying name.*

*It should also contain the names, addresses, telephone numbers and e-mail addresses of the spokesperson and the deputy spokesperson.*

*(2) Constituency nominations by parties must bear the personal handwritten signatures of at least three members of the executive committee of the Land branch, including that of the chairperson or his or her deputy. If a party does not have a Land branch or an overarching Land organisation in the Land in question, the constituency nominations must be signed, in accordance with the first sentence, by the executive committees of the next lower regional branches in whose area the constituency is located. The signatures of the submitting executive committee suffice if it provides evidence within the stipulated period for submissions that the Land Returning Officer has received a written authorisation corresponding to the provision in the first sentence from the other executive committees involved.*

*(3) In the case of non-party constituency nominations, three signatories of the nomination must sign the constituency nomination itself (Annex 13). Subsection (4) numbers 3 and 4 apply accordingly.*

*(4) If a constituency nomination must be signed by at least two hundred eligible voters from the constituency, such signatures must be submitted on official forms as shown in Annex 14, with the following provisions being observed:*

- 1. The Constituency Returning Officer supplies the forms free of charge upon request; he or she may also provide them as a master copy, either in printed or electronic form. The request must contain the surname, first name(s) and address (main residence) of the prospective candidate. If, together with the request, evidence is provided that a block on the release of information has been entered for the candidate in the population register as per section 51 subsection (1) of the Federal Act on Registration, an address where the candidate may be contacted is used*

*instead of his or her address (main residence); it does not suffice to indicate a post office box. The request must also contain the designation of the nominating body which intends to submit the constituency nomination, consisting, if that body is a political party, of its name and any shortened form of the party name that the party may use; in the case of non-party constituency nominations the request must contain the identifying name. In addition, parties must confirm that their candidate has been selected at an assembly of party members or at a special or general assembly of delegates convened as per section 21 of the Federal Elections Act. At the head of the forms, the Constituency Returning Officer must record the information specified in number 1, fourth sentence, and the surname, first name(s) and town or city of residence (main residence) of the prospective candidate. If evidence is provided that a block on the release of information has been entered for the candidate in the population register as per section 51 subsection (1) of the Federal Act on Registration, the town or city where the candidate's contact address is located is used instead of the town or city where he or she lives; it does not suffice to indicate a post office box.*

- 2. Eligible voters who support a constituency nomination must provide their personal handwritten signatures on the declaration on the form; in addition, the signature, the surname, first name(s), date of birth and address (main residence) of the signatory must be entered as must the date of the signature. Persons eligible to vote as defined in section 12 subsection (2), first sentence, number 1 of the Federal Elections Act must provide evidence of their right to vote by submitting the information as specified in Annex 2 and by providing an affirmation. Persons eligible to vote as defined in section 12 subsection (2), first sentence, number 2 of the Federal Elections Act must provide evidence of their right to vote by submitting the information as specified in Annex 2a and by providing an affirmation in lieu of an oath.*
- 3. For each signatory, the municipal authority of the municipality in whose electoral register the signatory is to be entered must certify on the form that the signatory is eligible to vote in the constituency in question at the time of signature, or must issue a separate certificate to this effect. Separate certificates confirming the right to vote must be attached to the supporting signatures by the nominating body upon submission of the constituency nomination. Anyone who applies for a certificate*

*confirming the right to vote on another person's behalf must provide evidence that the person concerned supports the nomination.*

- 4. A person eligible to vote may sign only one constituency nomination; if an individual signs more than one constituency nomination, his or her signature is invalid on all other constituency nominations.*
- 5. Constituency nominations by parties may only be signed after selection of the candidate by an assembly of members or delegates. Signatures provided prior to this are invalid.*

*(5) The constituency nomination must be accompanied by*

- 1. the declaration by the proposed candidate, as shown in Annex 15, confirming that he or she accepts the selection and has not given his or her consent to be named as a candidate in any other constituency,*
- 2. certification by the competent municipal authority, as shown in Annex 16, confirming that the proposed candidate is eligible to stand for election,*
- 3. in the case of constituency nominations by parties,*
  - a) a copy of the record documenting the decision taken at the assembly of party members or delegates at which the candidate was selected, and, in the event of an objection pursuant to section 21 subsection (4) of the Federal Elections Act, also a copy of the record of the repeated vote, together with the affirmation in lieu of an oath prescribed in section 21 subsection (6), second sentence, of the Federal Elections Act; the record should be drawn up as shown in Annex 17 and the affirmation in lieu of an oath provided as shown in Annex 18;*
  - b) an affirmation in lieu of an oath provided by the proposed candidate to the Constituency Returning Officer as shown in Annex 15, stating that he or she is not a member of any party other than the party submitting the nomination; section 21 subsection (6), third sentence, of the Federal Elections Act shall apply accordingly to the acceptance of the affirmation in lieu of an oath,*
- 4. the requisite number of supporting signatures, together with certificates confirming the right to vote for each signatory (subsection (4) numbers 2 and 3) if the constituency nomination must be signed by at least two hundred eligible voters from the constituency.*

*(6) The certificate confirming the right to vote (subsection (4) number 3) and the certificate confirming eligibility to stand for election (subsection (5) number 2) must be issued free of charge. The municipal authority may issue a certificate confirming the right to vote once only for each eligible voter for a constituency nomination; it may not keep any record revealing the nomination for which the certificate was issued.*

*(7) In the case of candidates who have no abode in the Federal Republic of Germany and are not otherwise habitually resident there, the Federal Ministry of the Interior and Community issues the certificate confirming eligibility to stand for election. The application for the certificate must be submitted to the diplomatic or full-time consular mission of the Federal Republic of Germany responsible for the candidate's place of residence or must be submitted directly, with the necessary certification provided.*

### Section 35 Preliminary Examination of Constituency Nominations by the Constituency Returning Officer

*(1) The Constituency Returning Officer records the date of receipt on each constituency nomination and, if the nomination is received on the last day of the stipulated submission period, also the time of receipt. He or she examines without delay whether the constituency nominations received are complete and in compliance with the requirements of the Federal Elections Act and these Regulations. The Constituency Returning Officer sends the constituency nominations he or she has examined to the Land Returning Officer and the Federal Returning Officer using an electronic procedure provided by the Federal Returning Officer. Appropriate technical and organisational measures must be taken to prevent unauthorised access to the data.*

*(2) If it comes to the attention of the Constituency Returning Officer that a candidate proposed in one constituency has also been proposed as a candidate in another constituency, he or she brings the double candidature to the attention of the Constituency Returning Officer of the other constituency.*

*(3) If an appeal is lodged with the Constituency Electoral Committee in proceedings concerning the correction of deficiencies as per section 25 subsection (4) of the Federal*

*Elections Act, it must decide without delay on the order issued by the Constituency Returning Officer. The spokesperson for the constituency nomination in question must be given the opportunity to comment.*

### Section 36 Admission of Constituency Nominations

*(1) The Constituency Returning Officer invites the spokespersons for the constituency nominations to the meeting at which the admission of the constituency nominations will be decided.*

*(2) The Constituency Returning Officer presents all the constituency nominations received to the Constituency Electoral Committee and reports to the Committee on the result of the preliminary examination.*

*(3) The Constituency Electoral Committee examines the constituency nominations received and decides whether to admit or reject them. Before a decision is taken, the spokesperson for the nomination concerned must, if present, be given the opportunity to comment.*

*(4) The Constituency Electoral Committee establishes which constituency nominations, containing the details specified in section 34 subsection (1), second sentence, are admitted on condition that the Land list of the submitting party is admitted pursuant to section 28 of the Federal Elections Act. If, in the case of a non-party constituency nomination (section 20 subsection (3) of the Federal Elections Act), the identifying name is missing or gives the impression that this is the constituency nomination of a political party or if the identifying name is liable to be confused with a previously submitted constituency nomination, the constituency nomination in question is given the name of the candidate as its identifying name.*

*(5) At the meeting, the Constituency Returning Officer announces the decision of the Constituency Electoral Committee once it has been taken, briefly stating the reasons for the decision and indicating what legal remedies are available.*

*(6) The record of the meeting (section 5 subsection (7)) must be drawn up as shown in Annex 19; the admitted constituency nominations in the version established by the Constituency Electoral Committee must be attached to the record.*

