Federal Electoral Regulations

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Part I
Electoral Bodies

Section 1
Federal Returning Officer

The Federal Returning Officer and his or her deputy shall be appointed indefinitely. The Federal Ministry of the Interior, Building and Community shall make the names of the Federal Returning Officer and his or her deputy as well as the addresses of their offices, with telecommunication numbers, public.

Section 2
Land Returning Officer

The Land Returning Officer and his or her deputy shall be appointed indefinitely. The appointing agency shall notify the Federal Returning Officer of the names of the Land Returning Officer and his or her deputy as well as the addresses of their offices, with telecommunication numbers, and make them public.

Section 3
Constituency Returning Officer

(1) The Constituency Returning Officers and their deputies shall be appointed before each election. The appointment shall be made at the earliest date on which delegates' assemblies may be convened pursuant to Selection 21 subsection (3) of the Federal Elections Act in order to nominate constituency candidates and, at the latest, as soon as possible after the announcement of the date of the general election. The appointing agency shall notify the Land Returning Officer and the Federal Returning Officer of the names and addresses of their offices, with telecommunication numbers, and make them public.

(2) The Constituency Returning Officer and his or her deputies shall carry out the functions of their offices even after the general election, but not beyond the end of the legislative term.

Section 4
Appointment of Electoral Committees

(1) The Federal Returning Officer, the Land Returning Officers and the Constituency Returning Officers shall appoint the members of the Electoral Committees and one deputy for each member as soon as possible after the announcement of the date of the general election. The members of the Land Electoral Committees and of the Constituency Electoral Committees shall be appointed from among the electorate of the appropriate area; they should, wherever possible, be resident at the seat of the office of the Returning Officer.

(2) In the selection of members of the Electoral Committees, due consideration should generally be given to the political parties in the order of the number of second votes they obtained in the area at the last Bundestag election and the persons eligible to vote nominated by them in due time appointed.

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

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

Section 5
Activities of Electoral Committees

(1) The Electoral Committees shall be deemed to have a quorum irrespective of the number of members present.

(2) The chairperson shall designate the venue and time of the meetings. He or she shall invite the members to the meetings, advising them that the Committee is deemed to have

a quorum irrespective of the number of members present. The members should be given the opportunity to consider the documents to be deliberated before the meeting.

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

(4) The chairperson shall appoint a protocolist; he or she shall only be eligible to vote if he or she is also a Committee member.

(5) The chairperson shall advise the members and the protocolist of their obligation to carry out the functions of their offices impartially and not to disclose any information to which they have become privy in the course of their official functions.

(6) The chairperson shall be authorized to eject any persons disturbing the peace from the meeting room.

(7) The protocolist shall draw up a record of each meeting; it must be signed by the chairperson, the members and the protocolist.

Section 6
Electoral Officer and Electoral Board

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

(2) The members of the Electoral Board should, wherever possible, be appointed from among the electorate of the appropriate municipality, if possible from among the electorate of the electoral district. The Deputy Electoral Officer shall also be a member of the Electoral Board.

(3) The Electoral Officer and his or her deputy shall be advised by the local authority of the municipality of their obligation to carry out the functions of their offices impartially and not to disclose any information to which they have become privy in the course of their

official functions prior to the start of the poll. The members of the Electoral Board must not visibly wear any sign or symbol indicating political beliefs during the course of their duties.

(4) The Electoral Officer shall appoint the protocolist and his or her deputy from among the members. If the members of the Electoral Board have been ordered in keeping with Section 9 subsection (2), third sentence, to be appointed by the local authority of the municipality, the latter may appoint also the protocolist and his or her deputy.

(5) The local authority of the municipality must inform the members of the Electoral Board of their duties prior to the election in such a manner as to ensure that the poll and the establishment of the election result are conducted properly.

(6) The Electoral Board shall be summoned by the local authority of the municipality or by the Electoral Officer on its behalf. It shall assemble at the polling station in good time prior to the start of polling hours on election day.

(7) The Electoral Board shall ensure that the election is conducted properly. The Electoral Officer shall direct the activities of the Electoral Board.

(8) During the poll, the Electoral Officer and the protocolist or their deputies and at least another member of the Electoral Board must be present at all times. All members of the Electoral Board should be present for the establishment of the election result.

(9) The Electoral Board shall be deemed to have a quorum, whenever the Electoral Officer and the protocolist or their deputies and, during the poll, at least one more member of the Electoral Board or, during the establishment of the election result, at least three more members are present. Absent members must be replaced by persons eligible to vote nominated by the Electoral Officer if this is required for the Electoral Board to have a quorum. Such persons shall be advised of their obligation by the Electoral Officer in accordance with subsection (3) above.

(10) The local authority of the municipality shall provide the Electoral Board whatever auxiliary personnel is required.

Section 7
Postal Ballot Officer and Postal Ballot Board

Section 6 shall apply as appropriate to Postal Ballot Officers and Postal Ballot Boards, with the following conditions:

1. In the appointment of more than one Postal Ballot Board pursuant to Section 8 subsection (1) of the Federal Elections Act for one constituency and in the appointment of Postal Ballot Boards pursuant to Section 8 subsection (3) of the Federal Elections Act for one or more municipalities or for individual districts within a constituency, the number of postal ballot letters allotted to a Postal Ballot Board must not be so small that it becomes evident how individual voters have voted; at least fifty postal ballot letters should be allotted to each Postal Ballot Board.
2. The Land Government or the agency designated by it shall decide how many Postal Ballot Boards are to be appointed in the event of an order being issued pursuant to Section 8 subsection (3) of the Federal Elections Act so that the result of the postal ballot can be established on election day itself.
3. Should one Postal Ballot Board be appointed for more than one municipality under an order issued pursuant to Section 8 subsection (3) of the Federal Elections Act, one of these municipalities shall be charged to conduct the postal ballot.
4. The members of the Postal Ballot Boards for the individual constituencies should, wherever possible, be appointed from among the electorate of the constituency who are resident at the seat of the office of the Constituency Returning Officer; the members of Postal Ballot Boards for one or more municipalities or for individual districts within a constituency should, wherever possible, be appointed from among the electorate resident in the municipalities or districts.
5. The Constituency Returning Officer shall make the venue and time of the meeting of the Postal Ballot Board public, advise the Electoral Officer and his or her deputy of their obligation to carry out the functions of their offices duties impartially and not to disclose any information to which they have become privy in the course of their official functions, inform the members of the Postal Ballot Board of their duties and summon them; the same shall apply as appropriate to the appointment of two or more Postal Ballot Boards for one constituency. Should Postal Ballot Boards be established for one or more municipalities or for individual districts within a constituency, the relevant municipality or the local authority of the municipality

charged pursuant to number 3 above or the relevant administrative authority of the district shall discharge these duties.

6. The Postal Ballot Board shall be deemed to have a quorum, for the approval or rejection of ballot letters pursuant to Section 75 subsections (1) and (2), if at least three members are present, for the establishment of the postal ballot result pursuant to Section 75 subsection (3), if at least five members are present, including in each case the Electoral Officer and protocolist or their deputies.

Section 8
Mobile Electoral Board

Mobile Electoral Boards are to be appointed wherever necessary and possible for voting in smaller hospitals, smaller senior citizens' or nursing homes, monasteries, convents and socio-therapeutic and penal institutions. The Mobile Electoral Board shall comprise the Electoral Officer of the cognizant polling district or his or her deputy and two members of the Electoral Board. The local authority of the municipality may also, however, instruct the Mobile Electoral Board of another polling district in the municipality to take receipt of the ballot papers.

Section 9
Honorary Offices

The following persons may refuse an honorary office:

1. members of the Federal Government or of a Land Government,
2. members of the European Parliament, the German Bundestag or a Landtag,
3. persons eligible to vote who will have reached the age of sixty-five by election day,
4. persons eligible to vote who substantiate that care of their family is a particular impediment to carrying out the functions of the office,
5. persons eligible to vote who substantiate that they are prevented from carrying out the functions of the office properly on urgent professional grounds or by illness or disability or on other substantial grounds.

Section 10
Reimbursement of Expenses for Holders of Honorary Offices, Refreshment Allowance

(1) Returning Officers and members of the Electoral Committees and Electoral Boards shall receive a travel allowance on the basis of Sections 4 and 5 subsection (1) of the Federal Law on Travel Expenses when they work outside their own polling districts; if they work outside their place of residence, they shall additionally receive subsistence and accommodation allowances on the basis of the Federal Law on Travel Expenses. 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 of these Regulations and to the members of the Electoral Boards for election day. It shall be offset against any subsistence allowance paid pursuant to subsection (1) above.

Section 11
Fines

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

Part II
Preparation for the Election

Chapter I
Polling Districts

Section 12
General Polling Districts

(1) Municipalities with a population of no more than 2,500 shall normally form one polling district. Larger municipalities shall be divided into several polling districts. The local authority of the municipality shall decide which polling districts are to be formed.

(2) The polling districts shall be delimited in accordance with the local conditions so as to make it as easy as possible for the entire electorate to participate in the election. No polling district shall have a population of more than 2,500. The number of persons eligible to vote in a polling district must not be so small it becomes evident how individual voters have voted.

(3) The persons eligible to vote in communal accommodation such as camps, quarters of the Federal Armed Forces, the Federal Police or the police, shall 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 district to form one polling district, as well as parts of municipalities that are intersected by constituency boundaries with neighboring municipalities or parts of municipalities of another administrative district to form one polling district. He or she shall also determine which municipality is to conduct the election.

Section 13
Special Polling Districts

(1) For hospitals, senior citizens' homes, nursing homes for the elderly, nursing homes, convalescent homes and similar establishments with a sizable number of persons who are eligible to vote, but who are unable to go to a polling station outside the establishment, the local authority of the municipality is to form whatever special polling districts are required to enable polling card holders to cast their votes.

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

(3) If a special polling district is not formed, Section 8 of these Regulations shall apply as appropriate.

Chapter II
Voters' Register

Section 14
Maintenance of the Voters' Register

(1) The local authority of the municipality shall, before each election, compile a register of the persons eligible to vote for each general polling district (Section 12), entering their surnames and forenames, dates of birth and residential addresses. The voters' register may also be maintained by means of an automated process.

(2) The voters' register shall be compiled with serial numbers in alphabetical order of surnames and, where surnames are identical, of forenames. It can also be subdivided by area, street and house number. It shall contain one column for notes on voting and one column for remarks.

(3) The local authority of the municipality shall ensure that the documentation for the voters' registers is available at all times and is so complete that the registers can be compiled in good time for elections.

(4) If a polling district comprises more than one municipality or parts of more than one municipality, the local authority of each municipality shall compile the voters' register for its part of the polling district.

Section 15
(Repealed)

Section 16
Registration of Persons Eligible to Vote in the Voters' Register

(1) Ex officio, all persons eligible to vote are who are registered with the registration authorities on the forty-second day before the election (qualifying date) must be entered in the voters' register.

1. in respect of a domicile,
2. in respect of a seagoing vessel eligible to fly the German flag (Section 12 subsection (4) number 1 of the Federal Elections Act) and on which they are employed or hired to serve or undergoing training as a captain or crew member,
3. in respect of a vessel in inland navigation enrolled in a ship's register within the Federal Republic of Germany (Section 12 subsection (4) number 2 of the Federal Elections Act),
4. in respect of a penal institution or similar establishment (Section 12 subsection (4) number 3 of the Federal Elections Act).

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

1. pursuant to Section 12 subsection (1) of the Federal Elections Act,
   a) (repealed)
   b) who, without having a domicile, are otherwise habitually resident in the electoral area,
   c) who are in a penal institution or similar establishment and do not have to be entered in the voters' register ex officio under subsection (1) number 4 above,
2. pursuant to Section 12 subsection (2), first sentence of the Federal Elections Act, who do not have to be entered in the voters' register ex officio under subsection (1) number 1 above.

(3) If a person eligible to vote who must be entered in the voters' register pursuant to subsection (1) above moves his or her domicile and registers with the registration authority of the new place of residence prior to the beginning of the period during which the voters' register may be inspected (Section 17 subsection (1), second sentence, of the Federal Elections Act), he or she shall be entered in the voters' register of the municipality to which he or she has moved on application only. A person eligible to vote and entered in the voters' register pursuant to subsection (1) above who registers under a new address within the same municipality shall remain entered in the voters' register of the polling district in which he or she was entered on the qualifying date. Upon registration, the person eligible to vote must be informed of the provisions of the first and second sentences above. If the entry in the register is made on application, the local authority of the municipality in which the new place of residence lies shall report this immediately to the local authority of the former place of residence, which shall delete the elector from its voters' register. If, in the case specified in the first sentence above, the local authority of the former place of residence has or later receives a notice of disqualification from voting, it shall immediately forward this information to the local authority of the new place of residence, which shall delete the person from its voters' register; the person concerned must be informed of such a deletion.

