

Federal Law on National Council Elections (Regulations on National Council Elections 1992 – NRWO)

⇐ Original Version

as amended by:

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⇐ amendment entailing the latest update of the present translation

(the German version is updated to reflect also recent amendments; interim changes are highlighted in the left column of the PDF version)

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PART I

Elections announcement, division of the federal territory for the purposes of the election, elections authorities

Section 1

Membership, elections announcement, constituencies

Membership, elections announcement, election day, qualifying date

§ 1. (1) The National Council consists of 183 members, elected according to the provisions made in this federal law.

(2) Elections are to be announced in the Federal Law Gazette on decree of the federal government. The decree must contain the election day which has to be scheduled on a Sunday or a public holiday by the federal government in agreement with the main committee of the National Council. The decree has to also set the day which is to serve as qualifying date for election procedures. The last should not however be set on a date previous to the day of announcement of the elections. The deadlines laid down in § 13, § 14, § 16 and § 25 of this federal law as well as the prerequisites for an eligibility to vote (§ 21, para 1) and to be elected (§ 41) are to be set in accordance with the qualifying date.

(3) The decree of the federal government on the announcement of the elections has to also be announced in all municipalities by a public notice.

Provincial constituencies, electoral districts

§ 2. (1) The federal territory is divided in nine provincial constituencies for the purposes of the elections; in this case every province constitutes a provincial constituency. The provincial constituency carries the name of the respective province and receives a number, corresponding to the alphabetical order of all provinces.

(2) Irrespective of the provisions on casting a vote by means of a voting card, the casting of votes takes place in the presence of the local election officials. Local election officials are the municipal election officials and the ward elections authorities.

(3) Fundamentally every political district, in the provinces of Lower Austria and Vorarlberg every administrative district, as well as every town with an own charter constitutes a constituency. In the City of Vienna every municipal district is also an electoral district.

Regional constituencies

§ 3. (1) The electoral districts of the provincial constituencies are united in one or more regional constituencies. The regional constituencies carry the number of their respective provincial constituency and are additionally marked by a letter in alphabetical order.

(2) The regional constituencies are as follows:

Number of the provincial constituency/Letter	Designation
1A	Northern Burgenland
1B	Southern Burgenland
2A	Klagenfurt

2B	Villach
2C	West Carinthia
2D	East Carinthia
3A	Weinviertel
3B	Waldviertel
3C	Mostviertel
3D	Middle Lower Austria
3E	Southern Lower Austria
3F	Vienna - surrounding areas
3G	South-East Lower Austria
4A	Linz and surrounding areas
4B	Innviertel
4C	Hausruckviertel
4D	Traunviertel
4E	Mühlviertel
5A	City of Salzburg
5B	Flachau/Tennengau
5C	Lungau/Pinzgau/Pongau
6A	Graz
6B	Styria - Middle
6C	Southern Styria
6D	South - East Styria
6E	East Styria
6F	Northern Styria
6G	North - Western Styria
6H	Western Styria
7A	Innsbruck
7B	Innsbruck - Land
7C	Unterland
7D	Oberland
7E	East Tyrol
8A	Northern Voralberg
8B	Southern Voralberg
9A	Vienna-Inner-City - South
9B	Vienna-Inner-City - West
9C	Vienna-Inner-City - East
9D	Vienna South
9E	Vienna South - West
9F	Vienna North - West
9G	Vienna North

(3) The electoral districts of the regional constituencies are listed in schedule 1 of this document.

Number of seats in the electoral districts, calculation in accordance with the last census

§ 4. (1) The number of seats in the National Council in every constituency is to be calculated in accordance with the regulations set out in paras 2 to 5.

(2) The number of citizens who, according to the final results of the last census (Register Census Act, Federal Law Gazette I No. 33/2006), had their main place of residence in the Republic of Austria, added to the number of citizens living abroad, who, on the cut-off date (§ 1, para 1 of the Register Census Act) were entered in the voters' index, has to be divided by 183. The result has to be rounded to three decimal places. This gives the proportion figure.

(3) Every provincial constituency receives the number of seats, which results from the division of the number of citizens (para 2), which, according to the final results of the last census, had their main place of residence in the respective provincial constituency, added to the number of those living abroad, who, on the cut-off date (§ 1, para 1 of the Register Census Act) were entered into the voters' index of the same provincial constituency by the proportion figure.

(4) In case that, in following the described procedure, it is not possible to distribute all 183 seats, the results of the calculations described in para 3 have to be rounded up to the third digit after the decimal sign. The remaining seats are then allocated to those provincial constituencies, which have the largest decimal figure. When, however, the decimal figures of more than one provincial constituency are equal, they each receive an additional seat, except when there is only one seat, from the 183, left to be allocated. When, as a result of an equal decimal figure, more than one provincial constituency is in a position to receive the remaining seat, the question of which one does receive it is decided by drawing lots.

(5) Every regional constituency receives the number of National Council seats, taken from the total number of seats allocated to the respective provincial constituency, calculated in the way described in paras 3 and 4.

Stating the number of seats

§ 5. (1) The number of seats allocated to each constituency, calculated in accordance with the regulations laid out in § 4, has to be announced and published in the Federal Law Gazette by the Federal Minister of Internal Affairs immediately after the determination of the final results of the last census.

(2) The announced distribution of seats has to be at the basis of all parliament National Council elections which take place after the coming into force of the announced seat distribution and before the publication of the new one, following the next census.

Section 2

Elections authorities

General remarks

§ 6. (1) Elections authorities are appointed for the administration and carrying out of the elections. They are selected again for each new election.

(2) The elections authorities consist of a chairman who functions as a returning officer or as his deputy and a number of assistants. For every assistant there has to be appointed a substitute, in case they should be prevented from carrying out their duties.

(3) Only people who have the right to vote in the National Council election can be appointed to the elections authorities. Those who do not fulfill this requirement are excluded from the elections authorities. The representatives who are not in the position of a chairperson as well as the substitutes who are not directly involved in the vote or in the constitution of a quorum are put on an equal footing with the remaining members of the elections authorities.

(4) The post of a member of the elections authorities is a public honorary post. Every person entitled to vote who has its main place of residence in the municipality where the respective elections authorities have their headquarters is obliged to accept the offer of this post.

(5) Representatives of the parties taking part in the elections have also the right, according to § 15, para 4, to be present at meetings of the elections authorities.