*(7) After the meeting, the Constituency Returning Officer immediately forwards the examined constituency nominations, and a copy of the record, to the Land Returning Officer and the Federal Returning Officer, using an electronic procedure provided by the Federal Returning Officer. Appropriate technical and organisational measures must be taken to prevent unauthorised access to the data. When forwarding the data, the Constituency Returning Officer makes particular reference to decisions which he or she deems questionable. The Constituency Returning Officer is required to provide the Federal Returning Officer, upon request, with all the information required to lodge an appeal and to establish the relevant facts.*

### Section 37

#### Appeals against Decisions of the Constituency Electoral Committee

*(1) An appeal against a decision of the Constituency Electoral Committee must be lodged with the Constituency Returning Officer in writing or as a minuted statement. The Federal Returning Officer must lodge his or her appeal with the Constituency Returning Officer, and the Constituency Returning Officer must lodge his or her appeal with the Land Returning Officer. Fax messages are also regarded as valid forms of written communication. The Constituency Returning Officer notifies the Land Returning Officer and the Federal Returning Officer without delay of any appeals received and proceeds in accordance with the instructions of the Land Returning Officer.*

*(2) The Land Returning Officer invites the appealing parties, the spokespersons for the constituency nominations concerned, the Constituency Returning Officer and the Federal Returning Officer to the meeting at which a decision on the appeal is taken. The spokespersons must be given the opportunity to comment.*

*(3) At the meeting, the Land Returning Officer announces the decision of the Land Electoral Committee once it has been taken, briefly stating the reasons for the decision, and communicates the decision immediately to the Federal Returning Officer.*

43  
Section 38  
Publication of Constituency Nominations

*Before making the admitted constituency nominations public, the Constituency Returning Officer establishes, as shown in Annex 19a, that the condition stipulated in section 26 subsection (1), third sentence, of the Federal Elections Act has been satisfied. He or she arranges the admitted constituency nominations, consecutively numbered, in the order stipulated in section 30 subsection (3), third and fourth sentences, of the Federal Elections Act and in the communication issued by the Land Returning Officer as per section 43 subsection (2) and makes them public. Parties with an admitted Land list but no admitted constituency nomination are allocated a dummy number. For each constituency nomination, this public notice contains the details specified in section 34 subsection (1), second sentence; however, instead of the date of birth only the year of birth of each candidate has to be indicated and instead of the candidate's address only the town or city of residence (main residence) is required. If a candidate provides evidence to the Constituency Returning Officer before the end of the submission period that a block on the release of information has been entered for the candidate in the population register as per section 51 subsection (1) of the Federal Act on Registration, the town or city where the candidate's contact address is located must be used instead of the town or city where he or she lives; it does not suffice to indicate a post office box. The Constituency Returning Officer notifies the Land Returning Officer and the Federal Returning Officer of the contact address without delay. The Federal Returning Officer publishes the content of the public notices issued by the Constituency Returning Officers in the electoral area.*

Section 39  
Content and Form of Land Lists

*(1) The Land list should be submitted as shown in Annex 20. It must contain*

- 1. the name of the party submitting the list and any shortened form of the party name that the party may use,*
- 2. the surname, first name(s), occupation or status, date of birth, place of birth and address (main residence) of each candidate,*

*It should also contain the names and addresses of the spokesperson and deputy spokesperson.*

*(2) The Land list must bear the personal handwritten signatures of at least three members of the executive committee of the party's Land branch, including that of the chairperson or his or her deputy. If a party does not have a Land branch or an overarching Land organisation in the Land in question, the Land list must be signed, in accordance with the first sentence, by the executive committees of the next lower regional branches located within the territory of the Land. The signatures of the submitting executive committee suffice if it produces a written authorisation corresponding to the provision in the first sentence from the other executive committees involved within the stipulated submission period.*

*(3) The parties specified in section 18 subsection (2) of the Federal Elections Act must furnish the number of signatures also required under section 27 subsection (1) of the Federal Elections Act on official forms as shown in Annex 21. The Land Returning Officer supplies the forms free of charge upon request; he or she may also provide them as a master copy, either in printed or electronic form. A request for a form must contain the name of the party which intends to submit the Land list and any shortened form of the party name that the party may use. The Land Returning Officer must record this information at the head of the forms. Otherwise, section 34 subsection (4) applies accordingly.*

*(4) The Land list must be accompanied by*

- 1. the declarations by the proposed candidates, confirming that they accept the selection and have not given their consent to be named as candidates in any other Land list, and an affirmation in lieu of an oath to the Land Returning Officer, stating that they are not a member of any party other than the party submitting the Land list and are not a candidate in a non-party constituency nomination as per section 20 subsection (3) of the Federal Elections Act, both in the form shown in Annex 22; with regard to the acceptance of the affirmation in lieu of an oath, section 21 subsection (6), third sentence, of the Federal Elections Act applies accordingly,*
- 2. certification by the competent municipal authorities as shown in Annex 16, confirming that the proposed candidates are eligible to stand for election,*
- 3. a copy of the record documenting the decision taken at the assembly of party members or delegates at which the candidates were selected and the order of the candidates on the Land list was determined, together with the affirmation in lieu of an oath prescribed in section 21 subsection (6) of the Federal Elections Act, which*

*must also cover an affirmation that the order of the names on the Land list was determined by secret ballot; the record should be drawn up as shown in Annex 23 and the affirmation in lieu of an oath provided as shown in Annex 24,*

*4. the requisite number of supporting signatures, together with certificates confirming the right to vote for each signatory (subsection (3), fifth sentence), if the Land list in question is submitted by a political party as referred to in section 18 subsection (2) of the Federal Elections Act.*

*(5) Section 34 subsections (6) and (7) apply accordingly.*

#### Section 40

##### Preliminary Examination of Land Lists by the Land Returning Officer

*(1) The Land Returning Officer records the date of receipt on each Land list and, if the Land list is received on the last day of the stipulated submission period, also the time of receipt. He or she examines without delay whether the Land lists received are complete and in compliance with the requirements of the Federal Elections Act and these Regulations. The Land Returning Officer sends the Land lists he or she has examined to the Federal Returning Officer using an electronic procedure provided by the Federal Returning Officer. Appropriate technical and organisational measures must be taken to prevent unauthorised access to the data.*

*(2) If it comes to the Land Returning Officer's attention that a candidate proposed in one Land list has also been proposed in another Land list or proposed as a candidate in a non party constituency nomination as per section 20 subsection (3) of the Federal Elections Act, he or she brings the double candidature to the attention of the Land Returning Officer of the other Land in question.*

*(3) If an appeal is lodged with the Land Electoral Committee in proceedings concerning the correction of deficiencies on the basis of section 27 subsection (5) of the Federal Elections Act in conjunction with section 25 subsection (4) of the Federal Elections Act, section 35 subsection (3) applies accordingly.*

Section 41  
Admission of Land Lists

*(1) The Land Electoral Committee establishes which Land lists have been admitted, the details specified in section 39 subsection (1), second sentence and the definitive order of candidates.*

*(2) In respect of the procedure, section 36 subsections (1) to (3), (5) and (6) apply accordingly. The admitted Land lists in the version established by the Land Electoral Committee must be attached to the record. The Land Returning Officer immediately forwards a copy of the record and its accompanying documents together with the admitted Land lists to the Federal Returning Officer, using an electronic procedure provided by the Federal Returning Officer. Appropriate technical and organisational measures must be taken to prevent unauthorised access to the data.*

Section 42  
Appeals against Decisions of the Land Electoral Committee

*(1) An appeal against a decision of the Land Electoral Committee must be lodged with the Land Returning Officer in writing or as a minuted statement; the Land Returning Officer must lodge his or her appeal with the Federal Returning Officer. Fax messages are also regarded as valid forms of written communication. The Land Returning Officer notifies the Federal Returning Officer without delay of any appeals received and proceeds in accordance with the latter's instructions.*

*(2) The Federal Returning Officer invites the appealing parties, the spokespersons for the Land lists concerned and the Land Returning Officer to the meeting at which a decision on the appeal is taken. The spokespersons must be given the opportunity to comment.*

*(3) At the meeting, the Federal Returning Officer announces the decision of the Federal Electoral Committee once it has been taken, briefly stating the reasons for the decision.*