(4) Subsection (3), first and third sentences, shall apply as appropriate to persons eligible to vote who, on the qualifying date, are not registered in respect of a domicile but register with the registration authorities in respect of a domicile prior to the period in which the voters' register may be inspected.

(5) If a person eligible to vote who is entered in the voters' register pursuant to subsection (1) above occupies another domicile in a different municipality, which becomes his or her main residence, or moves his or her main residence to another municipality, subsection (3) above shall apply as appropriate if he or she registers with the registration authorities prior to the period in which the voters' register may be inspected.

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

(7) Before a person is entered in the voters' register, it must be ascertained 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. 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, in cases where this is required for checking a returning person's eligibility to vote pursuant to Section 12 subsection (2), third sentence, of the Federal Elections Act. If registration in the voters' register is based solely on an application, it must also be ascertained that the application has been submitted in due time and form.

(8) If the local authority of a municipality does not accede to an application for registration or deletes a person from the voters' register, it must inform the person concerned immediately. The person concerned may appeal against the decision; he or she must be advised of this option. Section 22 subsections (2), (4) and (5) shall apply as appropriate. 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), forth sentence) shall apply only if the objection has been lodged earlier than the twelfth day before the election.

(9) The local authority of the municipality must, not later than the qualifying date, advise the management of any penal institution or similar establishment within the municipality of the provisions of subsection (2) number 1 letter (c) above and of the need to inform the persons concerned if Section 27 subsection (4) of the Federal Act on Registration does not provide for compulsory registration of the inmates of such establishments.

Section 17
Responsibilities for Registration in the Voters' Register

(1) Responsibility for registration in the voters' register shall lie,

1. in the case specified in Section 16 subsection (1) number 1 with the municipality responsible for the domicile or, if there is more than one domicile, 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 seat of the ship owner,

3. in the case specified in Section 16 subsection (1) number 3 with the municipality responsible for the home port of the inland vessel,
4. in the case specified in Section 16 subsection (1) number 4 with the municipality responsible for the penal institution or similar establishment.

(2) Responsibility for registration in the voters' register shall lie,
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 penal institution or similar establishment,
4. (repealed)
5. in the case specified in Section 16 subsection (2) number 2 with the municipality in the Federal Republic of Germany in which the person eligible to vote, according to his or her statement, was last registered before leaving the electoral area, and, if he or she has never been registered in the electoral area, with the municipality he or she declares to be the most familiar with within the meaning of Section 12 subsection (2), first sentence, number 2 of the Federal Elections Act. The first sentence shall also apply to seamen who have been sailing under a foreign flag since leaving the electoral area as well as to boatmen on inland waterways whose vessels are not enrolled in a marine register in the Federal Republic of Germany and to the members of their households. For seamen who, since leaving a vessel which is eligible to fly the German flag, have sailed on a seagoing vessel under a foreign flag, the municipality in which the seat of the owner of their former ship is located shall be responsible. For boatmen on inland waterways who, since last sailing on an inland vessel enrolled in a marine register in the Federal Republic of Germany, have sailed on an inland vessel not enrolled in a marine register in the Federal Republic of Germany or on a seagoing vessel under a foreign flag, the municipality specified in subsection (1) number 3 above shall be responsible.

(3) Responsibility for registration in the voters' register shall lie
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 person eligible to vote has registered in respect of a domicile or, if there is more than one domicile, in respect of a main residence,
3. in the case specified in Section 16 subsection (5), the municipality of the new main residence.

Section 18
Procedure for Registration in the Voters' Register on Request

(1) The application for registration in the voters' register must be made in writing to the competent local authority of the municipality not later than the twenty-first day before the election. It must contain the surname, the forenames, the date of birth and the exact address of the person eligible to vote. Except in the cases specified in subsection (5), collective applications shall be permissible; they must bear the personal handwritten signatures of all the listed persons. A person with disabilities who is eligible to vote may to this end avail himself or herself of another person's assistance. Section 57 shall apply as appropriate.

(2) (Repealed)

(3) In the cases specified in Section 16 subsection (2) number 1 persons eligible to vote are to be listed until election day in the voters' register of the municipality which is responsible pursuant to Section 17 subsection (2) number 2 even if they have reregistered with another registration authority in the electoral area after the qualifying date. They must be informed accordingly upon registration.

(4) (Repealed)

(5) In the cases specified in Section 16 subsection (2) number 2 the person eligible to vote must, when applying for registration in the voters' register as per Annex 2, provide the local authority of the municipality certification of his or her enfranchisement by declaring in lieu of an oath that he or she has not applied for registration in the voters' register in any other municipality in the electoral area. Requests for application forms and notes for applicants may be submitted to the diplomatic and full-time consular missions of the

Federal Republic of Germany abroad, to the Federal Returning Officer and to the Constituency Returning Officers. If there be doubt about the information provided by the applicant, the local authority must investigate the matter immediately. The Federal Returning Officer must be notified immediately of the registration in the voters' register through transmission of the duplicate of the application as per Annex 2 or a copy of the original application as per Annex 2, on which the registration shall be recorded. If the Federal Returning Officer receives notification from more than one local authority of the registration of the same applicant in the voters' register, he or she shall immediately contact any local authority whose notification of registration in the voters' register is received after the first notification to inform it of the registration of the person eligible to vote in the voters' register of the first notifying municipality. Any local authority receiving such information from the Federal Returning Officer must delete the person concerned from the voters' register and inform him or her thereof.

(6) If a person eligible to vote as defined by Section 12 subsection (2), first sentence, of the Federal Elections Act returns to the electoral area and registers there in respect of a domicile after the qualifying date as specified by Section 16 subsection (1) but before the beginning of the period in which the voters' register as defined by Section 17 subsection (1), first sentence, of the Federal Elections Act may be inspected, he or she shall be registered in the voters' register of the new place of residence only after filing an application as per Annex 1, thus providing evidence to the municipal authority of his or her eligibility to vote by affirmation in lieu of an oath and declaring that he or she has not submitted any other application for entry in the voters' register. The person eligible to vote is to be advised thereof at the time of application. The local authority of the municipality must immediately inform the Federal Returning Officer by submitting the duplicate of the application as per Annex 1 or a copy of the original application as per Annex 1 on which the registration shall be recorded when such person has been registered in the voters' register. Subsection (5), fifth and sixth sentences, shall apply as appropriate.

Section 19
Notification of Persons Eligible to Vote

(1) The local authority of the municipality shall notify every person eligible to vote registered in the voters' register by means of a postcard similar to the specimen at Annex

3 not later than the day before the voters' register is open for inspection. The notice shall contain

1. the surname, the forenames and the place of residence of the person eligible to vote,
2. details of the polling station an whether it is barrier-free,
3. details of polling hours,
4. the number under which the person eligible to vote is registered in the voters' register,
5. the request 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 person entitled to vote may vote only once 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 does not therefore confer the right to vote at any polling station other than the one designated,
7. a note as to where persons entitled to vote may obtain information on barrier-free polling stations and on aids,
8. instructions on how to apply for a polling card and how to dispatch postal ballot documents. The instructions must at least contain directions on
    a) the fact that the application for a polling card is only to 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) the conditions under which a polling card is issued (Section 25 subsection (1) and Section 27 subsection (4), third sentence),
    c) the fact that the polling card may not be applied for by anyone other than the person eligible to vote unless entitlement to apply is certified by submission of a written authority (Section 27 subsection (3)).

Persons eligible to vote that are registered in the voters' register pursuant to Section 16 subsections (2) to (5) on application and, more specifically, are registered after the notifications pursuant to the first sentence have been sent must be notified of their registration immediately after such registration.

(2) An application form for the issue of a polling card and postal ballot documents in accordance with the specimen at Annex 4 shall be printed on the reverse of the notification specified in subsection (1).

(3) Subsections (1) and (2) shall not apply to persons eligible to vote who are registered in the voters' register pursuant to Section 16 subsection (2) by sole reason of an application and have already applied for a polling card and postal ballot documents.

(4) If a Land Returning Officer finds that as a result of natural disasters or by force majeure the timely notification pursuant to subsection (1) is disrupted, he shall decide that the notification may subsequently be carried out in the area concerned. If there is cause for concern that the notification pursuant to subsection (1) cannot be effected until the sixth day before the election, he shall decide that the persons eligible to vote shall 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 supplementary adjustments in line with special circumstances in individual cases. He shall publicize in an appropriate way the reasons for the disruption, the area concerned, the adjustments made by him in individual cases and the manner of notification.

Section 20
Notice of the Right to Inspect the Voters' Register and of the Issue of Polling Cards

(1) The local authority of the municipality shall publicize, not later than twenty-four days before the election and in accordance with the specimen at Annex 5,

1. by whom, for what purposes and under what conditions, where, for how long and at what times of day the voters' register may be inspected and whether the place for inspection is barrier-free,
2. that within the inspection period an objection to the voters' register may be lodged to the local authority of the municipality in writing or by means of a minuted statement (Section 22),
3. that persons eligible to vote registered in the voters' register will receive a voter's notice not later than the twenty-first day before the election and that persons eligible to vote registered in the voters' register by sole reason of an application who have already applied for a polling card with postal ballot documents will not receive a voter's notice,
4. where, during what period and under what conditions applications may be submitted for polling cards (Section 25 et seq.),

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

(2) The diplomatic consular missions of the Federal Republic of Germany abroad shall make public immediately after the designation of election day:

1. the conditions under which Germans living abroad may participate in the German Bundestag election,
2. where, in what form and within what period such persons must apply for registration in a voters' register in the Federal Republic of Germany in order to participate in the election.

Such public notice is to be given by the embassies as per Annex 6 by at least one advertisement in German in a daily or weekly national newspaper; in addition, full-time consulates may disseminate the content of the notice by advertisement in German in regional daily newspapers, and embassies and full-time consulates may publish such information on the internet if this seems advisable on account of the local circumstances.

Section 21
Inspection of the Voters' Register

(1) The local authority of the municipality shall keep the voters' register available for inspection at least at the administrative center of the municipality during the general opening hours. If an automated process is used to maintain the voters' register, inspection through a data terminal can also be made available. Care must be taken to ensure that notes (Section 23 subsection (3)) can be read in comprehensible form. The data terminal may only be operated by an employee of the local authority.

(2) (Repealed)

(3) Within the inspection period, persons eligible to vote shall be allowed to draw excerpts from the voters' register if they do so in the context of verifying the voting rights of specified individuals. The excerpts may be used for this purpose only and must not be made accessible to unconcerned third parties.

Section 22
Objections to the Voters' Register and Appeal

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

(2) The objection must be lodged with the local authority of the municipality in writing or as a minuted statement. If the assertions are not obvious, the objector must produce the requisite evidence. A person with disabilities who is eligible to vote may avail himself or herself of another person's assistance; Section 57 shall apply as appropriate.

(3) If the local authority intends to uphold an objection to the registration of another person, it must give that registered person the opportunity to speak before taking its decision.

(4) The local authority of the municipality must serve the objector and the registered person concerned with its decision not later than the tenth day before the election and must advise them of the legal remedies available. When the local authority upholds an objection whose purpose is registration, it shall indicate this, after amending the voters' register, by sending the person eligible to vote a voter's notice. In the cases specified in Section 18 subsections (5) and (6), it shall inform the competent authorities of the registration immediately.

(5) An appeal against the decision of the local authority may be lodged within two days of its service to the Constituency Returning Officer. The appeal must be lodged with the local authority in writing or by means of a minuted statement. The local authority shall submit the appeal with the relevant files to the Constituency Returning Officer immediately. The Constituency Returning Officer must decide on the appeal not later than the fourth day before the election. Subsection (3) above shall apply as appropriate. The decision on the appeal shall be notified to the persons concerned and to the local authority. It shall be final, unless otherwise decided in electoral scrutiny proceedings.

Section 23
Revision of the Voters' Register

(1) Once the inspection period has begun, the inclusion or deletion of persons as well as other amendments to the voters' register shall only be permissible on the grounds of an objection filed in time. Section 16 subsections (2) to (5), Section 18 subsection (5), sixth sentence, and Section 18 subsection (6), forth sentence, as well as Section 30 shall remain unaffected.

(2) If the voters' register is evidently incorrect or incomplete, the local authority of the municipality may also rectify the fault ex officio. This shall not apply to faults which are the subject of objection proceedings. Section 22 subsections (3) to (5) shall apply as appropriate. The deadline stipulated for service of the decision (Section 22 subsection (4), first sentence) and for decision on the appeal (Section 22 subsection (5), forth sentence) shall only apply if the faults which the local authority may rectify ex officio become evident prior to the twelfth day before the election.