Sphere of activity of the elections authorities and of the returning officer

§ 7. (1) The elections authorities are responsible for carrying out and administration of the elections. The returning officers are to execute the duties which they are responsible for according to this federal law. They are also to prepare the meetings of the elections authorities as well as to execute their resolutions.

(2) The elections authorities receive the necessary assistance and aid from the office whose chairman or member of the committee is the present returning officer. The resulting expenses are beared by the respective authorities responsible for meeting the costs of the concerned office.

Municipal elections authorities

§ 8. (1) Every municipality outside of Vienna has to have a municipal elections authority.

(2) These consist of the mayor or a permanent deputy elected by them in the capacity of a chairman and municipal returning officer, as well as of nine assistants, irrespective of § 10, para 5.

(3) In case the municipal returning officer should be temporarily prevented from carrying out his/her duties, the mayor has to appoint a replacement for them.

Ward elections authorities

§ 9. (1) In municipalities divided into wards, there has to be a separate ward elections authority for each ward. In the provincial constituencies outside of Vienna, the duties of the ward elections authority in one of the wards can be taken over by the municipal elections authority.

(2) The ward elections authority consists of a chairperson in the capacity of a ward returning officer appointed by the mayor and three assistants.

(3) In case the ward returning officer should be temporarily prevented from carrying out his/her duties, the mayor has to appoint a replacement for them.

District elections authorities

§ 10. (1) For every political district (administrative district), every town with an own charter and in the City of Vienna in the location of the respective district office of the Vienna City Administration, there has to be appointed a district elections authority. The local jurisdiction of the district elections authorities in the City of Vienna corresponds to the jurisdiction of the respective district office of the Vienna City Administration.

(2) The district elections authority consists of the leader of the district, in the case of towns with an own charter the mayor and in the City of Vienna the head of the district office of the Vienna City Administration or a permanent replacement appointed by them in the capacity of a chairperson and district returning officer and nine assistants.

(3) In case the district returning officer should be temporarily prevented from carrying out his or her duties, he or she has to appoint several deputies and determine the order in which they are to represent him or her.

(4) The district elections authority has its headquarter in the location of the office of the respective district returning officer.

(5) Outside of the City of Vienna, the members of the district elections authorities cannot, at the same time, be members of the municipal elections authorities. In the City of Vienna, the members of the district elections authorities cannot, at the same time, be members of the provincial elections authority for the constituency of the City of Vienna.

Provincial elections authorities

§ 11. (1) For every province a provincial elections authority has to be appointed, which are to be based in the office of the provincial government.

(2) These consist of the provincial governor or a permanent replacement appointed by them in the capacity of a chairperson and provincial returning officer and nine assistants.

(3) In case the provincial governor should be temporarily prevented from carrying out his or her duties, he or she has to appoint several deputies and determine the order in which they are to represent him or her.

Federal elections authority

§ 12. (1) For the whole federal territory there has to be appointed the federal elections authority, based in the office of the Federal Ministry of the Interior.

(2) It consists of the Federal Minister of Internal Affairs as chairperson and federal returning officer and seventeen assistants, two of whom are active or retired judges.

(3) The members of the federal elections authority cannot be members of other elections authorities.

(4) In case the Federal Minister of Internal Affairs should be temporarily prevented from carrying out his or her duties, he or she is to appoint several representatives as well as to determine the order in which they are to represent him or her.

(5) The federal elections authority supervises, irrespective of the constituency allocated to them according to the regulations set out in § 7, para 1, the work of all other elections authorities. As a result of this, the federal elections authority has the right to disregard or modify any decision or decree, especially the illegal ones, made by subordinate elections authorities. Decisions of any elections authorities regarding an objection to or an appeal against the electoral rolls cannot be changed by the federal elections authority.

(6) The federal elections authority has also the right to tolerate a delay in the deadlines set out in § 13, § 14, § 16, § 39, § 47, § 61, § 106, § 109, § 111, § 112 and § 124, para 3, when it is caused by disturbances in the traffic or any other unavoidable circumstances. It is however not possible to tolerate delays in any other deadlines set out in the remaining paragraphs of this federal law.

Deadlines for the appointment of the returning officer, of the permanent representative and their substitute, swearing-in, sphere of activity of the returning officer

§ 13. (1) The returning officer, the permanent representative appointed according to the regulations set out in § 8, § 10 and § 11, as well as any other substitutes, who could be called on in case the returning officer should be prevented from carrying out his/her duties, are part of an election authority, which has to be reelected for each new election. These have to be nominated seven days after the qualifying date, at the latest, except when such nominations are carried out for elections authorities, the setting up of which is being delayed for any of the reasons discussed in § 14, para 4.

(2) Before taking their position, the elected officials have to give a gentlemen's agreement as to their impartiality and conscientious fulfillment of their duty to the one who appointed them or to someone commissioned by them.

(3) Until the composition of the new elections authorities before every election, their chairmen (or representatives) are to conduct all urgent affairs of these authorities as well as to take in all applications.

(4) After the composition of the new elections authorities, their chairmen (or representatives) have to report their previous activities to the elections authorities. Thereafter they are to conduct all affairs which are not reserved for the elections authorities themselves, as set out in § 7, para 1.

Introduction of the application for appointment of the assistant and of his/her substitute

§ 14. (1) On the tenth day after the qualifying date at the latest, the persons of confidence of the parties wanting to take part in the election campaign (§ 42) have to present to the returning officer of the respective elections authorities, as defined in para 3, their proposals for the appointment of the assistant and their substitute, who should not be judges by profession, as set out in § 15, para 3. These proposals have to be based on the number of assistants and their substitutes, who are due to each party, after the composition of the elections authorities on the qualifying date, irrespective of the regulations set out in § 15, para 2.

(2) Only people who meet the requirements defined in § 6, para 3, are eligible for the office of an assistant and substitute.

(3) The applications for the composition of the federal elections authority are to be addressed to the federal Minister of Internal Affairs acting in the capacity of a federal returning officer. The applications for the composition of the provincial elections authorities are to be addressed to the leader of the respective province; for the composition of the district elections authorities - to the provincial returning officer and for the composition of the municipal and ward elections authorities they are to be addressed to the district returning officer.

(4) Delayed applications cannot be considered. The only exception to this are elections authorities, whose delayed composition is made necessary by changes in the wards, in the municipal areas or in the political districts.