Section 43  
Publication of Land Lists

*(1) The Land Returning Officer arranges the finally admitted Land lists, consecutively numbered, in the order stipulated in section 30 subsection (3), first and second sentences, of the Federal Elections Act and makes them public. For each Land list, this public notice contains the details specified in section 39 subsection (1), second sentence; however, instead of the date of birth only the year of birth of each candidate has to be indicated and instead of the candidate's address only the town or city of residence (main residence) is required. If a candidate provides evidence to the Land Returning Officer before the end of the submission period that a block on the release of information has been entered for the candidate in the population register as per section 51 subsection (1) of the Federal Act on Registration, the town or city where the candidate's contact address is located must be used instead of the town or city where he or she lives; it does not suffice to indicate a post office box. The Land Returning Officer notifies the Federal Returning Officer of the contact address without delay. The Federal Returning Officer publishes the content of the public notices issued by the Land Returning Officers in the electoral area.*

*(2) At the same time, the Land Returning Officer communicates the order of the Land lists and the surnames and first names of the first five candidates to the Constituency Returning Officers.*

Section 44  
(Repealed)

Section 45  
Ballot Papers, Envelopes for the Postal Ballot

*(1) The ballot paper is at least 21 by 29.7 cm in size (standard German A4 size) and made of white or off-white paper. The quality of the paper must be such that, after the voter has marked and folded the ballot paper, it is impossible for others to ascertain how the voter has voted. As shown in Annex 26, the ballot paper contains the following information, in the order and with the numbers as published*

- 1. for the constituency election, the admitted constituency nominations in black type, comprising the surname, first name(s), occupation or status and the town or city of residence (main residence) of the candidate, the name of the party and any shortened form of the party name or additional name that the party may use or the*

identifying name in the case of non-party constituency nominations (section 20 subsection (3) of the Federal Elections Act) and, to the right of each candidate's name, a circle for the voter's mark; where evidence has been provided as per section 38, fifth sentence, the town or city where the candidate's contact address is located must be indicated instead of the town or city where he or she lives (main residence).

2. for the Land list election, the admitted Land lists in blue type, comprising the name of the party and any shortened form of the party name or additional name that the party may use, the surnames and first names of the first five candidates and, to the left of the party name, a circle for the voter's mark.

In addition, only a registered doctoral degree (section 5 subsection (2) number 3 of the Act on Identity Cards, section 4 subsection (1), second sentence, number 3 of the Passport Act) and 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. Surnames must be given in full. If a candidate has several first names, the name usually used may be specified. Each constituency candidate and each Land list are listed in a separate box. The ballot papers must be of the same colour and quality in each polling district.

(2) The top right corner of the ballot paper has a punch-hole or is cropped to enable the use of tactile voting devices. Immediately after their completion, samples of the ballot papers are made available to the associations of the blind that have expressed their willingness to produce tactile voting devices.

(3) The ballot paper envelopes for the postal ballot should be white in colour, non transparent and bear the information as shown in Annex 10. If other elections or votes are held at the same time, the ballot paper envelopes of the Bundestag election may not also be used for these elections or votes. The ballot paper envelopes of the Bundestag election should differ in colour from the ballot paper envelopes of elections or votes held at the same time. If it is not possible to use ballot paper envelopes of a different colour, the envelopes of the Bundestag election must bear distinguishing marks.

(4) The official return envelopes should be light red and bear the information as

*shown in Annex 11. If other elections or votes are held at the same time, the official return*

49

*envelopes of the Bundestag election may also be used for that purpose; section 50 subsection (2), second sentence of the Federal Elections Act applies accordingly.*

*(5) The character font, size and contrast chosen should facilitate legibility.*

*(6) The Constituency Returning Officer allocates the ballot papers to the municipal authorities for distribution to the Electoral Officers. The Constituency Returning Officer supplies the municipal authorities with the official return envelopes and ballot paper envelopes required for the postal ballot.*

## Chapter V Polling Stations, Polling Hours

### Section 46 Polling Stations

*(1) The municipal authority designates a polling station for each polling district. Where possible, the municipalities provide polling stations in municipal buildings. Depending on the local conditions, the polling stations should be selected and equipped so as to facilitate election participation for the entire electorate, and in particular for persons with disabilities and those with reduced mobility. The municipal authorities announce in good time and in an appropriate manner which polling stations are fully accessible.*

*(2) In larger polling districts whose electoral registers can be divided into separate parts, voting may take place simultaneously in several buildings or several rooms of the same building or at several tables in the same polling station; section 68 subsection (2) applies accordingly. An Electoral Board is established for each polling station or table. If two or more Electoral Boards are on duty at one polling station, the municipal authority specifies which Board is responsible for maintaining public order at the polling station.*

### Section 47 Polling Hours

*(1) Polling hours are from 8 a.m. until 6 p.m.*

50

*(2) In particular cases where special circumstances so dictate, the Land Returning Officer may stipulate that polling begins earlier.*

Section 48  
Public Announcement of the Poll by the Municipal Authority

*(1) The municipal authority issues a public announcement regarding the beginning and end of polling hours and the polling districts and polling stations as shown in Annex 27 on the sixth day before the election at the latest; instead of supplying a list of the polling districts with their boundaries and polling stations, it may refer the voters to the information provided in the voter's notification. In this notification, the municipal authority indicates*

- 1. that the voter has a first vote and a second vote,*
- 2. that the ballot papers are officially produced on behalf of the government and will be available at the polling station,*
- 3. the content of the ballot paper and how the vote has to be marked, 4. how to vote using a polling card and particularly by postal ballot, 5. that under section 14 subsection (4) of the Federal Elections Act, each person eligible to vote may vote only once and must do so personally, and that it is not permitted for the right to vote to be exercised by a proxy instead of the eligible voter,*
- 5a. that under section 14 subsection (5) of the Federal Elections Act, persons eligible to vote who are illiterate or prevented by a disability from casting their vote may seek the assistance of another person for that purpose, that such support is limited to practical assistance in communicating an electoral decision which has been taken and expressed by the person eligible to vote and that such assistance is inadmissible in cases where an abusive influence is exercised while the assistance is rendered, where it replaces or alters the self-determined development of opinion or decision taken by the person eligible to vote or where there is a conflict of interest for the person rendering assistance,*
- 6. that under section 107a subsection (1) of the Penal Code, anyone who votes without authorisation or otherwise brings about an incorrect election result or falsifies the result, and anyone who, while rendering permissible assistance, casts a vote contrary to the electoral decision of the person eligible to vote or without that*

*person having expressed such decision, and thereby also votes without authorisation, is*

51

*liable to imprisonment for up to five years or to payment of a fine, and that the attempt to do so is also punishable under section 107a subsection (3) of the Penal Code.*

*(2) The public announcement of the poll or an extract thereof containing numbers 1, 3, 4 and 6 of Annex 27 must be posted, prior to the start of the poll, at or in the entrance to the building in which the polling station is located. A sample ballot paper must be attached to the extract.*

## Part III The Poll

### Chapter I General Provisions

#### Section 49 Provision of Material to the Electoral Board

*Prior to the start of the poll, the municipal authority provides the Electoral Officer of each polling district with*

- 1. the closed electoral register,*
- 2. the list of registered persons eligible to vote who have received polling cards after the closure of the electoral register,*
- 3. a sufficient quantity of official ballot papers,*
- 4. an official form for the election record,*
- 5. an official form for the early report,*
- 6. copies of the Federal Elections Act and these Regulations, which do not need to contain the annexes to their provisions,*
- 7. a copy of the public announcement of the poll or an extract thereof containing numbers 1, 3, 4 and 6 of Annex 27,*
- 8. material for locking the ballot box,*
- 9. packaging and sealing material for packaging the ballot papers and polling cards.*

52  
Section 50  
Polling Booths

*(1) At each polling station, the municipal authority erects one or more polling booths with tables where the voters can mark and fold their ballot papers in secret. The polling booths must be clearly visible from the table of the Electoral Board. An adjoining room which is accessible only via 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 51  
Ballot Boxes

*(1) The municipal authority provides the requisite ballot boxes.*

*(2) The ballot box must be fitted with a lid. As a rule, the inner height of the box should be 90 cm, the wall-to-wall distance at least 35 cm. The lid of the ballot box must have a slot no more than 2 cm in width. 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 52  
Polling Table

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

Section 53  
Opening of the Poll

*(1) The Electoral Officer opens the poll by advising the assessors present of their obligation to perform the duties of their posts impartially and to keep confidential any information they have received in the course of their official duties. The Electoral Officer ensures that all assessors have been advised of the above before they take up their duties.*