(3) All amendments made after the beginning of the inspection period shall be explained in the "Notes" column, showing the date of amendment and bearing the signature of the executive official; in an automated process, the signature shall be replaced by a reference to the responsible official.

(4) After closure of the voters' register, no further amendments may be effected except those provided for in subsection (2) and in Section 53 subsection (2).

Section 24
Closure of the Voters' Register

(1) The voters' register shall be closed by the local authority of the municipality not later than the day before the election but not earlier than the third day before the election. Upon closure, the local authority shall ascertain the number of persons eligible to vote in the polling district. Closure shall be certified in accordance with the specimen at Annex 8. If an automated process is used to maintain the voters' register, a print-out must be produced prior to certification.

(2) Voters' registers of two or more municipalities or parts of municipalities which are combined to form one polling area shall be combined by the local authority administering the election in the polling district to form the voters' register of the polling district and then closed.

Chapter III
Polling Cards

Section 25
Conditions for Issuing Polling Cards

(1) A person eligible to vote registered in the voters' register shall receive a polling card on application.

(2) A person eligible to vote not registered in the voters' register shall receive a polling card on application

1. if he or she certifies that, through no fault of his or her own, he or she has failed to meet the deadline for application under Section 18 subsection (1) or the deadline for objections under Section 22 subsection (1),
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 22 subsection (1),
3. if his or her right to vote was ascertained by means of the objection proceeding and the ascertainment thereof only came to the attention of the local authority after the closure of the voters' register.

Section 26
Competent Authority, Form of the Polling Card

The polling card, in accordance with the specimen at Annex 9, shall be issued by the local authority of the municipality in whose voters' register the person eligible to vote is registered or should have been registered.

Section 27
Applications for Polling Cards

(1) Applications for a polling card may be submitted to the local authority of the municipality in writing or personally. Telegram, telex, fax and e-mail messages as well as any other electronic transmission that can be documented shall also be valid forms of written communication. Application by telephone shall not be permissible. A person with disabilities who is eligible to vote may avail himself or herself of another person's assistance to submit the application; Section 57 shall apply as appropriate.

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

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

(4) Polling cards may be applied for until 6 p.m. on the second day before the election. In the cases specified in Section 25 subsection (2), polling cards may be issued until 3 p.m. on election day. The same shall apply if the certified onset of sudden illness makes it impossible or unreasonably difficult for someone to go to the polling station; in this case, before issuing the polling card, the local authority must inform the Electoral Officer responsible for the elector's polling district, who must proceed in accordance with Section 53 subsection (2).

(5) For persons eligible to vote who, pursuant to Section 16 subsection (2), are registered in the voters' register by sole reason of an application, such an application shall also be considered an application for a polling card unless the elector wishes to vote before the Electoral Board of his or her own polling district.

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

Section 28
Issue of Polling Cards

(1) Polling cards must not be issued prior to the approval of 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 embossed. If the polling card is produced by means of automated facilities, there may be no signature, in derogation of sentence 1; instead, the name of the official in charge may be embossed.

(3) The following shall be appended to the polling card:

1. an official ballot paper for the constituency in accordance with the specimen at Annex 26,
2. an official ballot paper envelope in accordance with the specimen at Annex 10,
3. an official return envelope in accordance with the specimen at Annex 11, bearing the full address to which the ballot letter is to be sent, (recipient of the postal ballot letter in accordance with Section 66 subsection (2)), as well as the designation of the local authority of the municipality which has issued the polling card (issuing office) and the polling card number or polling district entered beforehand by the issuing office, and
4. an information leaflet for postal voters in accordance with the specimen at Annex 12.

The first sentence shall not apply in the cases specified in Section 29 subsection (1).

(4) The polling card and postal ballot documents shall be sent or officially delivered to the place of residence of the person eligible to vote provided that the application does not contain another address or provides for the documents to be collected. If dispatch to another address has been applied for in a form pursuant to Section 27 subsection (1), second sentence, the sending of the postal ballot documents shall include the dispatch of

a notice to the place of residence. Outgoing mail shall be stamped by the local authority. The local authority of the municipality shall send the polling card and postal ballot documents to the person eligible to vote by air mail if the application reveals that he or she wishes to vote from an area outside Europe or if this otherwise appears necessary.

(5) If the person eligible to vote collects the polling card and postal ballot documents personally from the local authority of the municipality, he or she should be given the opportunity to cast his or her postal vote there and then. Care must be taken to ensure that the voter can mark the ballot paper and place it in the ballot paper envelope without being observed. The polling card and postal ballot documents may only be handed over to someone other than the person eligible to vote in person if the authorization to take receipt of the documents is certified by the submission of a written authority. Section 27 subsection (1), forth sentence, shall apply as appropriate. The authority may be used only if the person authorized represents not more than four persons entitled to vote; this must be confirmed in writing by the person authorized before he or she takes receipt of the documents. The person authorized must identify himself or herself upon request.

(6) The local authority shall maintain a polling card register in which the cases specified in Section 25 subsection (1) and in subsection (2) are recorded separately. The register shall be kept as a list or as a collection of the carbon copies of the polling cards. The number under which the polling card is recorded in the polling card register as well as the number under which the person eligible to vote is registered in the voters' register or the name of the envisaged polling district shall be entered on the polling card. Where voters are not registered in the voters' register, a note shall be 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 person eligible to vote will be assigned. If further polling cards are issued after closure of the voters' register, a special register shall be kept for such cards in accordance with the first to third sentences above.

(7) The local authority of the municipality shall immediately notify the Federal Returning Officer of any polling card issued pursuant to Section 25 subsection (2) to a person eligible to vote specified in Section 12 subsection (2), first sentence, of the Federal Elections Act. Section 18 subsection (5), fifth and sixth sentences, shall apply as appropriate.

(8) If a person eligible to vote who has already received a polling card is deleted from the voters' register, the polling card must be declared invalid. The local authority shall keep a register of such occurrences, recording in it the name of the person eligible to vote and the number of the invalidated polling card; it must amend the polling card register. The local authority shall inform the Constituency Returning Officer, who shall advise 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 shall be made in the polling card register and in the register of invalidated polling cards, stating that the vote of a person eligible to vote who has already participated in the postal ballot is not invalid.

(9) After closure of the voters' register, the local authority of the municipality, if the authority itself, another local authority or the district administration is not responsible for administering the postal ballot, shall send the Constituency Returning Officer, by the quickest means available, the register specified in subsection (8), second sentence, and addenda to that register, or a notice that no polling cards have been invalidated, in good enough time for them to be received on the morning of election day at the latest. If another local authority has been charged pursuant to Section 7 subsection (3) to administer the postal ballot, or if the district administration bears that responsibility, the local authority must send the register and the addenda or a notice as described in the first sentence to the administering authority.

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

Section 29
Issue of Polling Cards to Particular Groups of Persons

(1) The local authority of the municipality shall, not later than the eighth day before the election, contact the managements of

1. the establishments for which a special polling district has been formed (Section 13),
2. smaller hospitals, smaller senior citizens' or nursing homes, monasteries, convents and socio-therapeutic and penal institutions where provision has been made for their occupants who are eligible to do so to cast their votes before a mobile Electoral Board (Sections 8 and 62 to 64),

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

(2) The local authority shall instruct the managements of the establishments, not later than the thirteenth day before the election,

1. to inform the persons eligible to vote who live in the establishment or are employed there and who are listed in the voters' 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 local authority in whose voters' register they are registered,
2. to inform the persons eligible to vote who live in the establishment or are employed there and who are listed in the voters' 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 local authority in whose voters' register they are registered.

(3) The local authority of the municipality shall, not later than the thirteenth day before the election, request the military units stationed in the territory of the municipality to inform the enfranchised service personnel in accordance with subsection (2) number 2.

Section 30
Notation in the Voters' Register

Whenever a person eligible to vote receives a polling card, the word "Wahlschein" (polling card) or the letter "W" shall be entered in the column for notations on voting in the voters' register.

Section 31
Objections to the Withholding of Polling Cards and Appeal

If the issue of a polling card is refused, an objection may be lodged. Section 22 subsections (2), (4) and (5) shall apply as appropriate. The deadline stipulated for the service of the decision (Section 22 subsection (4), first sentence) and for the decision on an appeal (Section 22 subsection (5), forth sentence) shall 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 designated, the District and Land Returning Officers shall, by means of public announcement, call for the earliest possible submission of the nominations and draw attention to the conditions for the submission of nominations laid down in Section 18 subsection (2) of the Federal Elections Act. They shall state where and by what time the notices of participation specified in Section 18 subsection (2) of the Federal Elections Act and the nominations must be submitted and shall draw attention to the provisions governing the content and form of the nominations, to the number of signatures and certificates to be provided in particular cases and to the declarations, minuted records and assurances to be submitted with the nominations (Sections 20, 21 and 27 of the Federal Elections Act).

Section 33
Notice of Participation by the Parties Specified in Section 18 subsection (2) of the Federal Elections Act, Rectifying of Faults

(1) The Federal Returning Officer shall record the date of receipt on every notice of participation and immediately examine whether it meets the requirements of the Federal Elections Act. Upon discovery of any fault, he or she shall inform the executive committee of the party forthwith and ask it rectify to any rectifiable faults in good time; in so doing, he or she should point out that, as laid down in Section 18 subsection (3) of the Federal Elections Act,

1. after expiration of the stipulated period of notice, faults may be rectified only in notices which are valid per se,
2. after the decision regarding recognition as a political party, any rectifying of faults is inadmissible,
3. the executive committee may appeal to the Federal Electoral Committee against directives issued by the Federal Returning Officer.

(2) The Federal Returning Officer shall invite the associations which have given notice 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 he or she shall refer to the fact that decision will be announced at the meeting and to the legal consequences. He or she shall submit the notices of participation to the Federal Electoral Committee and report on the result of the preliminary examination. Prior to a decision being taken, the persons concerned who are present shall be given the opportunity to speak.

(3) After the recognition process specified in Section 18 subsection (4) of the Federal Elections Act has been completed, the Federal Returning Officer shall announce the decision of the Federal Electoral Committee at the meeting, summarizing the reasons. If a party or association is prevented from submitting nominations on account of the decision taken in the recognition process, he or she shall advise them in the announcement that there is the legal remedy of lodging a complaint in accordance with Section 18 subsection (4a) of the Federal Elections Act, of the time limit applying and the legal consequences of a complaint. The decision shall be made public by the Federal Returning Officer.

(4) The record of the meeting (Section 5 subsection (7)) must be drawn up immediately. The main grounds must be presented in the record. The Federal Returning Officer shall immediately, but not later than on the day following the meeting of the Federal Electoral Committee and by the quickest means available, send to the parties or associations prevented from submitting nominations on account of the decision taken in the recognition process a copy of that part of the record which relates to them, including the notices required pursuant to Subsection (3), second sentence.

Section 34
Content and Form of Constituency Nominations

(1) The constituency nomination is to be submitted in accordance with the specimen at Annex 13. It must contain

1. the surname, the forenames, 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 the shortened form of its name if it uses such a form or, in the case of other constituency nominations (Section 20 subsection (3) of the Federal Elections Act), their identifying word.

It shall also contain the names and 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 has no Land branch or no unified Land organization 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 situated. The signatures of the submitting executive committee shall suffice if it certifies within the period stipulated for submissions that the Land Returning Officer has received a written authority in accordance with the first sentence above from the other participating executive committees.

(3) For other constituency nominations, three signatories of the nomination must sign the constituency nomination themselves (Annex 13). Subsection (4) numbers 3 and 4 shall apply as appropriate.

(4) If a constituency nomination must be signed by at least two hundred persons in the constituency who are eligible to vote, such signatures shall be submitted on official forms as per Annex 14, the following provisions being observed:

1. The forms shall be supplied free of charge by the Constituency Returning Officer on request, they may be provided also as a master copy or electronically. The request must contain the surname, forenames and address (main residence) of the prospective candidate. If, together with the request, evidence is furnished that a blocking note relating to the candidate has been entered in the population register in accordance with Section 51 subsection (1) of the Federal Act on Registration, an address where the candidate may be contacted shall be used instead of his or her address (main residence); indicating a post office box shall not be sufficient. As the designation of the nominating body which intends to submit the constituency nomination, if that body is a political party, its name, and the shortened form of its name if it uses such a form, must also be entered; other constituency nominations must bear their identifying word. 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 held in accordance with Section 21 of the Federal Elections Act. The Constituency Returning Officer must record the information specified in the second to forth sentences above at the heads of the forms.
2. The persons eligible to vote who sponsor a constituency nomination must affix their personal handwritten signatures to the declaration on the form; beside the signature, the surname, forenames, date of birth and address (main residence) of the signatory as well as the date of signature are to be entered. Persons eligible to vote as defined in Section 12 subsection (2), first sentence, of the Federal Elections Act are to certify their right to vote by submitting the information specified at Annex 2 and by giving an affirmation in lieu of an oath.
3. For each signatory, certification by the local authority of the municipality in whose voters' register he or she is registered shall be entered on the form or drawn up separately to the effect that at the time of signature he or she is eligible to vote in the constituency in question. Separate certificates of enfranchisement are to be appended to the supporting signatures by the nominating body on submission of the constituency nomination. Anyone who applies for a certificate of eligibility to vote on

another person's behalf must certify that the person concerned sponsors the nomination.