(5) The returning officer has the right to demand from the persons of confidence of a party which produces applications according to para 1 to declare explicitly and in writing that the respective party wants to take part in the election campaign, according to § 42. When such a declaration is not presented, the applications are not taken into consideration. When the persons of confidence of a party are known to the returning officer and he or she is in a position to decide whether they are indeed representatives of the respective party, or when an application is made by one of the parties, represented in the National Council, the returning officer has to accept the application for further processing immediately. When this is not the case the applicant has to see to it, if this has not yet been done, that the application is signed by at least 100 persons entitled to vote before the deadline set in para 1.

(6) Until the assistants and substitutes have been appointed, the applicants have the right to change or withdraw their applications at any time. The regulations under paras 2, 3 and 5 are to be applied accordingly.

Appointment of the assistants and substitutes, sending out of persons of confidence

§ 15. (1) The assistants and substitutes to form the new federal elections authority, for the purposes of every election, are to be appointed by the federal government.

(2) The appointment of an assistant and substitute in the remaining elections authorities to be newly established is the duty of the respective returning officer. In the case of the provincial elections authorities, this is the duty of the federal returning officer; in that of the district elections authorities, of the provincial returning officer and in the case of the municipal and ward elections authorities this is the duty of the district returning officer. If, as a result of this procedure, there are any changes in the composition of the elections authorities as opposed to the time of the announcement of the elections, the representatives of the parties affected by this change (§ 14, para 1) have to present the necessary proposals before a deadline set for this purpose by the elections authorities.

(3) Assistants and substitutes who are not professional judges are appointed on the basis of the proposals of the parties following the d'Hondt procedure depending on the results achieved by them in the last National Council elections in the area of the elections authorities, in the case of ward elections authorities in the area of the municipality and in the case of municipal elections authorities of towns with their own charter in the area of the electoral district. In cases in which a party has not applied, or has not applied in due time, for the appointment of the assistants allocated to it, no assistants are to be appointed. For the federal elections authority, parties taking part in the elections which are represented in the National Council last elected but would not be entitled to delegate an assistant on the basis of the d'Hondt procedure can nominate one assistant each. The remaining number of assistants is to be allocated to the remaining parties taking part in the elections on the basis of the d'Hondt procedure according to their results achieved in the last National Council election.

(4) When a party (§ 14, para 1) does not have the right, according to para 3, to appoint an assistant and when it has been represented in the last elected National Council by at least three of its members, it has the right to be represented in every elections authority by not more than two representatives. In the case of provincial and federal elections authority, this right is also granted to parties, not represented in the last elected National Council. These representatives have to be invited to the meetings of the elections authorities. They take part in the proceedings, but do not have the right to vote. As for the rest, the regulations set out in para 1, 2, and 5, as well as § 6, para 3, § 14, § 16, para 2, § 19, paras 1, 2, first sentence of para 3, paras 4 and 5, § 20 and § 56 last sentence of para 1 apply accordingly.

(5) The names of the members of the elections authorities are to be published, in conformity with local custom.

Constitution of the elections authorities, inauguration of the assistant and their substitute

§ 16. (1) The elections authorities appointed by their chairperson have to hold their constitutional meeting within twenty one days after the set qualifying date.

(2) At this meeting the assistant and their substitute have to pledge with a handshake with the chairperson as to their impartiality and conscientious fulfillment of their duties. The same agreement has to be made by the assistant and substitute appointed to the elections authorities after the constitutional meeting of the elections authorities.

(3) The ward elections authorities in the City of Vienna and other cities with a population exceeding 20 000 inhabitants can hold their constitutional meeting later. The same applies to elections authorities, whose setting-up can only be done later, for one of the reasons introduced in § 14, para 4.

Constitution of a quorum, valid resolutions of the elections authorities

§ 17. (1) The elections authorities, with the exception of the ward elections authorities, are quorate when the chairperson, or his or her deputy, and at least half of the assistants appointed for the respective elections authority according to § 15 are present. The ward elections authorities are quorate if the chairperson, or his or her deputy, and at least two assistants are present.

(2) In order for the issued resolutions to be valid, a majority of votes is necessary. The chairperson does not take part in the voting. However, when there is an equal number of votes supporting different proposals, the vote of the chairperson is the deciding one.

(3) Substitutes are only included in the constitution of a quorum and the voting, when the appointed member they represent is prevented from taking part in them.

Independent execution of official acts by the returning officer

§ 18. (1) When, especially on the election day and irrespective of the regular convocation, an elections authority does not have the necessary number of appointed members in order to be able to constitute a quorum, or when it becomes unable to constitute a quorum during an official proceeding and when the urgency of the official proceeding does not allow for postponement, the procedure has to be carried out independently by the returning officer. In this case, they have the possibility to call on persons of confidence, taking the relations between the parties into consideration.

(2) The same applies to an elections authority which cannot be assembled since none of the parties has brought forward an application for an appointment of members and substitutes, according to § 14.

(3) Apart from the cases discussed in paras 1 and 2 as well as in § 15, para 2, § 42, para 1, and § 113, the returning officer can also deal with urgent official proceedings when they have been specifically authorized to do so by the elections authorities.

Changes in the composition of an elections authority, term of office

§ 19. (1) In case an appointed member or a substitute does not execute their seat in the elections authority, for any reason other than a temporary prevention, the party which appointed them has to present a new proposition for the filling of the vacant seat.

(2) The authorities which can appoint to an election authority returning officers, permanent replacements or in the case of a prevention, other replacements, have at any time the right to withdraw the appointed officials from the elections authority and to replace them by new ones. The same right is given to the parties which have brought forward proposals for the appointment of members and substitutes.

(3) When the party on whose proposal members and their substitutes have been appointed to the election authority has not made proposals for appointments in a provincial constituency (§ 42) or when their proposals have not been made public (§ 49) the respective appointed members and their substitutes lose their seats in the province in question as well as in all elections authorities subordinate to it. Under such circumstances they could also lose their seats in the federal elections authority, but only if they have not made proposals in any provincial constituency or when their proposal has not been published in any provincial constituency. In this case all seats of the appointed members and their substitutes have to be distributed among all parties taking part in the elections, irrespective of whether they have been represented in the elections authority to date, as set out in § 15, para 3.

(4) When the new composition of the elections authorities after the election of the National Council does not follow the regulations set out in § 15, para 3, new arrangements have to be made which correspond to the representation of the parties.