*(2) Before voting commences, the Electoral Officer amends the electoral register on the basis of the list of any polling cards that were issued after closure of the register (section 28 subsection (6), fifth sentence) by recording, for the eligible voters on this list, the word "Wahlschein" (polling card) or the letter "W" in the column for voting-related marks. The Electoral Officer amends the certificate of closure of the electoral register accordingly in the adjacent column provided for that purpose, adding written confirmation in the relevant space. If the Electoral Officer is subsequently notified of the issue of polling cards on the basis of section 27 subsection (4), third sentence, he or she proceeds according to the first and second sentences.*

*(3) Before voting commences, the Electoral Board verifies that the ballot box is empty. The Electoral Officer locks the ballot box. It must not be opened again until the poll is closed.*

#### Section 54 Public Access

*During the poll and during the determination and establishment of the election result, the public has access to the polling station if this is possible without disruption of the electoral process.*

#### Section 55 Public Order in the Polling Station

*The Electoral Board maintains public order in the polling station. In the event of a large number of voters at once, it determines the order of entry to the polling station.*

#### Section 56 Voting

*(1) When a voter enters the polling station, he or she receives an official ballot paper. The Electoral Board may require the voter to show his or her voter's notification for this purpose.*

*(2) The voter enters the polling booth, marks the ballot paper there, and then folds it so*

*no-one can see how he or she has voted. It is not permitted to take photos or videos in the polling booth. The Electoral Board takes care to ensure that only one voter is in a polling booth at any one time and that each voter only remains in the polling booth as long as necessary.*

*(3) The voter then proceeds to the table of the Electoral Board. Upon request, the voter must hand over his or her voter's notification and, particularly if a voter's notification is not presented, produce a form of personal identification.*

*(4) When the record keeper has found the voter's name in the electoral register, the voter's eligibility to vote has been established and there are no grounds to turn the voter away as per subsections (6) and (7), the Electoral Officer grants the voter access to the ballot box. The voter places the folded ballot paper in the ballot box. The record keeper records the casting of the vote in the designated column of the electoral register. Except for the purpose of establishing a voter's eligibility to vote, the members of the Electoral Board are not authorised to announce personal details of the voter in such a way that these may be noted by other persons present at the polling station.*

*(5) (Repealed)*

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

- 1. who is not registered in the electoral register and is not in possession of a polling card,*
- 1a. who is unable to produce a form 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. who does not present a polling card although there is a mark indicating the issue of a polling card in the electoral register (section 30), unless it is established that the voter is not entered in the polling card register,*
- 3. who already has a mark in the electoral register indicating that his or her vote has been cast, unless the voter presents proof that he or she has not yet voted,*
- 4. who has marked or folded his or her ballot paper outside the polling booth,*

- 5. who has folded the ballot paper in a way that allows others to see how he or she has voted or has put a visible sign on the ballot paper that clearly compromises the*

*secrecy of the ballot,*

*5a whom the Electoral Board has found taking photos or videos in the polling booth,  
6. whom the Electoral Board has found trying to insert several ballot papers into the ballot box, or a ballot paper that has not been officially produced, or trying to put an object into the ballot box together with the ballot paper.*

*A voter to whom the conditions in the first sentence, number 1 apply and who has not lodged an objection, trusting that he or she is registered in the electoral register on account of the notification he or she received, must be informed, where appropriate, on being turned away that he or she may request a polling card from the municipal authority until 3 p.m.*

*(7) If the Electoral Officer believes it necessary to question the eligibility to vote of a person listed in the electoral register or if an Electoral Board member expresses concerns as to whether a voter should be permitted to cast his or her vote, the Electoral Board decides on the granting or refusal of permission to vote. The decision must be noted in the election record.*

*(8) If the voter makes a mistake on the ballot paper or accidentally renders the ballot paper unusable, or if the voter is turned away pursuant to subsection (6) numbers 4 to 6, the voter must be given a new ballot paper upon request after he or she has destroyed the old ballot paper in the presence of an Electoral Board member.*

## *Section 57 Voting by Persons with Disabilities*

*(1) A voter who is illiterate or who is prevented by a disability from marking or folding the ballot paper or putting it in the ballot box designates another person whose assistance he or she wishes to receive in order to cast his or her vote and communicates this to the Electoral Board. The person rendering assistance may also be a member of the Electoral Board designated by the voter.*

*56*

*(2) Such support is limited to practical assistance in communicating an electoral decision which has been taken by the person eligible to vote. Such assistance is inadmissible in cases where an abusive influence is exercised while the assistance is*

*rendered, where it replaces or alters the self-determined development of opinion or decision taken by the person eligible to vote or where there is a conflict of interest for the person rendering assistance.*

*(3) The person rendering assistance may enter the polling booth together with the voter if necessary. He or she is 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 tactile voting device to mark the ballot paper.*

Section 58  
(Repealed)

Section 59  
Voting by Holders of a Polling Card

*The holder of a polling card states his or her name, identifies himself or herself and hands the polling card to the Electoral Officer. The latter examines the polling card. If there is any doubt about the validity of the polling card or its rightful ownership, the Electoral Board clarifies the matter where possible and decides whether to grant or refuse the holder permission to vote. The process must be noted in the election record. The Electoral Officer retains the polling card also in the event of a refusal.*

Section 60  
Closing of the Poll

*When polling hours end (section 47), this is announced by the Electoral Officer. Thereafter, only persons eligible to vote who had presented themselves before the end of polling hours and are inside the polling station or in front of it due to space constraints will be permitted to cast their votes. Any persons arriving after the end of polling hours are not to*

57

*be granted access to voting. When the voters who had arrived before the end of polling hours have cast their votes, the Electoral Officer declares the poll closed.*

Chapter II  
Special Provisions

Section 61  
Voting in Special Polling Districts

*(1) Permission to vote in special polling districts (section 13) is granted to any person eligible to vote who is present in the establishment and has a valid polling card for the constituency.*

*(2) It is permissible to appoint different individuals as assessors of the Electoral Board for different parts of a special polling district.*

*(3) The municipal authority designates a suitable polling station in consultation with the management of the establishment. Separate polling stations may be designated for different parts of a special polling district. The municipal authority sets up the polling station.*

*(4) The municipal authority stipulates the polling hours for the special polling district in consultation with the management of the establishment during general polling hours and in line with the actual demand.*

*(5) The management of the establishment advises the persons eligible to vote of the polling station and polling hours on the day before the election and informs them about the possibility to vote as laid down in subsection (6).*

*(6) The Electoral Officer or his or her deputy and two assessors may also enter the rooms and approach the beds of patients, carrying a locked ballot box and the requisite ballot papers. There they take receipt of the polling cards and proceed in accordance with sections 59 and 56 subsections (4) to (8). In so doing, they must also give bedridden voters the opportunity to mark and fold their ballot papers in secret. The Electoral Officer*

*or his or her deputy advises voters who wish to receive assistance from another person when casting their votes that they may also choose a member of the Electoral Board to assist them. Upon completion of voting, the locked ballot box and the polling cards*

*must be taken to the polling station of the special polling district without delay. The ballot box must be kept there under the supervision of the Electoral Board and remain locked until the completion of general voting. Its contents are then mixed with the contents of the general ballot box and counted together with the other votes cast in the special polling district. The process must be noted in the election record.*

*(7) The public character of the poll and the process of determining and establishing the election result should be ensured, if possible, through the presence of other persons who are eligible to vote.*

*(8) In the case of patients with infectious diseases, the management of the establishment must, in particular, comply with section 30 subsection (1) of the Infection Protection Act.*

*(9) The election result for the special polling district must not be determined before the end of general polling hours.*

*(10) Otherwise, the general provisions apply.*

## Section 62

### Voting in Smaller Hospitals and Smaller Retirement or Nursing Homes

*(1) The municipal authority should, if required and where possible in consultation with the management of smaller hospitals or smaller retirement or nursing homes, permit the eligible voters who are present in the establishment and have a valid polling card for the constituency to vote before a Mobile Electoral Board (section 8).*

*(2) The municipal authority agrees with the management of the establishment on the hours of voting during general polling hours. The management of the establishment provides a suitable polling station, if required. The municipal authority sets up the polling*

*station. The management of the establishment advises the persons eligible to vote of the time and place of voting.*