4. A person eligible to vote may sign only one constituency nomination; if anyone signs more than one constituency nomination, their signature shall be invalid on all other nominations.
5. Constituency nominations from parties may only be signed after selection of the candidate by an assembly of members or delegates. Previous signatures shall be invalid.

(5) The constituency nomination must be accompanied by

1. the declaration by the nominated candidate, in accordance with the specimen at Annex 15, that he or she shall accept election and has not given his or her consent to nomination as a candidate in any other constituency,
2. certification by the competent local authority of the municipality, in accordance with the specimen at Annex 16, that the nominated candidate is eligible for political office,
3. for constituency nominations by parties,
   a) a copy of the record documenting the decision taken by the assembly of party members or delegates at which the candidate was elected, as well as, 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, 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 in accordance with the specimen at Annex 17 and the affirmation in lieu of an oath given in accordance with the specimen at Annex 18;
   b) an affirmation in lieu of an oath of the proposed candidate towards the Constituency Returning Officer in accordance with the specimen at Annex 15, stating that he or she is not a member of any party other than the one submitting the nomination; for receiving the affirmation in lieu of an oath, Section 21 subsection (6), third sentence, of the Federal Elections Act shall apply accordingly,
4. the requisite number of supporting signatures, together with certificates of eligibility to vote for the signatories (subsection (4) numbers 2 and 3) if the constituency

nomination must be signed by at least two hundred persons in the constituency who are eligible to vote.

(6) The certificate of eligibility to vote (subsection (4) number 3) and the certificate of eligibility for political office (subsection (5) number 2) shall be issued free of charge. The local authority may only issue the certificate of eligibility to vote to each person eligible to vote once for a constituency nomination; it must not keep any record showing that the certificate issued relates to a particular nomination.

(7) For candidates who have no domicile in the Federal Republic of Germany and are not otherwise habitually resident there, the Federal Minister of the Interior, Building and Community shall issue the certificate of eligibility for political office. It shall be applied for at the diplomatic or full-time consular mission of the Federal Republic of Germany responsible for the candidate's place of residence or directly, the necessary certificates being submitted.

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

(1) The Constituency Returning Officer shall record on each constituency nomination the date and, if it is received on the last day of the stipulated submission period, the time of receipt and shall immediately forward one copy each to the Land Returning Officer and the Federal Returning Officer. The Constituency Returning Officer shall immediately examine whether the constituency nominations received are complete and in compliance with the requirements of the Federal Elections Act and these Regulations.

(2) If the Constituency Returning Officer discovers that a candidate nominated in one constituency has also been nominated in another, he shall draw the attention of the Constituency Returning Officer of the other constituency to the double candidature.

(3) If an appeal is lodged with the Constituency Electoral Committee pursuant to Section 25 subsection (4) of the Federal Elections Act under the procedure for rectifying faults, the Constituency Electoral Committee must decide immediately on the directive issued by the

Constituency Returning Officer. The spokesperson for the constituency nomination in question must be given the opportunity to speak.

Section 36
Approval of Constituency Nominations

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

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

(3) The Constituency Electoral Committee shall examine the constituency nominations received and decide to approve or reject them. Prior to a decision being taken, the spokesperson for the nomination concerned shall, if present, be given the opportunity to speak.

(4) The Constituency Electoral Committee shall set forth the approved constituency nominations, stating the details required under Section 34 subsection (1), second sentence. If, in any other constituency nomination (Section 20 subsection (3) of the Federal Elections Act), the identifying word is omitted or conveys the impression that the constituency nomination comes from a political party or is liable to cause confusion with a previously submitted constituency nomination, the constituency nomination shall be given the name of the candidate as its identifying word. If the names of several parties or their shortened forms give rise to confusion, the Constituency Electoral Committee shall add a distinguishing designation to one or several of the nominations; where the Land Electoral Committee has established a means of distinction (Section 41 subsection (1)), such means shall be adopted.

(5) As soon as the decision has been taken by the Constituency Electoral Committee, the Constituency Returning Officer shall announce it at the meeting, summarizing the reasons and indicating the legal remedies that can be used.

(6) The record of the meeting (Section 5 subsection (7)) shall be drawn up in accordance with the specimen at Annex 19; the approved constituency nominations, in the form adopted by the Constituency Electoral Committee, shall be appended to the record.

(7) Immediately after the meeting, the Constituency Returning Officer shall forward a copy of the record to the Land Returning Officer and the Federal Returning Officer, making particular reference to decisions which he or she deems questionable. It shall be incumbent upon him or her to provide the Federal Returning Officer on request with all the information required for an appeal and to make any observations necessary.

Section 37
Appeals against Decisions of the Constituency Electoral Committee

(1) An appeal against a decision of the Constituency Electoral Committee shall be lodged with the Constituency Returning Officer in writing or as a minuted statement. The Federal Returning Officer shall lodge his or her appeal with the Constituency Returning Officer, and the Constituency Returning Officer shall lodge his or her appeal with the Land Returning Officer. Telegrams and telex or fax messages shall also be valid forms of written communication. The Constituency Returning Officer shall inform the Land Returning Officer and the Federal Returning Officer of any appeals lodged immediately and proceed in accordance with the instructions of the Land Returning Officer.

(2) The Land Returning Officer shall invite the appellants, the spokespersons for the constituency nominations concerned, the Land Returning Officer and the Federal Returning Officer to the meeting at which the decision is to be taken on the appeal. The spokespersons shall be given the opportunity to speak.

(3) As soon as the decision has been taken by the Land Electoral Committee, the Land Returning Officer shall announce it at the meeting, summarizing the reasons, and communicate it immediately to the Federal Returning Officer.

Section 38
Promulgation of Constituency Nominations

The Constituency Returning Officer shall arrange the approved constituency nominations under serial numbers in the order stipulated in Section 30 subsection (3), third and fourth sentences, of the Federal Elections Act and in the notice issued by the Land Returning Officer pursuant to Section 43 subsection (2) and promulgate them. Parties for which a Land list but not a constituency nomination has been approved shall be allocated a blank number. The promulgation shall contain the details stipulated in Section 34 subsection (1), second sentence, for each constituency nomination; in place of the date of birth, however, only the year of birth of each candidate is to be stated. If a candidate provides evidence to the Constituency Returning Officer before the end of the submission period that a blocking note relating to him or her is contained in the population register in accordance with Section 51 subsection (1) of the Federal Act on Registration, an address has to be indicated where the candidate may be contacted, instead of indicating the address of his or her main place of residence; indicating a post office box shall not be sufficient. The Constituency Returning Officer shall immediately inform the Land Returning Officer and the Federal Returning Officer about the address where the candidate may be contacted. The Federal Returning Officer shall publish the contents of the Constituency Returning Officers' promulgations in the electoral area.

Section 39
Content and Form of Land Lists

(1) The Land list should be submitted in accordance with the specimen at Annex 20. It must contain

1. the name of the submitting party and the shortened form of its name if it uses such a form,
2. the surname, the forenames, the occupation or status, the date of birth, the place of birth and the address (main residence) of each candidate,

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

(2) The Land list must bear the personal handwritten signatures of at least three members of the executive committee of the Land branch of the party, including that of the

chairperson or his or her deputy. If a party has no Land branch or no unified Land organization 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 within the Land. The signatures of the submitting executive committee shall suffice if it produces a written authority in accordance with the first sentence from the other participating executive committees 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 pursuant to Section 27 subsection (1) of the Federal Elections Act on official forms in accordance with Annex 21. The forms shall be supplied free of charge by the Land Returning Officer on request, they may be provided also as a master copy or electronically. Such requests must contain the name of the party which intends to submit the Land list and the shortened form of its name if it uses such a form. The Land Returning Officer must record this information at the heads of the forms. In all other respects Section 34 subsection (4) shall apply as appropriate.

(4) The Land list must be accompanied by

1. the declarations by the nominated candidates, in accordance with the specimen at Annex 22, that they accept election and have not given their consent to being nominated as candidates in any other Land list, and an affirmation in lieu of an oath towards the Land Returning Officer stating that they are not members of any party other than the one submitting the nomination; for receiving the affirmation in lieu of an oath, Section 21 subsection (6), third sentence, of the Federal Elections Act shall apply as appropriate,
2. certification by the competent local authority of the municipality, in accordance with the specimen at Annex 16, that the nominated candidates are eligible for political office,
3. a copy of the record documenting the decision taken by the assembly of party members or delegates at which the candidates were elected and their order in the Land list was established, together with the affirmations in lieu of an oath prescribed in Section 21 subsection (6) of the Federal Elections Act; the affirmation in lieu of an oath must also contain a statement to the effect that the order of the names of candidates shown in the Land list has been established by secret ballot; the record

should be drawn up in accordance with the specimen at Annex 23 and the affirmation in lieu of an oath given in accordance with the specimen at Annex 24,

4. the requisite number of supporting signatures, together with notices of eligibility to vote in respect of the signatories (subsection (3), fifth sentence), in so far as the Land nomination 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) shall apply as appropriate.

Section 40
Preliminary Examination of Land Lists by the Land Returning Officer

(1) The Land Returning Officer shall record on each Land list the date and, if it is received on the last day of the stipulated submission period, the time of receipt and immediately forward one copy to the Federal Returning Officer. The Land Returning Officer shall immediately examine whether the Land lists received are complete and in compliance with the requirements of the Federal Elections Act and of these Regulations.

(2) If the Land Returning Officer discovers that a candidate nominated in one Land list has also been nominated in another Land list, he shall draw the attention of the Land Returning Officer of the other Land to the double candidature.

(3) If an appeal is lodged with the Land Electoral Committee pursuant to Section 27 subsection (5) of the Federal Elections Act in conjunction with Section 25 subsection (4) of the Federal Elections Act under the procedure for rectifying faults, Section 35 subsection (3) shall apply as appropriate.

Section 41
Approval of Land Lists

(1) The Land Electoral Committee shall set forth the approved Land lists with the details specified in Section 39 subsection (1), second sentence, with the definitive order of candidates. If the names of two or more parties or their shortened forms give rise to

confusion in the Land, the Land Electoral Committee shall add a distinguishing designation to one or more Land lists.

(2) In respect of the procedure, Section 36 subsections (1) to (3), (5) and (6) shall apply as appropriate. The approved Land lists shall be appended to the record in the form adopted by the Land Electoral Committee. The Land Returning Officer shall immediately forward a copy of the record and its annexes to the Federal Returning Officer.

Section 42
Appeals against Decisions of the Land Electoral Committee

(1) An appeal against a decision of the Land Electoral Committee shall be lodged with the Land Returning Officer in writing or as a minuted statement; the Land Returning Officer shall lodge his or her appeal with the Federal Returning Officer. Telegrams and telex or fax messages shall also be valid forms of written communication. The Land Returning Officer shall inform the Federal Returning Officer of any appeals lodged immediately and proceed in accordance with the latter's instructions.

(2) The Federal Returning Officer shall invite the appellants, the spokespersons for the Land lists concerned and the Land Returning Officer to the meeting at which the decision is to be taken on the appeal. The spokespersons shall be given the opportunity to speak.

(3) The Federal Returning Officer shall announce the decision taken by the Federal Electoral Committee at the meeting, summarizing the reasons.

Section 43
Promulgation of Land Lists

(1) The Land Returning Officer shall set forth the final approved Land lists under serial numbers in the order stipulated in Section 30 subsection (3), first and second sentences, of the Federal Elections Act and promulgate them. The promulgation shall list the details stipulated in Section 39 subsection (1), second sentence, for each Land; in place of the date of birth, however, only the year of birth of each candidate is to be stated. If a candidate provides evidence to the Land Returning Officer before the end of the submission period that a blocking note relating to him or her is contained in the population

register in accordance with Section 51 subsection (1) of the Federal Act on Registration, an address has to be indicated where the candidate may be contacted, instead of indicating the address of his or her main place of residence; indicating a post office box shall not be sufficient. The Land Returning Officer shall immediately inform the Federal Returning Officer about the address where the candidate may be contacted. The Federal Returning Officer shall publish the contents of the Land Returning Officers' promulgations in the electoral area.