(5) In case of amendments according to para 1 to 4, the regulations set out in § 14, paras 1 to 3, paras 5 and 6 as well those in § 15 and § 16 are to be applied accordingly. In case of amendments according to para 4 the prescribed time period must start on the thirtieth day after the election day.

(6) The elections authorities established before each election and changed according to paras 1 to 5, where applicable, remain in office until the elections authorities are constituted for the next election, unless the delayed establishment of an elections authority according to § 14, para 4, has become necessary. In such a case, the proposals for the assistants and the substitutes of the elections authority to be newly established are to be submitted not later than on the tenth day after the area was changed. The assistants and substitutes are to be appointed not later than on the 20th day after that date. The constitutional meeting of the relevant elections authority (§ 16) is to take place not later than on the 30th day after that date.

Fees which the members of the elections authorities are entitled to

§ 20. (1) According to paras 2 and 3 the elections authorities are entitled to fees for their activities in the election committee.

(2) Regarding the extent and the amount of the fees set out in para 1, the Fee Entitlement Act, Federal Law Gazette No. 136/1975, on the fees of witnesses, experts, interpreters, members of a jury and lay assessors is to be applied.

(3) The members of the election committee have to present their claims to the returning officer fourteen days after the end of a meeting of the elections authorities. A special application is not necessary when only expenses for the election day are claimed.

(4) The decision concerning applications from members of the federal election committee, according to para 3 is to be made by the Federal Minister of Internal Affairs. For all other elections authorities this decision is to be made by the administrative authorities of which the returning officer is a member or from the executive board of which he or she has been elected; their decision is not subject to objections.

(5) The fees which the members of the elections authorities are entitled to are to be covered by the respective authorities which are to distribute the assisting personnel as well as all necessary materials as set out in § 7, para 2.

Election assistants

§ 20a. (1) The Federal Ministry for European and International Affairs can invite the Organization for Security and Co-operation in Europe (OSCE) and its participating States to delegate international election assistants.

(2) Election assistants delegated according to para 1 and the required accompanying persons enjoy the legal status of employees of the OSCE or of representatives of OSCE participating States according to § 3 and § 4 of the Federal Act on the Legal Status of Institutions of the OSCE in Austria, Federal Law Gazette No. 511/1993 as amended.

(3) The Federal Ministry for European and International Affairs shall accredit election assistants delegated according to para 1 and the required accompanying persons, issue the appropriate certificates to these accredited persons and submit the names of the accredited persons to the federal elections authority for the purpose of forwarding the data in electronic form to the subordinate elections authorities. The federal elections authority shall forward the data of the accredited persons by electronic means to all subordinate elections authorities by the twenty-third day after the qualifying date. If the data of accredited persons are available to the federal elections authority only at a later date or if further accredited persons are subsequently named by the Federal Ministry for European and International Affairs, the submission of such data by electronic means to all subordinate elections authorities is permissible even after the twenty-third day.

(4) Election assistants are authorized

1. to be present in meetings of all elections authorities;
2. to observe, without any restrictions, the election procedure in the polling station and the exercise of the vote by voting card voters who are bedridden or otherwise incapacitated and to inspect the vote record and the electoral roll;
3. to be present during the verification of the ballot papers and the counting of the votes according to § 84, § 90 and § 96, and to observe the procedures without any restrictions;
4. to inspect the records according to § 85, § 90, § 99, 103 and § 108 and to receive a compilation of the results of the vote;
5. to inspect the electoral roll and files regarding objections (§ 28) and appeals (§ 32), even after the end of the period of public display set out in § 25.

(5) Accompanying persons may accompany election assistants during the exercise of their powers; they are not entitled to exercise such powers themselves.

(6) The elections authorities shall support election assistants to the extent of their capabilities and provide useful information for the observation of the election.

(7) Election assistants and accompanying persons are prohibited from exercising any kind of influence on the election procedure, on a voter or on decisions by an elections authority. In the case of non-compliance, the returning officer can expel an election assistant or an accompanying person from the polling station.

(8) In the case of non-compliance, the Federal Minister for European and International Affairs can withdraw the accreditation of election assistants or their accompanying persons granted according to § 20a, para 2.

PART II

Right to vote, registration of the persons entitled to vote

Section 1

Right to vote

§ 21. (1) All men and women who are Austrian citizens are entitled to vote provided they have reached the age of 16 on the day of the election and have not been deprived of their right to vote.

(2) Irrespective of the voting age, the decision as to whether the conditions set out in para 1 apply is to be made in respect of the qualifying date (§ 1, para 2).

Section 2

Reasons for withdrawal of the right to vote

Due to judicial conviction

§ 22. (1) Persons who have been convicted by a final judgment by an Austrian court for a criminal offence

1. according to Section 14, 15, 16, 17, 18, 24 or 25 of the Special Part of the Criminal Code;
2. according to § 278a to § 278e of the Criminal Code;
3. according to the National Socialism Prohibition Act 1947;
4. committed in connection with an election, a referendum, a consultation of the people or a popular initiative according to Section 22 of the Special Part of the Criminal Code

and sentenced to imprisonment for at least one year, the sentence not being subject to a conditional suspension, or for another criminal offence committed with intent and sentenced to imprisonment for more than five years, the sentence not being subject to a conditional suspension, can be deprived of their right to vote by the court (§ 446a of the Code of Criminal Procedure) on the basis of the circumstances of the individual case.

(2) The withdrawal of the right to vote begins when the judgment becomes final and ends as soon as the sentence has been completed and any precautionary measures involving the deprivation of liberty have been carried out or lifted; if the sentence has only been served as time spent in pre-trial custody, the withdrawal ends when the judgment becomes final. If the withdrawal of the right to vote ends at a time after the qualifying date, listing in the electoral roll can be requested until the end of the period of public display (§ 25, para 1).

Section 3

Registration of the persons entitled to vote

Electoral rolls

§ 23. (1) The persons entitled to vote (§ 21, para 1) are to be entered in electoral rolls. For the preparation of this registers the specimen copy in schedule 2 is to be used.

(2) The issuing of electoral rolls is the duty of the respective municipality in the area allocated to them by the federal government.

(3) The electoral rolls are to be prepared by the municipalities on the basis of the Voters' Index in consideration of § 21, para 1.