*(3) The Mobile Electoral Board goes to the hospital, retirement home or nursing home, carrying a locked ballot box and the requisite ballot papers, takes receipt of the polling cards and proceeds in accordance with sections 59 and 56 subsections (4) to (8). The Electoral Officer or his or her deputy advises voters who wish to receive assistance from another person when casting their votes that they may also choose a member of the Electoral Board to assist them. Upon completion of voting, the locked ballot box and the polling cards must be taken to the polling station of the polling district without delay. The ballot box must be kept there under the supervision of the Electoral Board and remain locked until the completion of general voting. Its contents are then mixed with the contents of the general ballot box and counted together with the other votes cast in the polling district. The process must be noted in the election record.*

*(4) Section 61 subsections (6) to (8) apply accordingly. Otherwise, the general provisions apply.*

### Section 63 Voting in Monasteries and Convents

*The municipal authority should, if required and where possible in consultation with the directorate of a monastery or convent, provide for voting in the monastery or convent in accordance with section 62.*

### Section 64 Voting in Socio-Therapeutic Correctional Facilities and Prisons

*(1) The municipal authority should, if required and where possible, afford eligible voters in socio-therapeutic correctional facilities and prisons who have a valid polling card for the constituency the opportunity to vote in the institution before a Mobile Electoral Board (section 8).*

*(2) The municipal authority agrees with the management of the institution on the hours of voting during general polling hours. The management of the institution provides a polling station. The municipal authority sets up the polling station. The management of the institution advises the persons eligible to vote of the time and place of voting and*

*ensures that they are able to visit the polling station for the purpose of voting.*

*(3) Section 62 subsection (3) and section 61 subsections (6) to (8) apply accordingly. Otherwise, the general provisions apply.*

Section 65  
(Repealed)

Section 66  
Postal Ballot

*(1) Any voter voting by post marks the ballot paper personally, puts it into the official ballot paper envelope, seals this envelope, signs and dates the affirmation in lieu of an oath for the postal ballot printed on the polling card, inserts the sealed official ballot paper envelope and the signed polling card into the official return envelope, seals the official return envelope, and, via a postal company, sends the postal ballot return letter in good time to the competent authority specified in subsection (2) and printed on the official return envelope. The postal ballot return letter may also be handed in to this authority. Once the postal ballot return letter has been received by the competent authority, it may not be returned.*

*(2) The postal ballot return letters must be received by the Constituency Returning Officer of the constituency for which the polling card is valid. If Electoral Boards have been established for individual or several municipalities within a constituency by virtue of an order pursuant to section 8 subsection (3) of the Federal Elections Act, the postal ballot return letters must be received by the municipal authority which has issued the polling cards; if Postal Ballot Boards have been established for individual administrative districts within a constituency, the postal ballot return letters must be received by the administrative authority of the district in which the municipalities that issued the polling cards are located.*

61

*(3) The voter must mark the ballot paper and place it in the ballot paper envelope without being observed; section 56 subsection (8) applies accordingly. Section 57 applies accordingly to voting by persons with disabilities. If the voter has had the ballot paper marked by an assistant, the latter must confirm that he or she has marked the ballot in accordance with the declared intent of the voter by signing the affirmation in*

*lieu of an oath for the postal ballot; the assistant must be sixteen years of age or older.*

*(4) In hospitals, retirement homes, senior living communities, nursing homes, convalescent homes, socio-therapeutic correctional facilities and prisons as well as collective living quarters, care must be taken to ensure that the ballot paper can be marked and placed in the ballot paper envelope without the voter being observed. The management of the establishment designates a suitable room, has it furnished and equipped and advises the persons eligible to vote of the times at which the room is available for exercise of the postal vote. Section 56 subsection (8) applies accordingly.*

*(5) The municipal authority informs the managements of the establishments located within its municipal territory of the provisions of subsection (4) not later than the thirteenth day before the election.*

## Part IV Determination and Establishment of the Election Results

### Section 67 Determination and Establishment of the Election Result in the Polling District

*Except as provided in section 68 subsection (2), the Electoral Board determines the election result in the polling district without interruption after the poll has closed and establishes*

- 1. the number of persons eligible to vote,*
- 2. the number of actual voters,*
- 3. the number of valid and invalid first votes,*
- 4. the number of valid and invalid second votes,*

62

- 5. the number of valid first votes cast for each candidate,*
- 6. the number of valid second votes cast for each Land list.*

### Section 68 Counting of Voters

*(1) Prior to the opening of the ballot box, all unused ballot papers are removed from the polling table. First, the number of marks in the electoral register indicating that the vote has been cast and the number of polling cards collected are determined. Then the ballot papers are removed from the ballot box, unfolded and counted. If there is a discrepancy even after repeated counting, this must be noted and an explanation given, if possible, in the election record.*

*(2) If it is established in accordance with subsection (1), second sentence, that fewer than 30 voters have cast their votes, the Constituency Returning Officer requires the Electoral Board of this polling district, the delivering Electoral Board, to hand over without delay the locked ballot box or the ballot papers in a securely closed and officially sealed envelope, the electoral register, the certificate of closure and the polling cards collected to the Electoral Board of another specified polling district of the same constituency, the receiving Electoral Board, for the purpose of determining and establishing the election result jointly. A notice stating where the election result will be determined and established jointly must be displayed at the polling station of the delivering Electoral Board. The objects to be handed over as required by the first sentence are transported in the presence of the Electoral Officer and the record keeper, another member of the Electoral Board and, where possible, other people who are present in accordance with section 54. The receiving Electoral Board proceeds as specified in section 61 subsection (6), seventh and eighth sentences. The handover of the ballot box and the electoral documents must be noted in the election records of the delivering and the receiving Electoral Boards.*

## Section 69 Counting of Votes

*(1) Once the ballot papers, the number of marks indicating the vote has been cast and the polling cards have been counted, two or more assessors, under the supervision of the*

63

*Electoral Officer, form the following piles of ballot papers, which they keep under careful observation:*

- 1. piles sorted by Land list, with the ballot papers on which the first and second votes have been unambiguously and validly cast for the candidate and Land list of the same party,*

2. one pile containing the ballot papers on which the first and second votes have been unambiguously and validly cast for candidates and Land lists of different nominating bodies, as well as the ballot papers on which only the first or second vote has been unambiguously and validly cast and the other vote has not been cast,

3. one pile containing the unmarked ballot papers.

All other ballot papers are set aside and placed in the care of an assessor entrusted with this task by the Electoral Officer.

(2) The assessors in charge of the ballot papers sorted by Land list (subsection (1), first sentence, number 1) hand over the piles one by one, some to the Electoral Officer and some to his or her deputy. The Electoral Officer and his or her deputy examine whether the ballot papers of each pile all bear the same marks and announce aloud the candidate for whom and the Land list for which the votes in each pile have been cast. If a ballot paper gives the Electoral Officer or his or her deputy cause for concern, they add it to the ballot papers set aside as required by subsection (1), second sentence.

(3) The Electoral Officer then examines the unmarked ballot papers (subsection (1), first sentence, number 3) which are given to him or her for this purpose by the assessor entrusted with the care of the ballots. The Electoral Officer announces that in this case both votes are invalid.

(4) Thereafter, two assessors, who have each been designated by the Electoral Officer, count, one after the other and under mutual supervision, the ballot papers in the piles examined by the Electoral Officer and his or her deputy as per subsections (2) and (3) and establish the number of valid votes cast for the individual nominations as well as the number of invalid votes. The numbers are entered as subtotals in the election record.

(5) Then the assessor in charge of the pile of ballot papers formed as per subsection (1), first sentence, number 2 hands the pile over to the Electoral Officer. The Electoral Officer

first sorts the ballot papers by the second votes cast for each Land list and, for each ballot paper, announces aloud the Land list for which the second vote has been cast.