(2) At the same time, the Land Returning Officer shall communicate to the Constituency Returning Officers the order of the Land lists and the surnames and forenames of the first five candidates.

Section 44
(Repealed)

Section 45
Ballot Papers, Envelopes for the Postal Ballot

(1) The ballot paper shall be at least 21 by 29.7 cm in size (standard German A4 size) and made of white or off-white paper. The nature of the paper must ensure that, after the voter has marked and folded the ballot paper, it is impossible for other persons to find out how the voter has cast his or her vote. In accordance with the specimen at Annex 26, the ballot paper shall contain the following information in the order and numeration of the promulgated nominations and Land lists:

1. for the constituency election, the approved constituency nominations in black type, comprising the surname, forename, occupation or status and town of residence (main residence) of the candidate, the name of the party and the shortened form of its name if it uses such a form or the identifying word in the case of other 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; in case of evidence provided in accordance with Section 38 fourth sentence, the town to be indicated is that where the candidate may be contacted, instead of his or her town of residence (main residence).

2. for the Land list election, the approved Land lists in blue type, comprising the name of the party and the shortened form of its name if it uses such a form, the surnames and forenames of the first five candidates and, to the left of the party designation, a circle for the voter's mark.

In addition, a registered religious name or pseudonym (Section 5 subsection (2) number 12 of the Act on Identity Cards, Section 4 subsection (1) number 4 of the Passport Act) may be indicated. Each constituency candidate and each Land list shall have a box. The ballot papers must be of the same color and quality in each polling district.

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

(3) The ballot paper envelopes for the postal ballot should be 11.4 by 16.2 cm in size (standard German C6 size), blue and printed in accordance with the specimen at Annex 10.

(4) The official return envelopes for the postal ballot should be approximately 12 by 17.6 cm in size, light red and printed in accordance with the specimen at Annex 11.

(5) Character font, size and contrast are to be chosen so as to facilitate legibility.

(6) The Constituency Returning Officer shall allocate the ballot papers to the local authorities of the municipalities for distribution to the Electoral Officers. He or she shall supply the local 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 local authority of the municipality shall designate a polling station for each polling district. Wherever possible, the municipality shall make polling stations available in its own buildings. The polling stations shall be selected and equipped in accordance with the local conditions so as to make it as easy as possible for the entire electorate, and in particular for persons with disabilities and other people with restricted mobility, to participate in the election. The local authorities of the municipalities shall announce in good time and in appropriate form which of the polling stations are barrier-free.

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

Section 47
Polling Hours

(1) Polling hours shall be from 8 a.m. until 6 p.m.

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

Section 48
Public Announcement of the Poll by the Local Authority of the Municipality

(1) The local authority of the municipality shall publicize the beginning and end of polling hours and details of the polling districts and polling stations in accordance with the specimen at Annex 27 not later than the sixth day before the election; in lieu of a list

of the polling districts with their boundaries and polling stations, such information may be provided in the voter's notice. In this notice, the municipality shall intimate

1. that the voter has a first and second vote,
2. that the ballot papers are manufactured by the government and will be available at the polling station,
3. the contents of the ballot paper and how it is to be marked,
4. how to use a polling card to vote, particularly by postal ballot,
5. that under Section 14 subsection (4) of the Federal Elections Act each person eligible to vote may exercise his or her right to vote only once and only in person, and that exercising the right to vote by proxy is not permitted,

5a. that pursuant to Section 14 subsection (5) of the Federal Elections Act, a person eligible to vote who is illiterate or prevented by a disability from casting his or her vote may avail himself or herself of another person's assistance for that purpose, such support shall be limited to practical assistance in communicating an electoral decision which has been taken and expressed by the person eligible to vote and such assistance must not be granted in cases where an abusive influence is exercised while it is rendered, where it replaces or alters the self-determined opinion forming or decision taken by the person eligible to vote or where there is a conflict of interests for the person rendering assistance,

6. that pursuant to Section 107a subsection (1) of the Penal Code, anyone shall be liable to imprisonment for up to five years or pay a fine who votes without authorization or otherwise causes a distortion of the result of an election or falsifies the result, and, while rendering permissible assistance, anyone who casts a vote contrary to the electoral decision of the person eligible to vote or without that person having expressed such decision, also votes without authorization, and that even the attempt to do so shall be punishable pursuant to Section 107a subsection (3) of the Penal Code.

(2) The public announcement of the poll or an excerpt thereof containing numbers 1, 3, 4 and 6 of Annex 27 shall be posted prior to the beginning of the poll at or in the entrance to the building in which the polling station is located. A specimen ballot paper is to be included with the excerpt.

Part III
The Poll

Chapter I
General Provisions

Section 49
Provision of the Electoral Board

The local authority of the municipality shall, prior to the start of the poll, provide the Electoral Officer of each polling district with

1. the closed voters' register,
2. the register of registered persons eligible to vote who have received polling cards after closure of the voters' register,
3. a sufficient quantity of official ballot papers,
4. an official form for the election record,
5. an official form for the express report,
6. copies of the Federal Elections Act and these Regulations, which need not contain the annexes to their provisions,
7. a copy of the public announcement of the poll or an excerpt 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.

Section 50
Polling Booths

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

(2) A pen or pencil is to be laid out in the polling booth.

Section 51
Ballot Boxes

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

(2) The ballot box must be fitted with a lid. The inner height of the box should as a rule 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 provided for the Electoral Board to sit at must be accessible from all sides. The ballot box shall be placed next to or on this table.

Section 53
Opening of the Poll

(1) The Electoral Officer shall open the poll by commissioning his or her assistants present to carry out their duties impartially and not to disclose any information to which they have become privy in the performance of their official functions. He or she shall ensure that all assistants have been advised of the above before they engage in their activity.

(2) Prior to voting, the Electoral Officer shall amend the voters' register in accordance with the register, listing any polling cards issued after closure of the register (Section 28 subsection (6), fifth sentence) by recording the word "Wahlschein" (polling card) or the letter "W" in the column provided for remarks on voting. He or she shall accordingly amend the certificate of closure of the voters' register in the next column provided, adding written confirmation in the relevant space. If the Electoral Officer subsequently receives notice of the issue of polling cards pursuant to Section 27 subsection (4), third sentence, he or she shall proceed in accordance with the first and second sentences.

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

Section 54
Public Access

During the poll, as well as during the establishment and declaration of the election result, the public shall have 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 shall maintain public order in the polling station. In the event of congestion, it shall determine the order of entry to the polling station.

Section 56
Voting

(1) Upon entering the polling station, the voter shall receive an official ballot paper. To this end, the Electoral Board may require the voter to show his or her voter's notice.

(2) The voter shall enter the polling booth, and mark and fold his or her ballot paper there in a way ensuring that it cannot be seen how he or she has cast his or her vote. It is not permitted to take photos or videos in the polling booth. The Electoral Board shall take care to ensure that only one voter is in a polling booth at any time and that each voter only stays there as long as necessary.

(3) The voter shall then proceed to the table of the Electoral Board. Upon request, the voter shall hand over his or her voter's notification and produce some means of personal identification, particularly if he or she does not hand over the voter's notice.

(4) As soon as the clerk has found the name of the voter in the voters' register and the voter's eligibility to be has been ascertained, and if there are no grounds for turning the voter away pursuant to subsections (6) and (7), the Electoral Officer shall permit the voter access to the ballot box. The voter shall put the folded ballot paper in the ballot box. The clerk shall record the casting of the vote in the designated column of the voters' register. The members of the Electoral Board are not authorized, except for the purpose of ascertaining a voter's eligibility to vote, 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 who

1. is not registered in the voters' register and does not possess a polling card,

1a. is unable produce some means of personal identification when asked to do so by the electoral board or refuses to cooperate in the process of establishing his or her identity,

2. does not present a polling card although there is an acknowledgment of receipt in the voters' register (Section 30) unless it is ascertained that the voter is not registered in the polling card register,

3. already has an acknowledgment of voting in the voters' register, unless the voter presents proof that he or she has not yet voted,

4. has marked or folded his or her ballot paper outside the polling booth,

5. has folded his or her ballot paper in a way allowing other persons to see how he or she has voted or who has put a visible sign on the ballot paper that evidently endangers the secrecy of the ballot,

5a whom they find taking photos or videos in the polling booth,

6. whom they find trying to insert one or several ballot papers not officially produced into the ballot box or to put an object in together with the ballot paper.

Any voter fulfilling the requirements stipulated in the first sentence, number 1 who has not lodged an objection, having assumed on the basis of the notice received by him or her that he or she is registered in the voters' register, must, on being turned away, be informed, if appropriate, that he or she may apply to the local authority for a polling card until 3 p.m.

(7) If an Electoral Officer feels bound to question the eligibility to vote of a person registered in the voters' register, or if any of the Electoral Board expresses doubt about permitting a voter to cast his or her vote, the Electoral Board shall decide on permission or refusal. The decision shall be minuted in the election record.

(8) If the voter makes a mistake on his or her ballot paper or accidentally renders the ballot paper unusable, or if the voter is turned away pursuant to subsection (6) numbers 4 to 6 above, the voter may request a new ballot paper 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 shall designate another person of whose assistance the voter wishes to avail himself or herself for casting his or her vote and intimate this to the Electoral Board. The helper may also be a member of the Electoral Board designated by the voter.

(2) Such support shall be limited to practical assistance in communicating an electoral decision which has been taken by the person eligible to vote. Such assistance must not be granted in cases where an abusive influence is exercised while it is rendered, where it replaces or alters the self-determined opinion forming or decision taken by the person eligible to vote or where there is a conflict of interests for the person rendering assistance.

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

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

Section 58
(Repealed)

Section 59
Voting by Holders of Polling Cards

The holder of a polling card shall state his or her name, identify himself or herself and hand over the polling card to the Electoral Officer. The latter shall examine the polling card. If there is any doubt about the validity of the polling card or its rightful ownership, the Electoral Board shall clarify the matter as far as possible and decide to grant or refuse the holder permission to vote. The occurrence shall be minuted in the election record. The Electoral Officer shall retain the polling card, also in the event of a refusal.

Section 60
Closure of the Poll

The Electoral Officer shall announce when polling hours (Section 47) are over. Thereafter only such voters as have appeared before the end of polling hours and are inside the polling station or in front of it due to lack of space shall be permitted to cast their votes. People who appear after the end of polling hours shall not be granted access to voting. When the voters who appeared before the end of polling hours have cast their votes, the Electoral Officer shall declare the poll closed.

Chapter II
Special Provisions

Section 61
Voting in Special Polling Districts

(1) Permission to vote in special polling districts (Section 13) shall be granted to any person eligible to vote present in the establishment who has a polling card valid for the constituency.

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

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

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

(5) The management of the establishment shall provide the persons eligible to vote with details of the polling station and polling hours on the day before the election and advise them of the possibility of voting in accordance with subsection (6) below.

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

(7) The public character of the poll as well as of the establishment and declaration of the election result is to be ensured, if possible, through the presence of other persons eligible to vote.

(8) The management of the establishment must in particular comply with Section 30 subsection (1) of the Infection Protection Act for patients with contagious diseases.

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

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

Section 62
Voting in Smaller Hospitals and Smaller Senior Citizens' or Nursing Homes

(1) The local authority of the municipality shall, as required and as far as possible, reach agreement with the managements of smaller hospitals or smaller senior citizens' or nursing homes to permit the persons there eligible to vote who have a polling card valid for the constituency to vote before a Mobile Electoral Board (Section 8).

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

(3) The Mobile Electoral Board shall enter the hospital, senior citizens' home or nursing home, taking with them a locked ballot box and the requisite ballot papers, take receipt of the polling cards and proceed in accordance with Sections 59 and 56 subsections (4) to (8). The Electoral Officer or his or her deputy shall advise voters who wish to avail themselves of another person's assistance in casting their votes that they may also use the services of a member of the Electoral Board designated by the voter as a helper. Upon completion of voting, the locked ballot box and the polling cards are to be immediately taken to the polling station of the polling district. The ballot box shall be kept there, locked, under the supervision of the Electoral Board until the completion of general voting. Its contents shall then be mixed with the contents of the general ballot box and counted together with the other votes cast in the polling district. The process shall be minuted in the election record.

(4) Section 61 subsections (6) to (8) shall apply as appropriate. In all other respects, the general provisions shall apply.

Section 63
Voting in Monasteries and Convents

The local authority should, as required and as far as possible, agree with the directorate of a monastery or convent to provide for voting in the monastery or convent in accordance with Section 62.