(4) In municipalities not divided into wards the registers are to be prepared following the alphabetical order of the persons entitled to vote. When the municipalities are divided into wards the lists are to be prepared according to the wards and if necessary according to villages, streets and house numbers.

Place of registration

§ 24. (1) Each person entitled to vote is to be entered in the electoral roll of the place (municipality, ward) where they have their main place of residence on the day set as deadline. The place of registration of those who live abroad is to be determined according to the voters' index.

(2) Each person entitled to vote can only be entered once in the electoral rolls.

(3) Persons entitled to vote who are called up for army or community service or who are doing their community service are to be entered in the electoral roll of the municipality where they had their main place of residence before they were called up, except in the case where their main place of residence changes during the time period when they are carrying out their duty.

(4) In case one and the same person entitled to vote should be entered into more than one electoral roll, their name has to be immediately taken out of the register where it has been wrongly entered. The person concerned and the municipality in the electoral roll of which the name of this person is to remain are to be informed of the procedure described above.

Publishing the electoral roll

§ 25. (1) On the twenty-first day after the qualifying date the electoral roll has to be displayed for a period of ten days in an official place opened to the public. In municipalities, in which announcements are to be put up according to § 26, this period can be shortened to one week. In these cases, the period of public display of the electoral roll begins on the twenty fourth day after the qualifying date. In the City of Vienna there has to be at least one place for public display in each municipal district.

(2) The publishing of the electoral roll has to be announced by the mayor in conformity with local custom before the beginning of the period of public display. This announcement has to include the time period in which the electoral roll can be viewed by the public, the hours of the day in which it can be consulted - except on Sundays and public holidays - for at least four hours, the place where it is displayed for public view, the office where objections to the electoral roll are to be made as well as the regulations set out in para 3 and § 28 and § 33. When setting the hours of the day specified for the public viewing of the electoral roll, consideration is to be given to the fact that public viewing is to be made possible also outside normal working hours. Public viewing does not have to be made possible on Sundays and public holidays.

(3) In the time period set for public viewing, it is the right of everyone to consult the electoral roll and to make duplicates of it.

(4) From the first day of public display of the electoral rolls onwards changes are only to be made on the grounds of objections and appeals made against it. Exceptions to this regulation are cases of deletion according to § 24, para 4, the elimination of obvious wrong entries of persons entitled to vote, as well as the removal of mistakes in the formal presentation of the list, such as spelling mistakes or data processing mistakes.

(5) The municipal returning officer shall allow election assistants (§ 20a, para 1) to view electoral rolls and files regarding objections (§ 28) and appeals (§ 32) during office hours even after the end of the period of public display.

Announcement in buildings

§ 26. (1) Before the beginning of the period for public viewing of the electoral roll in municipalities with more than 10 000 inhabitants in each house an announcement has to be posted on a place (such as the hallway) which is accessible to all occupants. This announcement is to include the number of persons entitled to vote, arranged according to the location and number of the flat or according to the surnames or last names and first names of the occupants and the office where objections to the electoral roll can be made.

(2) Such announcements can also be put up in other municipalities but only by order of the responsible district commission or by the provincial governor in towns with an own charter.

Handing over of copies to the parties

§ 27. (1) On the first day of publication of the electoral roll at the latest, the municipalities have to present to the parties represented in the National Council and any other parties taking part in the elections, on demand, duplicates of the electoral roll. The parties concerned are to repay the costs for these copies.

(2) The request for copies by the parties has to be made two weeks before the publication of the electoral roll at the latest. The parties concerned are to pay 50% of the production cost on making the demand. The remaining costs are to be covered on receipt of the duplicates.

(3) Any additions to the electoral roll can also be presented to the parties on the same conditions.

Objections

§ 28. (1) During the period of public display of the electoral roll, every citizen, on giving his name and residential address, can make written or oral objections to this register in the office (§ 25, para 2) responsible for the registration of all objections. This objection can relate to the listing of any person entitled to vote in the electoral roll as well to the deletion from it of the name of a person not entitled to vote.

(2) The objections are to be made in the respective office before the end of the period for public display of the electoral roll.

(3) When the objections are in written form, a separate objection is to be made for each individual case. When the objection relates to the addition of a voter to the electoral roll, all documents necessary for the support of the objection and especially a personal data form (specimen copy in schedule 1 of the Voters' Index Law from 1973) filled out by the supposed voter, as long as it is not a citizen living abroad, are to be enclosed. When the objection demands the deletion of the name of a person not entitled to vote from the electoral roll, the reasons for this are to be stated. All objections, including those who are not sufficiently documented are to be accepted and passed on by the respective office. When the objection is signed by more than one person and none of them has been specified as an authorized recipient, it is the one who signed first that receives this function.

(4) Making objections for obviously willful reasons is an administrative violation and is punishable by a fine of up to 218 euros. In default of payment the punishment can be a prison sentence of up to two weeks.

Informing the people who are proposed to be deprived of their right to vote

§ 29. (1) In the twenty four hours following a registration of an objection to the listing of a citizen in the electoral roll, the municipality has to inform the person in question and inform them of the reasons for the objection. Four days after being informed of the objection at the latest, the person concerned has the right to appeal in written or verbal form to the officials dealing with the objection brought forward against them.

(2) The names of the people making an objection are to be kept secret. They can only be disclosed to the criminal court on demand.

Decision concerning the objections

§ 30. (1) Outside of Vienna, the decisions concerning any objections has to be taken by the municipal elections authorities within six days after the period for public viewing of the electoral roll. In the City of Vienna, this decision is to be taken by the district elections authority in the given time period. § 7 of the 1991 General Administrative Proceedings Act shall be applied.

(2) The municipality has to immediately inform in writing the person making the objection as well as the one concerned by it of its decision.

Correction of the electoral roll

§ 31. When, as a result of the decision taken concerning an objection, the electoral roll has to be corrected, it is the duty of the municipality to do this immediately after the decision becomes legally binding. The date when the decision in question was made has to be indicated alongside the changes. When the decision results in the addition to the electoral roll of a person who did not feature on it before the decision was made, then the given name has to be entered at the end of the list with a number corresponding to its place. On the place where the name in question would normally have been entered, following the alphabetical order of entries, a reference should be made to the number at the end of the list.