*In the case of ballot papers on which only the first vote has been marked, the Electoral Officer announces that the unused second vote is invalid. If a ballot paper gives the Electoral Officer cause for concern, he or she adds it to the ballot papers set aside as required by subsection (1), second sentence. Then the piles formed by the Electoral Officer are counted as per subsection (4). Thereafter, the Electoral Officer rearranges the ballot papers by the first votes cast and proceeds as specified in the second to fifth sentences. The respective numbers of votes are entered as subtotals in the election record.*

*(6) Finally, the Electoral Board decides on the validity of the votes marked on the ballot papers which have been set aside. The Electoral Officer announces the decision verbally and, in the case of valid votes, states for which candidate or Land list the vote has been cast. On the reverse of each ballot paper, the Electoral Officer records whether both votes, only the first vote or only the second vote has/have been declared valid or invalid and consecutively numbers the ballot papers. The respective numbers of votes cast are entered as subtotals in the election record.*

*(7) The number of invalid votes and the number of votes cast for each nomination as established as per subsections (4) to (6) in the election record are added up by the record keeper. Two assessors designated by the Electoral Officer verify the calculation. If a member of the Electoral Board requests a recount of the votes prior to the signing of the election record, the procedure stipulated in subsections (1) to (6) must be repeated. The reasons for the recount must be noted in the election record.*

*(8) The assessors designated by the Electoral Officer gather into separate piles*

- 1. the ballot papers on which first and second votes or only first votes have been marked, sorted by the candidate who has received the first vote,*
- 2. the ballot papers on which only the second vote has been marked,*
- 3. the unmarked ballot papers,*
- 4. the other ballot papers*

*and keep them under careful supervision.*

*After the numbers have been established as per section 67, the Electoral Officer verbally announces the election result for the polling district together with the information specified in the aforementioned provision. Before the election record (section 72) has been signed, the result must not be communicated by members of the Electoral Board to any authorities other than those specified in section 71.*

## Section 71 Early Reports, Provisional Results

*(1) As soon as the election result for the polling district has been established, the Electoral Officer reports it to the municipal authority, which compiles the election results for all polling districts in the municipality and reports the result to the Constituency Returning Officer. If only one polling district has been set up in the municipality, the Electoral Officer reports the election result to the Constituency Returning Officer. The Land Returning Officer may order the election results of the municipalities within an administrative district to be reported via the administrative authority of the district.*

*(2) The report is made by the quickest means available (e.g. by telephone or other electronic means). It contains*

- 1. the number of persons eligible to vote,*
- 2. the number of actual voters,*
- 3. the number of valid and invalid first votes,*
- 4. the number of valid and invalid second votes,*
- 5. the number of valid first votes cast for each candidate,*
- 6. the number of valid second votes cast for each Land list.*

*(3) The Constituency Returning Officer determines the provisional election result for the constituency from the early reports submitted by the municipal authorities. Taking into account the results of the postal ballot (section 75 subsection (4)), he or she communicates the provisional election result to the Land Returning Officer by the quickest means available. If the candidate of a non-party constituency nomination*

*(section 20 subsection (3) of the Federal Elections Act) has secured the most first votes in the constituency election, this is established by the Constituency*

*Returning Officer. The Land Returning Officer reports the constituency results immediately to the Federal Returning Officer on a rolling basis as they come in.*

*(4) The Land Returning Officer determines the provisional election figures for the Land from the early reports provided by the Constituency Returning Officers and reports them to the Federal Returning Officer by the quickest means available.*

*(5) The Federal Returning Officer determines the provisional election result for the electoral area from the early reports provided by the Land Returning Officers in line with section 78.*

*(6) After carrying out those verifications which are possible without access to the election records, the Returning Officers announce the provisional election results verbally or in another appropriate form.*

*(7) The early reports issued by the Electoral Officers, municipal authorities and Constituency Returning Officers are made as shown in Annex 28. The Land Returning Officer may give instructions on how to transmit such early reports. He or she may also order that the election results of the polling districts and the municipalities be communicated simultaneously to the Constituency Returning Officer and to himself or herself. When determining the provisional election result for the Land, the Land Returning Officer may only consider the communicated results once the report in accordance with subsection (3), second sentence, has been provided by the Constituency Returning Officer.*

## Section 72 Election Record

*(1) The record keeper draws up a record of the poll and of the determination and establishment of the election result as shown in Annex 29. The record must be approved and signed by the members of the Electoral Board. If a member of the Electoral Board refuses to sign, the reason for the refusal must be noted in the election record. Decisions taken on the basis of section 56 subsection (7), section 59, third sentence, and section 69*

67

*subsection (6) as well as decisions on issues arising during the poll or during the*

*determination and establishment of the election result must be noted in the election record. The ballot papers on which specific decisions have been taken by the Electoral Board pursuant to section 69 subsection (6), and the polling cards on which specific decisions have been taken by the Electoral Board pursuant to section 59, third sentence, must be attached to the election record.*

*(2) The Electoral Officer must hand over the election record together with its accompanying documents to the municipal authority without delay.*

*(3) The municipal authority forwards the election records of its Electoral Boards together with the accompanying documents to the Constituency Returning Officer by the quickest means available. If the municipality consists of more than one polling district, it attaches a summary table of the election results for the individual polling districts as shown in Annex 30.*

*(4) Electoral Officers, municipal authorities and administrative authorities of the districts as well as Constituency Returning Officers must ensure that the election records and accompanying documents are not accessible to unauthorised persons.*

### Section 73 Handover and Storage of Electoral Documents

*(1) Once the Electoral Board has completed its duties, the Electoral Officer packs into separate parcels*

- 1. the ballot papers, sorted and grouped by the individual constituency candidates, the ballot papers on which only the second vote has been cast, and the unmarked ballot papers,*
- 2. (repealed)*
- 3. the polling cards collected,*

*where these items have not been attached to the election record, seals the individual parcels, labels them with a description of their contents and hands them over to the municipal authority. Until they are handed over to the municipal authority, the Electoral*

*Officer must ensure that the documents listed in items 1 to 3 are not accessible to*

*unauthorised persons.*

*(2) The municipal authority is required to store the parcels until authorisation is issued for the destruction of the electoral documents (section 90). It must ensure that the parcels are not accessible to unauthorised persons.*

*(3) The Electoral Officer returns to the municipal authority the documents and material made available to him or her under section 49 as well as the surrendered voter's notifications.*

*(4) The municipal authority must submit the documents listed in subsection (1) to the Constituency Returning Officer upon demand. If only parts of a parcel have been requested, the municipal authority breaks open the parcel in the presence of two witnesses, removes the requested part and reseals the parcel. A record of the process must be drawn up and signed by all participants.*

Section 74  
Processing of Postal Ballot Return Letters,  
Preparations for the Determination and Establishment of the Postal Ballot Result

*(1) The authority responsible for the receipt of postal ballot return letters (section 66 subsection (2)) collects the postal ballot return letters and keeps them under lock and key unopened. It marks the date and time of receipt on each postal ballot return letter received on election day after the end of polling hours, and the date of receipt only on postal ballot return letters that are received from the day after election day onwards.*

*(2) (Repealed)*

*(3) The responsible authority, which, in cases where a Postal Ballot Board is established for more than one municipality pursuant to section 7 subsection (3), is the municipal authority charged with conducting the postal ballot, distributes the postal ballot return letters to the various Postal Ballot Boards, hands over to each Postal Ballot Board the register of polling cards declared invalid, the addenda to that register or a notice that no*

*polling cards have been declared invalid (section 28 subsection (9)), ensures the provision and equipment of the polling station, and provides the Postal Ballot Board with any auxiliary staff it requires.*

*(4) If a Postal Ballot Board has been established for more than one municipality, the municipal authorities must forward to the municipal authority charged with conducting the postal ballot, by 12 noon on election day, all the postal ballot return letters they received up until or on the day before the election, and, by the quickest means available after the end of polling hours, all other postal ballot return letters they received before the end of polling hours.*

*(5) Postal ballot return letters arriving late are collected by the authority responsible, marked as prescribed in subsection (1) and packaged unopened. The authority responsible seals the parcel, labels it with a description of its contents and stores it until authorisation is issued for the destruction of the postal ballot return letters (section 90). It must ensure that the parcel is not accessible to unauthorised persons.*

Section 75  
Admission of Postal Ballot Return Letters,  
Determination and Establishment of the Postal Ballot Result

*(1) A member of the Postal Ballot Board designated by the Postal Ballot Officer opens the postal ballot return letters one by one and removes the polling card and the ballot paper envelope. If the polling card is listed in a register of polling cards declared invalid or if any concerns are raised about the validity of the polling card, the postal ballot return letters in question and their contents must be set aside under the supervision of the Postal Ballot Officer and subsequently processed in accordance with subsection (2). The ballot paper envelopes removed from the other postal ballot return letters are put in the ballot box unopened; the polling cards are collected.*

*(2) If concerns are raised about a postal ballot return letter, the Postal Ballot Board decides on the admission or rejection of the letter. The postal ballot return letter must be rejected by the Postal Ballot Board in any of the circumstances described in section 39 subsection (4), first sentence, numbers 2 to 8 of the Federal Elections Act. The number of postal ballot return letters queried, the number admitted after a specific decision has been*

taken and the number of letters rejected must be noted in the electoral record. The rejected postal ballot return letters and their contents must be set aside, marked with a note providing the reason for rejection, resealed and allocated a consecutive number. The senders of rejected postal ballot return letters are not counted as voters; their votes are deemed uncast (section 39 subsection (4), second sentence, of the Federal Elections Act).