Section 64
Voting in Socio-Therapeutic and Penal Institutions

(1) The local authority of the municipality must, as required and as far as possible, afford persons eligible to vote in socio-therapeutic and penal institutions who have a polling card valid for the constituency the opportunity to vote in the institution before a Mobile Electoral Board (Section 8).

(2) The local authority shall determine jointly with the management of the institution the hours of voting within the general polling hours. The management of the institution shall provide a polling station. The local authority shall set up the polling station. The management of the institution shall advise the persons eligible to vote of the time and place of voting and shall ensure 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) shall apply as appropriate. In all other respects, the general provisions shall apply.

Section 65
(Repealed)

Section 66
Postal Ballot

(1) Anyone voting by postal ballot shall mark the ballot paper personally, put it in the official ballot paper envelope and seal the ballot paper envelope, sign the affidavit regarding the postal ballot printed on the polling card and enter the date of signature, insert the sealed official ballot paper envelope and the signed polling card into the official

return envelope, seal the official return envelope, and dispatch the ballot letter via a postal company to the competent authority specified in subsection (2) and designated on the official return envelope in good time. The ballot letter may also be handed in to the authority in question. Once the ballot letter has been received by the competent authority, it may not be returned.

(2) The ballot letters must be received by the Constituency Returning Officer of the constituency for which the polling card is valid. If Electoral Boards are appointed for one or more municipalities within the constituency by virtue of an order pursuant to Section 8 subsection (3) of the Federal Elections Act, the ballot letters must be received by the local authority which has issued the polling cards; if Postal Ballot Boards are appointed for individual districts within a constituency, the ballot letters must be received by the administration of the district in which the municipalities that issued the polling cards are located.

(3) The voter shall mark the ballot paper and put it into the ballot paper envelope without being observed; Section 56 subsection (8) shall apply as appropriate. Section 57 shall apply as appropriate to voting by persons with disabilities. If the voter has had his or her ballot paper marked by a helper, the latter shall affirm that he or she has marked the ballot in accordance with the stated wish of the voter by signing the affidavit regarding the postal ballot; the helper must have completed the sixteenth year of age.

(4) In hospitals, nursing and residential homes for the elderly, nursing homes, convalescent homes and socio-therapeutic and penal institutions, as well as collective accommodation, care shall be taken to ensure that the ballot paper can be marked and placed in the ballot paper envelope without being observed. The management of the establishment shall designate a suitable room, have it furnished and equipped and advise the persons eligible to vote of the times at which the room is available for exercise of the postal vote. Section 56 subsection (8) shall apply as appropriate.

(5) The local authority of the municipality shall inform the managements of the establishments within its municipality of the provisions of subsection (4) above not later than the thirteenth day before the election.

Part IV
Establishment and Declaration of Election Results

Section 67
Establishment and Declaration of the Election Result in the Polling Districts

Following the poll, the Electoral Board shall, subject to the provisions of Section 68 subsection (2), establish the election result in the polling district without interruption and declare

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.

Section 68
Counting of Voters

(1) Prior to the opening of the ballot box, all unused ballot papers shall be removed from the polling table. First, the number of voting endorsements in the voters' register and the number of polling cards collected shall be established. Then the ballot papers shall be taken from the ballot box, unfolded and counted. If no consensus is established even after repeated counting, this shall be minuted and, if possible, explained in the election record.

(2) If it is established in accordance with subsection (1), second sentence, that fewer than 50 voters have cast their votes, the Constituency Returning Officer shall require the Electoral Board of the relevant polling district (delivering Electoral Board) to hand over without delay the locked ballot box, the voters' register, the certificate of closure and the polling cards collected to the Electoral Board of another, specified polling district of the same constituency (receiving Electoral Board) for the purpose of determining and establishing the election result jointly. A notice stating where the election result is being determined and established jointly must be affixed to the polling station of the delivering

Electoral Board. The objects to be handed over pursuant to the first sentence shall be transported in the presence of the electoral officer and the protocolist, another member of the Electoral Board and, where possible, other people who are present in accordance with Section 54. The receiving Electoral Board shall act pursuant to Section 61 subsection (6), seventh and eighth sentence. The handover of the ballot box and the electoral documents must be recorded in the election records of the delivering and the receiving Electoral Boards.

Section 69
Counting of Votes

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

1. piles sorted by Land list with the ballot papers on which the first and second votes have indubitably been cast for the candidate and the Land list of the same party,
2. one pile with the ballot papers on which the first and second votes have indubitably been cast for candidates and Land lists of different nominating bodies, as well as the ballot papers on which only the first or second vote is indubitably valid and the other vote has not been cast,
3. one pile with the unmarked ballot papers.

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

(2) The Board members in charge of the ballot papers sorted by Land (subsection (1), first sentence, number 1) shall hand over the piles one by one, some to the Electoral Officer and some to his or her deputy. The latter shall 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 doubt, they shall add it to the ballot papers set aside pursuant to subsection (1), second sentence.

(3) The Electoral Officer shall then examine the unmarked ballot papers (subsection (1), first sentence, number 3) which shall be given to him or her for this purpose by the Board

member who has custody of them. The Electoral Officer shall announce that in these cases both votes are invalid.

(4) Thereafter, successive groups of two Board members designated by the Electoral Officer shall, under mutual scrutiny, each count one of the piles of ballot papers examined by the Electoral Officer and his or her deputy in accordance with subsections (2) and (3) and establish the number of valid votes cast for the nominations as well as the number of invalid votes. The numbers shall be entered in the election record as subtotals.

(5) The Board member in charge of the pile of ballot papers formed in accordance with subsection (1), first sentence, number 2 shall hand over the pile to the Electoral Officer. The Electoral Officer shall first sort the ballot papers into new piles by the second votes for the Land lists and for each ballot paper announce aloud the Land list for which the second vote has been cast. For ballot papers on which only the first vote has been cast, he or she shall announce that the unused second vote is invalid. If a ballot paper gives the Electoral Officer cause for doubt, he or she shall add it to the ballot papers set aside pursuant to subsection (1), second sentence. The piles formed by the Electoral Officer shall then be counted in accordance with subsection (4). Thereafter, the Electoral Officer shall rearrange the ballot papers by the first votes, and the count shall proceed in accordance with the second to fifth sentences. The various numbers of votes shall be entered as subtotals in the election record.

(6) Finally, the Electoral Board shall decide on the validity of the votes cast on the ballot papers which have been set aside. The Electoral Officer shall announce the decision orally and in the case of valid votes say for which candidate or Land list the vote has been cast. He or she shall record on the rear of each ballot paper whether both votes, only the first vote or only the second vote has been declared valid or invalid and mark the ballot papers with serial numbers. The numbers of votes cast shall be entered as subtotals in the election record.

(7) The number of invalid votes cast and of votes cast for the nominations, as ascertained pursuant to subsections (4) to (6) above, shall be added up by the clerk and entered in the election record. Two Board members designated by the Electoral Officer shall verify the calculation. If a member of the Electoral Board requests a recount of the votes prior to the signature of the election record, the procedure stipulated in subsections

(1) to (6) above shall be repeated. The reasons for the recount shall be minuted in the election record.

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

1. the ballot papers on which the first and second votes, or the first vote only, have been cast, sorted by the candidates who have received the first vote,
2. the ballot papers on which the second vote only has been cast,
3. the unmarked ballot papers,
4. the ballot papers which have given cause for doubt,

in separate bundles and shall keep them under their charge.

Section 70
Announcement of the Election Result

Following the establishment of the election result in accordance with Section 67, the Electoral Officer shall announce the election result for the polling district orally, giving the numbers stipulated in the aforementioned provision. Prior to the signature of the election record (Section 72), the result must not be communicated by members of the Electoral Board to any agencies other than those specified in Section 71.

Section 71
Express Reports, Provisional Results

(1) As soon as the election result for the polling district has been established, the Electoral Officer shall report it to the local authority of the municipality, which shall compile the election results for all the polling districts in the municipality and report the result to the Constituency Returning Officer. If there is only one constituency in the municipality, the Electoral Officer shall report the election result to the Constituency Returning Officer. The Land Returning Officer may ordain that election results from the municipalities within a district be reported through the administrative authority of the district.

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

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) Upon receipt of the rapid reports from the local authorities of the municipalities, the Constituency Returning Officer shall ascertain the provisional election result for the constituency. Taking into account the results of the postal ballot (Section 75 subsection (4)), he or she shall communicate the provisional election result to the Land Returning Officer by the quickest means; in so doing, he or she shall intimate which candidate may be deemed elected. The Land Returning Officer shall report the constituency results continuously to the Federal Returning Officer as soon as each is received.

(4) Upon receipt of the express reports from the Constituency Returning Officers, the Land Returning Officer shall establish the provisional numerical election result for the Land and report it by the quickest means to the Federal Returning Officer.

(5) Upon receipt of the express reports from the Land Returning Officers, the Federal Returning Officer shall establish the provisional election result for the electoral area in accordance with Section 78.

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

(7) The express reports issued by the Electoral Officers, local authorities of the municipalities and Constituency Returning Officers shall be made in accordance with the specimen at Annex 28. The Land Returning Officer may give instructions on how such express reports shall be transmitted. He or she may also ordain that the election results of the polling districts and the municipalities be communicated at the same time to the Constituency Returning Officer and to himself or herself. The results thus communicated may not be taken into account for determining the provisional election result for the Land

by the Land Returning Officer before the information in accordance with subsection (3), second sentence, has been provided by the Constituency Returning Officer.

Section 72
Election Record

(1) The clerk shall draw up a record of the poll and of the establishment and declaration of the election result in accordance with the specimen at Annex 29. The record is to be approved and signed by the members of the Electoral Board. If a member of the Electoral Board refuses to sign, the reason for refusal shall be minuted in the election record. Decisions taken pursuant to Section 56 subsection (7), Section 59, third sentence, and Section 69 subsection (6) as well as decisions on occurrences during the poll or during the establishment and declaration of the election result shall be minuted in the election record. Appended to the election record shall be the ballot papers on which special decisions have been taken by the Electoral Board pursuant to Section 69 subsection (6), as well as the polling cards on which special decisions have been taken by the Electoral Board pursuant to Section 59, third sentence.

(2) The Electoral Officer must hand over the election record with its annexes to the local authority of the municipality immediately.

(3) The local authority shall forward the election records of its Electoral Boards to the Constituency Returning Officer by the quickest means. If the municipality consists of more than one polling district, it shall append a compilation of the election results for the various polling districts in accordance with the specimen at Annex 30.

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

Section 73
Hand-over and Storage of Electoral Documents

(1) Once the Electoral Board has completed its duties, the Electoral Officer shall pack in separate parcels

1. the ballot papers, sorted into bundles for each candidate, a bundle for ballot papers on which only the second vote has been cast and a bundle of unmarked ballot papers,
2. (repealed)
3. the polling cards collected,

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

(2) The local authority of the municipality shall store the parcels until authorization is issued for the destruction of electoral documents (Section 90). It must ensure that the parcels are not accessible to unauthorized persons.

(3) The Electoral Officer shall return to the local authority of the municipality the documents and equipment made available to him or her under Section 49 as well as the voters' notices collected.

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

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

(1) The authority responsible for the receipt of ballot letters (Section 66 subsection (2)) shall collect the ballot letters unopened and keep them under lock and key. It shall mark the date and time of receipt on each ballot letter received on election day after the close

of polling; it shall mark ballot letters received from the day after election day onwards with the date of receipt only.

(2) (Repealed)

(3) The responsible authority, which, in cases where a Postal Ballot Board is appointed for more than one municipality pursuant to Section 7 subsection (3), is the local authority charged to administer the postal ballot, shall distribute the ballot letters to the various Postal Ballot Boards, hand over to each Postal Ballot Board the register of invalidated polling cards, the addenda to that register or a notice that no polling cards have been invalidated (Section 28 subsection (9)), ensure the provision and furnishing of the polling station, and provide the Postal Ballot Board with any auxiliary staff it requires.

(4) If a Postal Ballot Board has been appointed for two or more municipalities, the local authorities of the municipalities must forward to the local authority charged to administer the postal ballot, by 12 noon on election day, all ballot letters received by them on the previous day, and by the quickest means after the close of polling, all other ballot letters received by them before the close of polling.

(5) Ballot letters arriving late shall be received by the responsible authority, marked with the endorsements prescribed in subsection (1) above and packaged unopened. The parcel shall be closed and sealed, marked with a note of its contents and stored until authorization is issued for the destruction of ballot letters (Section 90). The local authority must ensure that the parcels are not accessible to unauthorized persons.