Appeals

§ 32. (1) The person who made the objection as well as the one affected by it have the right to appeal in writing to the municipality against the decision taken according to § 30, para 1, within two days after its delivery. The municipality has to immediately inform the opposing party of the appeal brought forward and of their right to examine the appeal and oppose the reasons brought forward in its support within two days of receiving this information.

(2) Outside of Vienna, the decision concerning the appeal in question has to be made by the district elections authority within four days of receiving it. In Vienna, this decision is to be made by the provincial elections authority in the same period of time. § 7 of the 1991 General Administrative Proceedings Act shall be applied. A further appeal cannot be made.

(3) The regulations set out in § 28, paras 2 to 4, and § 30, para 2, as well as § 31 are to be applied accordingly.

Handling of the objections and appeals as postulated in the Voters' Index Law from 1973

§ 33. In cases where the objections and appeals against the Voters' Index have not been decided on by the beginning of the period for public viewing of the voters' index according to the regulations set out in the Voters' Index Law from 1973, in the effective version (§ 4 to § 8), the regulations set out in § 28 to § 32 above are to be applied.

Finalization of the electoral rolls

§ 34. (1) After the proceedings concerning any objections and appeals have been closed, the respective municipality has to finalize the electoral roll.

(2) The finalized electoral roll has to be the basis of the elections.

Reports on the number of persons entitled to vote

§ 35. (1) Before issuing the electoral roll (§ 25) the district elections authorities have to announce as quickly as possible the number of persons entitled to vote, divided into men and women, to the provincial elections authorities and those in the area of the federal Republic to the federal elections authority (immediate notification).

(2) In the same way, any changes in the number of the persons entitled to vote as a result of objections and appeal proceedings after the finalization of the electoral rolls are to be reported to the provincial elections authority, who have to immediately report them further to the federal elections authority.

Participation in the elections

§ 36. (1) Only persons entitled to vote whose names feature on the finalized electoral rolls can take part in the elections.

(2) Each voter has only one vote.

(3) In municipalities with more than 1 000 inhabitants the persons entitled to vote are to be served, three days before the election day at the latest, with official information on the election, in conformity with local custom, which should include at least the family name or last name and the first name of the voter, their year of birth and their address, the place of voting (ward), the consecutive number under which they have been entered into the electoral roll, the election day as well as the time of voting and the respective polling station.

Place of voting

§ 37. (1) Each person entitled to vote casts their vote in the place (municipality, ward) where they have been entered into the electoral roll.

(2) People voting by voting cards can also vote outside of the place specified according to the above paragraph.

Section 4

Voting cards

Right to be issued with a voting card

§ 38. (1) Persons entitled to vote who, on the election day, are likely to be unable to cast their vote before the competent elections authority, for example due to being absent, for health reasons or due to a stay abroad, have the right to be issued with a voting card.

(2) The right to be issued with a voting card is also given to those voters who are unable to cast their votes in the polling stations because of lack of transport or of being bedridden either in a hospital or at home for reasons of age or any other reason, or because of being under arrest in a prison, in an offenders institution or in police custody and who want to exercise their right to vote in the presence of a special authority (§ 73, para 1), as long as they have not been deprived of it according to the regulations set out in § 72 or § 74.

(3) When the reasons for being issued with a voting card for reasons set out in para 2 do not apply to a voter at a later stage they are to inform the municipality in which they have been staying before the election day that they renounce their right to be visited by a special elections authority as set out in § 73.

Issuing a voting card

§ 39. (1) The application for the issuing of a voting card has to be submitted in written or oral form to the municipality by which the person entitled to vote has been entered in the electoral roll, stating the reason as specified in § 38, para 1. Applications by telephone are not permissible. The application can be filed in writing not later than on the fourth day before the election day. The application can be filed orally not later than 12:00 noon on the second day before the election day. The application can be filed in writing until the latter time if it is possible to hand over the voting card to a person authorized by the applicant. Abroad, the issuing and handing over of a voting card can also be applied for by way of an Austrian official representation. In the case of an application filed orally, prima facie evidence of the identity of the applicant is to be presented by means of a document. In the case of a written application, unless the applicant is known to the authority or has affixed to the application, in the case of electronic submission, a qualified electronic signature, prima facie evidence of the identity can also be presented in other ways, in particular by stating the passport number or by submitting a copy of official photo identification or another document. The municipality is authorized to have the passport number verified by a passport authority, and photo identification or other documents by the authority competent for issuing such documents. In the cases set out in § 38, para 2, the application has to contain an explicit request for a visit by a special elections authority according to § 73, para 1, as well as the exact location where the applicant expects this visit. In the case of people in public custody, the application has to include a confirmation of the custody by an authority.

(2) Persons entitled to vote who have their main place of residence abroad and who are registered in the voters' index (§ 2a of the Voters' Index Law 1973) are to be informed by mail by the municipality by which they were registered in the voters' index of the possibility of exercising the right to vote by means of postal voting without delay after the announcement of the National Council elections, provided their address has been entered in the voters' index. Furthermore, they are to be informed of the possibilities of filing an application, where applicable also about filing an application on the Internet. The information can be sent by e-mail, if an e-mail address is known to the municipality. Persons who have applied for the ex-officio issuance of a voting card according to § 2a, para 6, or § 9, para 4 of the Voters' Index Law 1973 are to be sent voting cards as soon as the corresponding preprints and the official ballot papers are available to the municipality.

(3) The voting card has to be produced as a sealable envelope and is to contain the prints set out in Schedule 3. It has to be ensured, by means of appropriate technical measures, that the personal data in respect of the person entitled to vote, in particular that person's signature, is covered by a closable flap before the voting card is forwarded to the district elections authority and that after closing the voting card it is possible, by means of appropriate perforation, to make visible to the district elections authority the personal data of the voter and the voter's declaration in lieu of an oath without opening the voting card. In accordance with the technical properties of the voting card, the flap is to feature printed text containing notices on how to use the voting card for casting a vote by means of postal voting and on how to forward the voting card. For voting cards issued by means of automatic data processing, the entry of the name of the mayor is sufficient instead of his or her signature; certification by the mayor's office is not necessary.

(4) When an application for the issuing of a voting card is accepted, an official ballot paper and a sealable ballot paper envelope, showing the number of the provincial constituency, have to be handed over together with the voting card. These have to be put inside the envelope described in para 3. The envelope has to be handed over to the applicant. The applicant has to store the envelope carefully until the casting of the vote. Together with the envelope, a supplementary sheet to be made available by the provincial elections authorities, listing the lists of candidates of the provincial constituency, is also to be handed over. If the voting card is sent by mail, the envelope containing the voting card is to be marked with the notice "Voting card for the National Council elections XXXX".