(3) Once the ballot paper envelopes have been removed from the postal ballot return letters and put into the ballot box, but not before the end of general polling hours, the Postal Ballot Board determines and establishes the election result, stating the details specified in section 67 numbers 2 to 6. Sections 68 to 70 apply accordingly, with the proviso that the unopened ballot paper envelopes must first be counted and that empty ballot paper envelopes must be treated as required by section 69 subsection (1), first sentence, number 3, subsection (3) and subsection (8), number 3 and that ballot paper envelopes which contain two or more ballot papers or have given cause for concern must be treated as required by section 69 subsection (1), second sentence, subsection (6) and subsection (8) number 4.

(4) As soon as the result of the postal ballot has been established, the Postal Ballot Officer reports it to the Constituency Returning Officer by the quickest means available. If Postal Ballot Boards have been established for individual or for several municipalities by virtue of an order under section 8 subsection (3) of the Federal Elections Act, the Postal Ballot Officer reports the result of the postal ballot to the municipal authority responsible for him or her, which then incorporates it into the early report for the area of the municipality; if Postal Ballot Boards have been established for individual administrative districts within a constituency, the Postal Ballot Officer reports the result to the administrative authority of the district, which compiles the postal ballot results and reports them to the Constituency Returning Officer. The early reports are made as shown in Annex 28.

(5) A record of the admission of postal ballot return letters as well as of the determination and establishment of the postal ballot result must be drawn up by the record keeper as shown in Annex 31. Attached to it must be

1. the ballot papers and ballot paper envelopes on which the Postal Ballot Board has taken specific decisions as required by section 69 subsection (6),
2. the postal ballot return letters rejected by the Postal Ballot Board,

3. *the polling cards on which the Postal Ballot Board has taken a decision without the postal ballot return letters having been rejected.*

*(6) The Postal Ballot Officer hands over the election record and its accompanying documents to the Constituency Returning Officer without delay. If Postal Ballot Boards have been established for individual or several municipalities or for individual administrative districts within a constituency, the election record and its accompanying documents must be handed over to the municipal authority, or to the municipal authority charged with conducting the postal ballot, or to the administrative authority of the district. The competent municipal authority or the administrative authority of the district forwards the election records of the Postal Ballot Boards, together with the accompanying documents, to the Constituency Returning Officer and, if required, attaches summary tables of the postal ballot results as shown in Annex 30. Section 72 subsection (4) applies accordingly.*

*(7) The Postal Ballot Officer packs the electoral documents as per section 73 subsection (1) and hands them over to the Constituency Returning Officer, who stores them until their destruction has been authorised (section 90). If Postal Ballot Boards have been established for individual or several municipalities or for individual administrative districts within a constituency, the Postal Ballot Officer hands the documents over to the authority which appointed the Postal Ballot Board. This authority proceeds in accordance with section 73 subsections (2) to (4). Section 72 subsection (4) applies accordingly.*

*(8) Otherwise, the provisions that apply to the Electoral Board also apply accordingly to the work of the Postal Ballot Board.*

*(9) The result of the postal ballot is incorporated into the early report by the Constituency Returning Officer as per section 71 subsection (3) and into the summary table of the final election result for the constituency as per section 76.*

*(10) If the Federal Returning Officer finds that the regular transportation of postal ballot return letters has been disrupted in the electoral area due to natural disasters or similar force majeure events, the postal ballot return letters thereby affected and received by the competent authority (section 66 subsection (2)) after the consequences of the*

event have

72

been remedied, but not later than on the 22<sup>nd</sup> day after the election, are deemed to have been received in time if they would have been received by 6 p.m. on election day at the latest had the disruption not occurred. Postal ballot return letters posted within the electoral area and postmarked at the latest on the second day before the election are deemed to have been received in time. The postal ballot return letters deemed to have been received in time must be forwarded by the quickest means available to the competent Postal Ballot Board for the subsequent establishment of the postal ballot result, provided that the Constituency Returning Officer establishes that the number of postal ballot return letters required under section 7 number 1 has been reached. If that number has not been reached for individual Postal Ballot Boards, the Constituency Returning Officer decides to which Postal Ballot Board of the constituency the postal ballot return letters affected by the event are forwarded; if the number of postal ballot return letters required under section 7 number 1 has not been reached in the constituency, the Constituency Returning Officer determines which Postal Ballot Board decides about the admission or rejection of postal ballot return letters and which Postal Ballot Board of the constituency decides about the validity of the votes cast and subsequently establishes the postal ballot result. Otherwise, the Land Returning Officer may make arrangements to respond to the special circumstances in individual cases.

## Section 76

### Determination and Establishment of the Election Result in the Constituency

(1) The Constituency Returning Officer examines the election records of the Electoral Boards for completeness and due form. On the basis of the election records, he or she compiles the final result of the election in the constituency and of the election by Land list, recording the result by polling district and Postal Ballot Board as shown in Annex 30. The Constituency Returning Officer prepares subtotals for the municipalities and administrative districts and, in the event of an order pursuant to section 8 subsection (3) of the Federal Elections Act, also for the postal ballot results. If any concerns arise regarding the proper conduct of the election on the basis of the election record or for other reasons, the Constituency Returning Officer resolves them to the extent possible. If ballot papers are recounted, the Constituency Returning Officer makes the recount known to the public by posting a notice at or in the entrance to the building where the

*meeting is held. The notice must indicate the number of the polling district whose ballot papers have to be*

73

*recounted and provide the information that the recount will be carried out in public. The Constituency Returning Officer presents to the Constituency Electoral Committee the election record drawn up by the Electoral Board of the polling district concerned and the record documenting the examination of the individual ballot paper piles.*

*(2) Following the report by the Constituency Returning Officer, the Constituency Electoral Committee determines the election result for the constituency and establishes*

- 1. the number of persons eligible to vote,*
- 2. the number of actual voters,*
- 3. the number of valid and invalid first votes,*
- 4. the number of valid and invalid second votes,*
- 5. the number of valid first votes cast for each candidate,*
- 6. the number of valid second votes cast for each Land list.*

*The Constituency Electoral Committee is authorised to correct results established by the Electoral Board and to take diverging decisions on the validity of votes cast. It documents any unresolved concerns in the election record.*

*(3) (repealed)*

*(4) If, in the constituency election, the candidate named in a non-party constituency nomination (section 20 subsection (3) of the Federal Elections Act) has won the most first votes, the Constituency Returning Officer requires each municipal authority to provide the ballot papers on which a vote has been cast for that candidate and adds to these ballot papers the ballot papers received in the postal ballot and those which are attached to the election record and bear votes for that candidate. The Constituency Electoral Committee establishes how many second votes are disregarded pursuant to section 4 subsection (2), second sentence, number 1 of the Federal Elections Act and from which Land lists they have to be deducted.*

*(5) When the above has been established, the Constituency Returning Officer announces the election result verbally, stating the details specified in subsection (2), first sentence.*

*(6) The record of the meeting (section 5 subsection (7)) must be drawn up as shown in Annex 32. The record and the attached summary table of the election result as shown in Annex 30 must be signed by all members of the Constituency Electoral Committee who attended the meeting and by the record keeper.*

*(7) (repealed)*

*(8) The Constituency Returning Officer forwards a copy of the record of the Constituency Electoral Committee meeting and the accompanying summary table to the Land Returning Officer and the Federal Returning Officer by the quickest means available.*

*(9) (repealed)*

#### Section 77

##### Determination and Establishment of the Result for the Second Votes in Each Land

*(1) The Land Returning Officer examines the election records of the Constituency Electoral Committees and then enters the final election results in the individual constituencies of the Land (section 76 subsection (2)) in a summary table as shown in Annex 30 to obtain the final election result for the Land.*