Section 75
Validation of Ballot Letters, Establishment and Declaration of the Postal Ballot Result

(1) A member of the Postal Ballot Board designated by the Postal Ballot Officer shall open the ballot letters one by one and take out the polling card and the ballot paper envelope. If the polling card is listed in a register of invalidated polling cards or if doubts are expressed about the validity of the polling card, the ballot letter and its contents shall be set aside under the supervision of the Postal Ballot Officer and subsequently processed in accordance with subsection (2) below. The ballot paper envelopes taken from the other ballot letters shall be put in the ballot box unopened; the polling cards shall be collected together.

(2) If doubts are expressed about a ballot letter, the Postal Ballot Board shall decide on validation or rejection. The ballot letter must be rejected by the Postal Ballot Board if any of the circumstances described in Section 39 subsection (4), first sentence, numbers 2 to 8 of the Federal Elections Act exist. The number of ballot letters queried, the number validated by special decision and the number rejected shall be minuted in the electoral record. The rejected ballot letters and their contents shall be set aside, marked with a note of the reason for rejection, resealed and allocated a serial number. The senders of rejected ballot letters shall not be counted as voters; their votes shall be deemed uncast (Section 39 subsection (4), second sentence, of the Federal Elections Act).

(3) Once the ballot paper envelopes have been taken out of the ballot letters and put in the ballot box, but not before the end of the general polling hours, the Postal Ballot Board shall establish and declare the election result, stating the details specified in Section 67 numbers 2 to 6. Sections 68 to 70 shall be applied as appropriate, with the condition that the ballot paper envelopes have to be counted unopened first and that empty ballot paper envelopes have to be treated in accordance with Section 69 subsection (1), first sentence, number 3, (3) and (8), number 3 and that ballot paper envelopes that contain two or more ballot papers or that have given cause for doubt have to be treated in accordance with Section 69 subsections (1), second sentence, (6) and (8) number 4.

(4) As soon as the result of the postal ballot is declared, the Postal Ballot Officer shall report it by the quickest means to the Constituency Returning Officer. If Postal Ballot Boards are appointed for one or more municipalities within the constituency by virtue of

an order pursuant to Section 8 subsection (3) of the Federal Elections Act, the Postal Ballot Officer shall report the result of the postal ballot to the local authority responsible for him or her, which shall incorporate it into the express report for the area of the municipality; if Postal Ballot Boards are appointed for individual districts within a constituency, the Postal Ballot Officer shall report the result to the administrative authority of the district, which shall compile the postal ballot results and report them in turn to the Constituency Returning Officer. The express reports shall be made in accordance with the specimen at Annex 28.

(5) A record of the validation of ballot letters as well as of the establishment and declaration of the postal ballot result shall be drawn up by the clerk in accordance with the specimen at Annex 31. Appended to it shall be

1. the ballot papers and ballot paper envelopes on which the Postal Ballot Board has taken special decisions in accordance with Section 69 subsection (6),
2. the ballot letters rejected by the Postal Ballot Board,
3. the polling cards on which the Postal Ballot Board has taken a decision but which have not been rejected.

(6) The Postal Ballot Officer shall hand over the election record and its annexes to the Constituency Returning Officer immediately. If Postal Ballot Boards are appointed for one or more municipalities or for individual districts within a constituency, the election record and its annexes shall be handed over to the local authority of the municipality, to the local authority charged to administer the postal ballot or to the administrative authority of the district. The competent local authority of the municipality or the administrative authority of the district shall forward the election records and their annexes to the Constituency Returning Officer and, if required, append compilations of the postal ballot result in accordance with the specimen at Annex 30. Section 72 subsection (4) shall apply as appropriate.

(7) The Postal Ballot Officer shall pack the electoral documents in accordance with Section 73 subsection (1) and hand them over to the Constituency Returning Officer, who shall store them until their destruction is authorized (Section 90). If Postal Ballot Boards are appointed for one or more municipalities or for individual districts within a constituency, the Postal Ballot Officer shall hand over the documents to the authority

which appointed the Postal Ballot Board. This authority shall proceed in accordance with Section 73 subsections (2) to (4). Section 72 subsection (4) shall apply as appropriate.

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

(9) The result of the postal ballot shall be incorporated by the Constituency Returning Officer into the express report pursuant to Section 71 subsection (3) and into the compilation of the final election result for the constituency pursuant to Section 76.

(10) If the Federal Returning Officer finds that as a result of natural disasters or by force majeure the regular conveyance of ballot letters has been disrupted in the electoral area, the ballot letters thereby affected and received by the competent authority (Section 66 subsection (2)) after the consequences of the occurrence have been remedied, but not later than on the 22nd day after the election, shall be deemed to have been received in time if without such occurrence they would have been received on election day by 6 p.m. at the latest. Ballot letters posted within the electoral area shall be deemed to have been received in time if their postmark indicates that they have been posted not later than on the second day before the election. The ballot letters deemed to have been received in time shall be forwarded by the quickest means to the competent Postal Ballot Board for the deferred declaration of the postal ballot result, provided that the Constituency Returning Officer decides that the number of ballot letters required pursuant to Section 7 number 1 has been reached. If that number has not been reached for individual Postal Ballot Boards, the Constituency Returning Officer shall decide to which Postal Ballot Board of the constituency the ballot letters affected by the occurrence shall be forwarded; if number of ballot letters required pursuant to Section 7 number 1 has not been reached for the constituency, the Constituency Returning Officer shall decide which Postal Ballot Board should decide about the ballot letters being admitted or rejected and which Postal Ballot Board of the constituency should decide about the validity of the votes cast and make the deferred declaration of the postal ballot result. In all other respects, the Land Returning Officer may make adjustments in line with special circumstances in individual cases.

Section 76
Establishment and Declaration of the Election Result in the Constituency

(1) The Constituency Returning Officer shall examine the election records of the Electoral Boards for completeness and due form. On the basis of the election records, he or she shall compile the final result of the election in the constituency and of the election by Land list, recording the result by polling districts and Postal Ballot Boards in accordance with the specimen at Annex 30. The Constituency Returning Officer shall compile subtotals for the municipalities and districts and, in the event of an order pursuant to Section 8 subsection (3) of the Federal Elections Act, for the postal ballot results also. If doubts arise about the proper conduct of the election on account of the election record or for any other reasons, the Constituency Returning Officer shall resolve them wherever possible.

(2) After the report by the Constituency Returning Officer, the Constituency Electoral Committee shall ascertain the election result for the constituency and shall declare

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

The Constituency Electoral Committee is authorized to correct figures calculated by the Electoral Board and to take diverging decisions on the validity of votes cast. It shall make a note in the election record of any unresolved doubts.

(3) The Constituency Electoral Committee shall also declare which candidate is duly elected for the constituency.

(4) If, in the constituency election, the candidate named in any other constituency nomination (Section 20 subsection (3) of the Federal Elections Act) or, in the Land list election, the candidate of a party without an approved Land list in the Land in question has been elected, the Constituency Returning Officer shall call in from each local authority the ballot papers on which a vote has been cast for that candidate and shall add to them the ballot papers received in the postal ballot as well as those bearing votes for that

candidate that are appended to the election record. The same shall apply if the candidate of a party has been elected which shall be disregarded in the allocation of seats in accordance with the provisional election result established for the electoral area (Section 71 subsection (5)) or after the Federal Returning Officer has finally declared the shares of votes falling to the individual parties in the electoral area and the number of constituency seats won by the individual parties in the electoral area (Section 78 subsection (1), second sentence, numbers 3 and 4) and pursuant to Section 6 subsection (3) of the Federal Elections Act. The Constituency Electoral Committee shall declare how many second votes are to be disregarded pursuant to Section 6 subsection (1), second sentence, of the Federal Elections Act and from which Land lists they are to be deducted.

(5) Following declaration, the Constituency Returning Officer shall announce the election result orally, stating the details specified in subsection (2), first sentence, as well as in subsections (3) and (4).

(6) The record of the meeting (Section 5 subsection (7)) shall be drawn up in accordance with the specimen at Annex 32. The record and the appended compilation of the election result in accordance with the specimen at Annex 30 shall be signed by all members of the Constituency Electoral Committee who attended the meeting and by the protocolist.

(7) Following the oral announcement of the final election result, the Constituency Returning Officer shall inform the elected candidate and advise him or her of the provisions of Section 45 subsection (1) of the Federal Elections Act; in the case of a replacement election (Section 48 subsection (2) of the Federal Elections Act), of the provisions of Section 45 subsections (1) and (2) of the Federal Elections Act. In the case of a repeat election (Section 44 of the Federal Elections Act), the Constituency Returning Officer shall inform the candidate elected by means of a served notice (Section 87 subsection (1)) and advise him or her of the provisions of Section 45 subsection (3) of the Federal Elections Act.

(8) The Constituency Returning Officer shall forward a copy of the record of the meeting and the accompanying compilation to the Land Returning Officer and the Federal Returning Officer by the quickest means.

(9) The Land Returning Officer shall inform the Federal Returning Officer and the President of the German Bundestag immediately if the candidate elected has refused election. In the case of a repeat election (Section 44 of the Federal Elections Act), the Constituency Returning Officer shall furthermore inform the Land Returning Officer, the Federal Returning Officer and the President of the German Bundestag immediately upon expiration of the deadline specified in Section 44 subsection (4), second sentence, of the Federal Elections Act of the date on which the declaration of acceptance by the elected candidate was received. In the case specified in Section 45 subsection (3), third sentence, of the Federal Elections Act, the Constituency Returning Officer shall impart the date on which notice was served.

Section 77
Establishment and Declaration of the Number of Second Votes Cast in each Land

(1) The Land Returning Officer shall examine the election records of the Constituency Electoral Committees and thereafter consolidate the final election results in the constituencies of the Land (Section 76 subsections (2) and (4)), in accordance with the specimen at Annex 30, to attain the final election result for the Land.

(2) After the Land Returning Officer has submitted his or her report, the Land Electoral Committee shall establish the result of the election by Land list in the Land and shall declare

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 numbers of valid second votes cast for each Land list, and
5. in the case specified in Section 6 subsection (1), second sentence, of the Federal Elections Act, the numbers of second votes for the Land lists to be taken into consideration for the allocation of seats (adjusted numbers).

The Land Electoral Committee is authorized to correct figures calculated by the Electoral Boards and Constituency Electoral Committees.

(3) Following declaration, the Land Returning Officer shall announce the election result orally, stating the details specified in subsection (2), first sentence.

(4) The record of the meeting (Section 5 subsection (7)) shall be drawn up in accordance with the specimen at Annex 33. Section 76 subsection (6), second sentence, shall apply as appropriate.

(5) The Land Returning Officer shall forward the Federal Returning Officer a copy of the record of the meeting and the declaration of the result of the election by Land list as well as an abstract of the election results in the constituencies of the Land (subsection (1)).

Section 78
Final Establishment and Declaration of the Election Result by Land List

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

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 of the various parties as a percentage of the total number of valid second votes cast in the electoral area,
4. the number of constituency seats won by the parties in the electoral area,
5. the adjusted numbers of second votes cast for the Land lists of each party,
6. the number of successful constituency candidates that is deducible from the total number of deputies pursuant to Section 6 subsection (1), third sentence, of the Federal Elections Act, and
7. the number of seats to be allocated in the initial distribution (Section 6 subsection (2), first sentence, of the Federal Elections Act) to the Länder in accordance with their population proportion (Section 3 subsection (1) of the Federal Elections Act) on the basis of the latest official population figures.

If this leads to changes compared with the provisional election result for the electoral area (Section 71 subsection (5)) as regards the parties to be taken into consideration in the distribution of seats pursuant to Section 6 subsection (3) of the Federal Elections Act, the Federal Returning Officer shall inform the Constituency Returning Officers and the Land Returning Officers concerned with regard to Section 76 subsection (4) and Section 77 subsection (2) number 5 by the quickest means available and establish the figures on the

basis of the altered records of the Constituency Electoral Committees and the Land Electoral Committees. In accordance with the provision of Section 6 of the Federal Elections Act, he or she shall calculate the number of votes for the Land lists and for the parties as well as the total number of seats and allocate the seats to the parties and their Land lists.

(2) After the report by the Federal Returning Officer, the Federal Electoral Committee shall ascertain the overall result of the election by Land list and shall declare for the electoral area

1. the number of persons eligible to vote,
2. the number of voters,
3. the numbers of valid and invalid second votes,
4. the numbers of valid second votes accredited to the parties, and
5. the parties which, pursuant to Section 6 subsection (6) of the Federal Elections Act,
   a) shall be taken into consideration in the allocation of list seats,
   b) shall be disregarded in the allocation of list seats,
6. the adjusted numbers of second votes accredited to the parties,
7. the number of seats accredited to the parties and Land lists,
8. which Land list candidates have been duly elected.