(5) The following applies to the handing over or delivery of voting cards applied for:

1. If the voting card is handed over personally, the applicant shall sign a confirmation of receipt. If the applicant is unable to do so, a note is to be recorded on file.
2. For patients in hospitals and nursing homes (§ 72), if the voting card is sent by mail by means of a registered letter, the voting card is to be addressed exclusively to the recipient personally. In that case, the letter is to be marked with the notice "Not to authorized mail recipients".
3. If voting cards are delivered by messenger to the persons referred to in item 2, the confirmation of receipt must be personally signed by the patient. If the applicant is unable to do so, a note is to be recorded on file.
4. In the case of applicants not referred to in item 2, the voting card, if sent by mail, is to be sent by registered letter unless the voting card was applied for orally, the electronically filed application carried a qualified electronic signature, or the voting card was issued ex officio upon application according to § 2a, para 6, or § 9, para 4 of the Voters' Index Law 1973.
5. If voting cards are delivered to persons not referred to in item 2 by courier or by way of an Austrian official representation, § 16, paras 1 and 2 of the [Service of Documents Act](#) is to be applied by analogy, with the proviso that a voting card can also be handed over to persons entitled to vote who have not yet reached the age of 18. The voting card can be handed over without any evidence, if it was applied for orally or the electronically filed application carried a qualified electronic signature.
6. Voting cards applied for in writing, which are personally collected by the applicant, may be handed over by the municipality only in return for a confirmation of receipt. If the applicant is unable to provide such a confirmation, a note is to be recorded on file. If a voting card applied for in writing is handed over to a person authorized by the applicant, that person must confirm receipt of the voting card.
7. A courier who delivers a voting card used to cast a vote by means of postal voting is not permitted to immediately collect the voting card.

(6) In every case, confirmations of the receipt of voting cards handed over by courier or by way of an Austrian official representation are to be delivered to the municipalities that issued the voting card. Confirmations of receipt submitted to Austrian official representations are permitted to be forwarded electronically. Applications filed in writing, confirmations of receipt, notes on file and a list of applications received electronically are to be submitted to the municipal elections authority after expiry of the period specified in para 1. The municipal elections authority has to enclose the documents submitted to it in the election file of the municipality.

(7) The municipality must not issue duplicates for lost voting cards. Voting cards that have become unusable but have not yet been sealed and for which the declaration in lieu of an oath has not yet been signed can be returned to the municipality. In that case, the municipality can issue a duplicate after having received the voting card. In such a case, a voting card that has become unusable is to be marked with a corresponding note and submitted to the municipal elections authority. The municipal elections authority has to enclose the voting card in the election file of the municipality.

(8) The municipal elections authorities shall ensure that mail marked as voting cards (para 4, last sentence) that has been deposited with the locally competent postal agencies is collected at the time when the respective postal agency is last closed before the election day and is kept ready to be handed over to the applicant on the election day. At that time, mail marked as voting cards (para 4, last sentence) and deposited with the postal agency but not collected is to be separated and kept ready to be handed over to a person delegated by the municipal elections authority. The municipal elections authorities shall inform the Federal Ministry of the Interior of any mail marked as voting cards (para 4, last sentence) kept in their area of responsibility. The Federal Ministry of the Interior shall take appropriate measures, e.g. establish a telephone hotline, so that applicants can be informed of the place where mail marked as voting cards (para 4, last sentence) is kept. Voting cards deposited with Austrian official representations that are not collected are to be destroyed after the election day. The municipality that issued such a voting card is to be informed thereof electronically.

(9) A person entitled to vote has to be informed by the municipality as soon as possible if his or her application for the issuing of a voting card was not allowed.

Procedure following the issuing of a voting card

§ 40. (1) The issuing of a voting card has to be marked in the electoral roll by entering the words "voting card" in a clear way next to the name of the voter concerned under the heading "Remark". Until the twenty-ninth day after the election day, the municipalities shall inform any person entitled to vote who is registered in the electoral roll upon oral or written request whether a voting card was issued for that person. For that purpose, the municipalities, after having forwarded the electoral rolls to the municipal elections authority, shall keep ready copies until the aforementioned date unless they have other records of the voting cards issued, e.g. in an IT application. When making a request, the person entitled to vote is to present credible evidence of his or her identity.

(2) In the event that a voting card is issued in accordance with § 38, para 2, to a voter who is staying in a location other than the one where his name has been entered into the electoral roll, the municipality issuing the voting card has to inform the municipality in which the voter is staying of the issuing of the voting card as well as of the fact that the voter in question has to be visited by a special elections authority.

(3) After the end of the time period set out in § 39, para 1, the district elections authority has to immediately report the number of voting cards issued to the provincial elections authority (immediate notification). The provincial elections authority has to also immediately, or at the latest on the last day before the election day, report the number of voting cards issued on their territory to the federal elections authority. When the number of voting cards issued is reported, the number of voting cards issued to persons entitled to vote living abroad is to be stated separately.

(4) Whether special polling stations should be opened for voters with voting cards and in which way that should be done is discussed in § 56, § 72 and § 73. Precise instructions for the casting of a vote by voters with voting cards are to be found in § 60, § 68, § 70 and § 82.

PART III

Eligibility, election advertising

Section 1

Eligibility for election

§ 41. (1) All men and women who are Austrian citizens on the qualifying date, have reached the age of 18 by the day of the election and have not been convicted by a final judgment by an Austrian court for a criminal offence or several criminal offences committed with intent and sentenced to imprisonment for more than one year are eligible to be elected. The exclusion from the eligibility to be elected ends after six months. The period begins as soon as the sentence has been completed and any precautionary measures involving the deprivation of liberty have been carried out or lifted; if the sentence has only been served as time spent in pre-trial custody, the period begins when the judgment becomes final.

(2) If legal consequences are excluded from coming into force on the basis of other statutory provisions, if the legal consequences have expired or if all legal consequences for the person convicted have been suspended, the person convicted is not excluded from the eligibility to be elected. Furthermore, the eligibility to be elected is also not excluded if the court conditionally suspended the sentence. If the conditional suspension is revoked, the eligibility to be elected is excluded as of the day on which the respective decision becomes final.