*(2) Following the report by the Land Returning Officer, the Land Electoral Committee determines the result for the second votes in the Land and establishes 1. the number of persons eligible to vote,*

*2. the number of actual voters,*

*3. the number of valid and invalid second votes,*

*4. the number of valid second votes cast for each Land list,*

*5. in the case specified in section 4 subsection (2), second sentence, number 1 of the Federal Elections Act, the number of second votes cast for each Land list which have to be taken into consideration for the allocation of seats (adjusted numbers), and*

*6. which candidates are deemed elected according to the provisional results. The Land Electoral Committee is authorised to correct any incorrect calculations in the results established by the Electoral Boards and Constituency Electoral Committees.*

*(3) When the above has been established, the Land Returning Officer announces the election result verbally, stating the details specified in subsection (2), first sentence.*

*(3a) The Land Returning Officer notifies the candidates who are deemed elected according to the provisional results and advises them that their election must be established as final by the Federal Electoral Committee, that they will attain membership of the German Bundestag with the opening of the first meeting following the election when the election result has been established as final by the Federal Returning Officer as per section 42 subsection (3), first sentence, of the Federal Elections Act and that a refusal of membership must be declared to the Land Returning Officer.*

*(4) The record of the meeting (section 5 subsection (7)) must be drawn up as shown in Annex 33. Section 76 subsection (6), second sentence, applies accordingly.*

*(5) The Land Returning Officer forwards the Federal Returning Officer a copy of the record together with the establishment of the result for the second votes, the candidates deemed elected according to the provisional results and a summary table of the election results in the individual constituencies of the Land (subsection (1)).*

## Section 78

### Final Determination and Establishment of the Election Result for the Land Lists

*(1) The Federal Returning Officer examines the election records of the Land Electoral Committees. On the basis of the election records of the Land and Constituency Electoral Committees, he or she determines*

*1. the number of second votes cast for the Land lists of each party, 2. the total number of valid second votes cast in the electoral area, 3. the votes cast for the various parties in the electoral area as a percentage of the total number of valid second votes cast,*

*4. the number of constituency seats won by each party in the electoral area, and 5. the adjusted number of second votes cast for each Land list and each party.*

*In compliance with the provisions of sections 4 and 6 of the Federal Elections Act, the*

*Federal Returning Officer calculates the number of votes going to each party and Land list,*

*76*

*allocates the seats to the parties and their Land lists and ranks the candidates of a party by Land in descending order by the proportion of first votes they received as per section 6 of the Federal Elections Act.*

*(2) Following the report by the Federal Returning Officer, the Federal Electoral Committee determines the overall result of the election by Land list and establishes as final for the electoral area*

- 1. the number of persons eligible to vote,*
- 2. the number of actual voters,*
- 3. the numbers of valid and invalid second votes,*
- 4. the number of valid second votes going to each party,*
- 5. the parties which, on the basis of section 4 subsection (2) of the Federal Elections Act,*
  - a) are considered in the allocation of list seats,*
  - b) are disregarded in the allocation of list seats,*
- 6. the adjusted number of second votes going to each party,*
- 7. the number of seats going to each party and Land list,*
- 8. the number of successful constituency candidates under section 6 subsection (2) of the Federal Elections Act,*
- 9. which of the candidates have been duly elected.*

*The Federal Electoral Committee is authorised to correct any incorrect calculations in the results established by the Land Electoral Committees.*

*(3) When the above has been determined and established, the Federal Returning Officer announces the election result verbally, stating the details specified in subsection (2), first sentence, numbers 1 to 8. At the same time, the Federal Returning Officer communicates that he or she will announce the result established under subsection (2), first sentence, number 9 by means of a notice to be posted in the room where the meeting is held.*

*(4) Section 76 subsection (6) applies accordingly.*

*(5) The Federal Returning Officer communicates the names of the duly elected candidates to the Land Returning Officers.*

77

#### Section 79

#### Public Announcement of the Final Election Results

*(1) As soon as all Electoral Committees have established their results, 1. the Constituency Returning Officer publicly announces the final election result for the constituency, stating the details specified in section 76 subsection (2), first sentence, 2. the Land Returning Officer publicly announces the final election result for the Land, stating the details specified in section 76 subsection (2), first sentence, numbers 3 and 5 and in section 77 subsection (2), first sentence, listed by constituency, and the names of the candidates elected in the Land, 3. the Federal Returning Officer publicly announces the final election result for the electoral area, stating the details specified in section 78 subsection (2), first sentence, numbers 1 to 7, the allocation of the seats to the parties and other nominating bodies, listed by Land, and the names of the candidates elected in the electoral area.*

*(2) Each Land Returning Officer sends a copy of the public announcement to the Federal Returning Officer, and the Federal Returning Officer sends a copy of his or her public announcement to the President of the German Bundestag.*

#### Section 80

#### Notification of the Elected Candidates

*(1) After verbally announcing the final election result, the Federal Returning Officer notifies the candidates whose election has been declared as final by the Federal Electoral Committee and advises them of the provisions of section 42 subsection (2), second sentence, and section 45 subsection (1) of the Federal Elections Act. In the case of a repeat election (section 44 of the Federal Elections Act), he or she informs the candidates elected by service of a notification (section 87 subsection (1)) and advises them of the provisions of section 45 subsection (2) of the Federal Elections Act.*

*(2) The Land Returning Officer informs the Federal Returning Officer and the President of the German Bundestag immediately if an elected candidate has refused election. In the*

78

*case of a repeat election (section 44 of the Federal Elections Act), he or she communicates immediately upon expiration of the deadline specified in section 44 subsection (4), second sentence, of the Federal Elections Act the dates on which the declarations of acceptance by the elected candidates were received and which candidates have refused election. In the cases specified in section 45 subsection (2), third sentence, of the Federal Elections Act, the Land Returning Officer communicates the dates on which the notifications were served.*

#### Section 81

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

*(1) The Land Returning Officers and the Federal Returning Officer examine whether the election has been conducted in accordance with the provisions of the Federal Elections Act, these Regulations and the Federal Voting Machine Ordinance of 3 September 1975 (Federal Law Gazette I p. 2459), as amended. Based on the result of this scrutiny, they decide whether an objection to the election is to be lodged (section 2 subsection (2) of the Law on the Scrutiny of Elections).*

*(2) Upon request, the Constituency Returning Officers must forward the electoral documents held by them, the municipalities and the administrative authorities of the districts to the Land Returning Officer and via the latter to the Federal Returning Officer. The Federal Returning Officer may require the Land Returning Officers to forward to him or her the electoral documents that they hold.*

### Part V

Deferred Election, Repeat Election, Appointment of Successors

Section 82  
Deferred Election

*(1) As soon as it is established that the election cannot be conducted on account of the death of a constituency candidate, as a result of force majeure, or for any other reason, the Constituency Returning Officer cancels the election and publicly announces that a deferred*

79

*election will take place. He or she notifies the Land Returning Officer without delay, who, in turn, notifies the Federal Returning Officer.*

*(2) If the candidate of an admitted constituency nomination dies before the election, the Constituency Returning Officer requests the spokesperson to nominate another candidate in writing within a given period. The replacement nomination must bear the personal handwritten signatures of the spokesperson and the deputy spokesperson. The procedure laid down in section 21 of the Federal Elections Act does not have to be observed; the signatures referred to in section 20 subsections (2) and (3) of the Federal Elections Act are not required.*

*(3) The deferred election is conducted using the electoral registers compiled for the main election and, subject to the provisions of subsection (2), with the nominations admitted for the main election in the polling districts and polling stations designated for the main election and before the Electoral Boards established for the main election.*

*(4) If the deferred election takes place on account of the death of a constituency candidate, the polling cards issued for the main election are not valid for the deferred election. The competent authorities effect their replacement. Section 28 subsection (3) must be applied. New polling cards are issued in accordance with the general provisions. Any postal ballot return letters containing old polling cards which have been received by the authorities designated under section 66 subsection (2) are collected by these authorities and destroyed, with due regard to the secrecy of the ballot.*

*(5) If a deferred election takes place because the election could not be held due to force majeure or for any other reason, the polling cards issued for the main election remain valid for the deferred election. New polling cards may only be issued by municipalities located in the area where the deferred election is taking place.*

*(6) The Land Returning Officer may make arrangements to respond to the special circumstances in individual cases.*

*(7) The Land Returning Officer makes the date of the deferred election public.*

80

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