The Federal Electoral Committee is authorized to correct figures calculated by the Land Electoral Committees.

(3) Following the establishment and declaration of the election result, the Federal Returning Officer shall announce it orally, stating the details specified in subsection (2), first sentence, numbers 1 to 7. At the same time, the Federal Returning Officer shall intimate that he or she will promulgate the declaration defined in subsection (2), first sentence, number 8 by means of a notice to be posted in the conference room.

(4) Section 76 subsection (6) shall be applied as appropriate.

(5) The Federal Returning Officer shall inform the Land Returning Officers on which Land list candidates have been duly elected.

Section 79
Announcement of Final Election Results

(1) As soon as the declarations of all Electoral Committees are complete,

1. the Constituency Returning Officer shall promulgate the final election result for the constituency, stating the details specified in Section 76 subsection (2), first sentence, and the name of the elected candidate,
2. the Land Returning Officer shall promulgate 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 shall promulgate 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 seats to parties and other nominating bodies, listed by Land, and the names of the candidates elected in the electoral area.

(2) A copy of their promulgations shall be sent by the Land Returning Officer to the Federal Returning Officer and by the Federal Returning Officer to the President of the German Bundestag.

Section 80
Notification of the Elected Land List Candidates

(1) Following the oral announcement of the final election result by the Federal Returning Officer, the Land Returning Officer shall inform the Land list candidates who have been declared duly elected by the Federal Electoral Committee and advise them of the provisions of Section 45 subsection (1) of the Federal Elections Act. In the case of a repeat election (Section 44 of the Federal Elections Act), the Land Returning Officer shall inform the candidates elected by means of a served notice (Section 87 subsection (1)) and advise them of the provisions of Section 45 subsection (3) of the Federal Elections Act.

(2) The Land Returning Officer shall inform the Federal Returning Officer and the President of the German Bundestag immediately if a candidate elected has refused election. In the case of a repeat election (Section 44 of the Federal Elections Act), the Land

Returning Officer shall furthermore communicate 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 (3), third sentence, of the Federal Elections Act, the Land Returning Officer shall intimate the dates on which notice was served.

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

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

(2) On demand, the Constituency Returning Officers must forward the electoral documents held by themselves, the municipalities and the district administrations to the Land Returning Officer and through him or her to the Federal Returning Officer. The Federal Returning Officer may require the Land Returning Officers to forward to him or her the electoral documents held by them.

Part V
Deferred Elections, Repeat Elections, Appointment of Successors from the Lists

Section 82
Deferred Elections

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

is to take place. He or she shall inform the Land Returning Officer immediately and the latter the Federal Returning Officer.

(2) If the candidate of an approved nomination dies before the election, the Constituency Returning Officer shall request 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 need not be observed, nor are the signatures specified in Section 20 subsections (2) and (3) of the Federal Elections Act required.

(3) The deferred election shall be conducted with the voters' registers compiled for the general election, in accordance with the nominations approved for the general election, subject to the provisions of subsection (2) above, in the polling districts and polling stations designated for the general election, and before the Electoral Boards appointed for the general election.

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

(5) If the deferred election takes place because the election could not be conducted as a result of force majeure or for any other reason, the polling cards issued for the general election shall remain valid for the deferred election. New polling cards may only be issued by municipalities of the area in which the deferred election is taking place.

(6) In individual cases, the Land Returning Officer may make adjustments in line with special circumstances.

(7) The Land Returning Officer shall make the date of the deferred election public.

Section 83
Repeat Elections

(1) The electoral process shall only be repeated to the extent deemed necessary resulting from the decision reached in electoral scrutiny proceedings.

(2) If the election is repeated in isolated polling districts only, the boundaries of these districts must not be altered. In other cases also, the election should, wherever possible, be repeated in the same polling districts used for the general election. New Electoral Boards may be appointed and new polling stations designated.

(3) If the repeat election takes place as a result of irregularities in the compilation and treatment of voters' registers, the process of compiling, inspection, revising and closing the voters' register shall be conducted again in the polling districts unless restrictions obtain pursuant to the decision deriving from electoral scrutiny.

(4) Voters who have become disqualified from voting since the general election shall be deleted from the voters' register. If the election is repeated in isolated polling districts only within than six months of the general election, persons eligible to vote to whom a polling card was issued for the general election may only participate in the election if they surrender their polling cards in the polling districts in which the election is being repeated.

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

(6) Nominations may only be amended if such as is required by the decision deriving from electoral scrutiny or if a candidate has died or is no longer eligible for political office.

(7) Within the scope of the decision deriving from electoral scrutiny, the Land Returning Officer may, in individual cases, make adjustments to the procedure for repeat elections in line with special circumstances.

Section 84
Appointment of Successors from the Lists

(1) Provided that the preconditions for a succession from the list are met, the Land Returning Officer shall notify the next candidate on the list by means of a served notice (Section 87 subsection (1)) and advise him of the provisions of Section 45 subsection (3) of the Federal Elections Act. He shall invite him to state in writing within a week whether he accepts election, and affirm in lieu of an oath that he has not resigned from the party submitting the list or become a member of another party. For receiving the affirmation in lieu of an oath, Section 21 subsection (6), third sentence, of the Federal Elections Act shall apply as appropriate.

(2) The Land Returning Officer shall communicate to the Federal Returning Officer and the President of the German Bundestag the surname, forenames, occupation or status and address (main residence) of the successor from the list as well as the date on which the declaration of acceptance was received from the latter. The Land Returning Officer shall proceed accordingly if a Member of the Bundestag elected directly in a constituency leaves the Bundestag and there is no list candidate succeeding him or her. In the case specified in Section 45 subsection (3), third sentence, of the Federal Elections Act, the Land Returning Officer shall intimate the date on which notice was served.

(3) Pursuant to Section 79 subsection (1), the Federal Returning Officer shall publicly announce which candidate has entered the German Bundestag and forward a copy of the announcement to the President of the German Bundestag. The Federal Returning Officer shall proceed accordingly if a Member of the Bundestag elected directly in a constituency leaves the Bundestag and there is no list candidate succeeding him or her.

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

Part VI
Interim and Concluding Provisions

Section 85
Special Data Protection Rules

(1) With regard to the personal data contained in the voters' register and notwithstanding Section 1 subsection (8) of the Federal Data Protection Act in conjunction with Article 15 paragraph 1 and paragraph 3 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Official Journal L 119 of 4 May 2016, p. 1; L 314 of 22 November 2016, p. 72; L 127 of 23 May 2018, p. 2), the right of access and the right to receive a copy are ultimately ensured by the right to inspect the voters' register and the right to make copies of parts of the voters' register subject to the conditions laid down in Section 17 subsection (1) of the Federal Elections Act in conjunction with Section 21

(2) With regard to the personal data contained in the voters' register and notwithstanding Section 1 subsection (8) of the Federal Data Protection Act in conjunction with Articles 16 and 18 of Regulation (EU) 2016/679, the right to rectification and the right to restriction of processing are ultimately ensured by the rights of objection guaranteed subject to the conditions laid down in Section 17 subsection (1) of the Federal Elections Act in conjunction with Section 16 subsection (8) and of Section 17 subsection (1) of the Federal Elections Act in conjunction with Section 22.

(3) With regard to the personal data contained in the nominations and notwithstanding Section 1 subsection (8) of the Federal Data Protection Act in conjunction with Article 16 and Article 18 of Regulation (EU) 2016/679, the right to rectification and the right to restriction of processing are ultimately ensured, from the deadline for submitting nominations to the end of election day, by the procedures for rectifying faults subject to the conditions laid down in Section 25 of the Federal Elections Act and of Section 27 subsection (5) of the Federal Elections Act in conjunction with Section 25 of the Federal Elections Act.

(4) With regard to the personal data processed for the purpose of keeping a voters' register and for issuing a polling card and notwithstanding Section § 1 subsection (8) of the Federal Data Protection Act in conjunction with Article 13 of Regulation (EU) 2016/679, the data subject shall ultimately be informed by way of announcement in accordance with Sections 14, 17, 36 of the Federal Elections Act in conjunction with Section 20.

Section 86
Public Announcements

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

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

(3) The contents of the public announcements prescribed by the Federal Elections Act and by the present Regulations may additionally be published on the internet. In doing so, the integrity and completeness of the release and its allocation to the source have to be ensured by state-of-the-art technology. Instead of an address, only the town of residence shall be indicated. Personal data in online releases of public announcements pursuant to Section 38 and Section 43 subsection (1) must be deleted not later than six months after the final election result has been publicly announced, those in public announcements pursuant to Section 79 subsection (1) and Section 84 subsection (3) not later than six months after the end of the electoral period.

Section 87
Service of Documents, Affidavits

(1) The service of documents shall be governed by the Federal Administrative Notices Service Act.

(2) The local authority of the relevant municipality shall be responsible for receiving the affidavits to be made pursuant to Section 16 subsection (7), second sentence, Section 18 subsection (6), first sentence, and Section 34 subsection (4) number 2, second sentence, of these Regulations.

Section 88
Procurement of Ballot Papers and Official Forms

(1) The Constituency Returning Officer shall procure for his or her constituency

1. the pre-printed polling cards (Annex 9), unless the local authority of the municipality procures them in agreement with the Constituency Returning Officer,
2. the ballot paper envelopes for the postal ballot (Annex 10),
3. the official return envelopes for the postal ballot (Annex 11), if the result of the postal ballot is to be declared at his or her seat alone,
4. the notes for postal voters (Annex 12),
5. the forms for submission of constituency nominations (Annex 13),
6. the forms for the supporting signatures for constituency nominations (Annex 14),
7. the forms for declarations of consent by the nominated constituency candidates (Annex 15),
8. the ballot papers (Annex 26),
9. the forms for rapid reports (Annex 28)
10. the forms for compilation of the final results of the election (Annex 30),
11. the forms for the election record regarding the ascertainment and declaration of the postal-ballot result (Annex 31),

if the Land Returning Officer does not undertake procurement.

(2) The Land Returning Officer shall procure

1. (repealed)

2. the forms for submission of the Land nominations (Annex 20),
3. the forms for the supporting signatures for Land list candidates (Annex 21),
4. the forms for the declarations of consent by the nominated Land list candidates (Annex 22),
5. the forms for certifying the eligibility of the nominated candidates to stand for election (Annex 16),
6. the forms for the records on the nomination of constituency candidates (Annexes 17 and 23),
7. the forms for the affidavits regarding the nomination of candidates (Annexes 18 and 24).

(2a) For cost-saving purposes, the Land Returning Officer may fully or partially undertake the printing and/or mailing of the polling cards pursuant to Section 19 subsection (1), first sentence. The municipal authorities shall in due time transmit the data and documents required for that purpose to the Land Returning Officer or to the official body that he or she has specified.

(3) The Federal Returning Officer shall procure the application forms for participation in the election to the German Bundestag for persons eligible to vote resident outside the electoral area (Annex 2), together with the notes for applicants (also Annex 2).

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

(5) The procurement of the forms specified in Annexes 1, 2, 5, 8, 9, 13 to 25, 27 to 29 and 31 to 33 may also be effected by provision in electronic form.

Section 89
Safeguarding of Electoral Documents

(1) The voters' registers, the polling card registers, the registers specified in Section 28 subsection (8), second sentence, and in Section 29 subsection (1) the forms with

supporting signatures for nominations and surrendered voter's notices shall be stored in such a manner as to be protected against perusal by unauthorized persons.

(2) Information from voters' registers, polling card registers and registers specified in Section 28 subsection (8), second sentence, and in Section 29 subsection (1) may only be disclosed to authorities, courts of law and other official bodies of the electoral area, and only then if they are required by the recipient in connection with the election. Such a requirement exists in particular with regard to suspicion of electoral offenses, matters of electoral scrutiny and work connected with electoral statistics.

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

Section 90
Destruction of Electoral Documents

(1) The surrendered voter's notices shall be destroyed immediately.

(2) Voters' registers, polling card registers, registers specified in Section 28 subsection (8), second sentence, and in Section 29 subsection (1) and forms with supporting signatures for nominations shall be destroyed six months after the election unless the Federal Returning Officer orders otherwise in view of pending electoral scrutiny proceedings or unless such documents could be of relevance to the prosecuting authority in the investigation of an electoral offense.

(3) All other electoral documents may be destroyed sixty days before the election to the German Bundestag for its next legislative term. The Land Returning Officer may consent to the earlier destruction of the documents unless they could be of relevance to pending electoral scrutiny proceedings or to the prosecuting authority in the investigation of an electoral offense.

Section 91
City-State Clause

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

Section 92
(Amendment of the Federal Voting Machine Ordinance)

Section 93
(Entry into Force, Termination)