Section 2 Election advertising

Introduction, initial verification and support of the proposals for the provincial election

§ 42. (1) Each campaigning party has to present its list of candidates for the first and second counting procedure (provincial list of candidates) to the provincial election authority until 5 p.m. on the forty-second day before the election day at the latest; § 122 is not to be applied. After an immediate examination of the provincial list of candidates for apparent faults, the provincial returning officer has to mark on it the exact date and time of its submission. In case the provincial returning officer should become aware of any obvious faults in a proposal for a provincial election submitted in the time period set for the submissions of all such proposals, he/she has to give the respective party on request the possibility to improve their proposal. The improved provincial list of candidates has to also be submitted within the given time period. Only after the improved version of the provincial list of candidates has been submitted should the provincial returning officer mark the date and time of its submission.

(2) Each provincial list of candidates must be signed by at least three members of the National Council or supported by the persons who, on the qualifying date, were registered in the voters' index of a municipality in the provincial constituency and were entitled to vote (§ 21, para 1), as indicated in the following list: Burgenland and Vorarlberg - 100 people; Carinthia, Salzburg and Tyrol 200; Upper Austria and Styria - 400 and in the provincial constituencies of Lower Austria and Vienna from 500 people. The declarations of support have to be attached to the respective provincial list of candidates. These should be filled in as shown in Schedule 4 and individually composed according to para 3.

(3) Each declaration of support must contain the confirmation of the municipality that the person named in the declaration was registered in the voters' index and was entitled to vote on the qualifying date (§ 21, para 1). This confirmation of the municipality should only be given when the person named in the declaration of support presents themselves in person to the municipality which issued the respective voters' index, when the identity of the person has been proved by an identity document containing a photograph of the person (such as for example a passport, an identity card, a driver's license), when the declaration of support contains details of the first name, family name or last name of the person in question, their date of birth and residential address as well as the name of the supported campaigning party. Before giving the required confirmation, the municipality has to make sure that the personal signature of the person giving the declaration of support is put on it either in the presence of the municipal election officials or has been certified by the court or by a notary.

(4) The municipalities are obliged to immediately issue a confirmation according to para 3 without demanding any administrative or other taxes or fees. Such confirmation can only be issued once to any one person.

Contents of the provincial lists of candidates

§ 43. (1) Each provincial list of candidates has to contain the following:

1. the distinctive party name in words as well as any abbreviated name, consisting of not more than five letters, which may constitute a word;
2. the provincial party list, which should not include more than twice as many candidates as there are members of parliament to be elected in the respective provincial constituency, and at least one regional party list, which should not contain not more than twelve or twice as many candidates as there are members of parliament to be elected in the regional constituencies. These lists should be made in the order of submission. The entries have to be marked in Arabic digits and should include the family name or last name and first name of each candidate, their year of birth, their profession and residential address. It has to be taken into consideration that each candidate can feature on not more than one regional party list at the same time;
3. the identification of the authorized recipient (first name, family name or last name, profession, residential address), who must meet the requirements of § 41.

(2) A candidate can only be included in a list of candidates when he/she has given his/her agreement to it in writing. Their written agreement has to include the name of the party list of the list of candidates on which they feature and should be attached to the respective list of candidates.

(3) The provincial election authority has to send immediately duplicates of the proposals for the provincial election submitted to it to the federal elections authority as well as to the other provincial elections authorities. Any changes made later in the proposals for the provincial elections published according to § 49 have to be likewise presented to the federal elections authority as well as to the other provincial elections authorities.

(4) All parties taking part in the election have to repay the federal government the sum of 435 euros as part of the costs for the production of the ballot papers for the regional constituencies of the respective provincial constituency. This contribution has to be paid in cash to the provincial elections authorities at the time of the handing in of the list of candidates (para 1). If the contribution in question is not paid the list of candidates is considered invalid.

Distinctive party names and their abbreviations in the provincial lists of candidates

§ 44. (1) In case more than one provincial list of candidates should carry the same or hardly distinguishable party name or abbreviation, the provincial returning officer has to call in the representatives of these proposals for a meeting and to form an agreement concerning a differentiation between the different party names or their abbreviations. When such an agreement cannot be reached, the provincial elections authorities have to accept any party name which has already featured on lists of candidates for a National Council election within the last ten years. The remaining proposals for the provincial elections should be named after the first candidate entered in each of them. The same applies to all abbreviations, provided that the provincial elections authorities cancel all abbreviations on the remaining proposals for the provincial elections.

(2) Any provincial list of candidates which does not carry an explicit party name should likewise be named after the first candidate entered in it.

(3) When a provincial list of candidates has to be named after the first candidate featuring in it (name list) and the name of this person is the same as, or is hardly to be differentiated from, the name of the first person on the list of another party, the provincial returning officer has to call in the representative of this list of candidates for a meeting and urge them to nominate another person to head the list whose name will not lead to any confusion. When under such circumstances no other person is nominated to head the list, the respective provincial list of candidates is considered invalid.

(4) In all other instances the rule is that when a new party enters the election campaign, priority is given to the party which has submitted its provincial list of candidates the first.

Provincial list of candidates without an authorized recipient, replacement of the authorized recipient

§ 45. (1) When a provincial list of candidates does not specify an authorized recipient it is the first candidate entered into the proposal who takes the role of authorized recipient of the respective party.

(2) The party can, at any time, replace its authorized recipient by another representative. Such declarations are to only contain the signature of the last authorized recipient and to be submitted to the provincial elections authorities. When the last authorized recipient does not agree, the declaration has to be signed by more than half of the candidates named in the provincial list of candidates.

Examination of the provincial lists of candidates

§ 46. (1) The provincial elections authority has to immediately verify whether the submitted provincial list of candidates has either been signed by at least three members of the National Council or has been supported by the number of persons entitled to vote from the provincial constituency as specified in § 42, para 2. The provincial elections authorities have to further verify whether the candidates proposed in the regional and provincial party lists are eligible to be voted. When a person entitled to vote has supported more than one provincial list of candidates, the provincial elections authorities only have to accept as valid their support of the list of candidates which has been submitted the first. The support of the other provincial lists of candidates is in this case considered invalid.

(2) A withdrawal of individual declarations of support after the provincial list of candidates has been submitted is not to be taken into consideration by the provincial elections authorities, except in the case when the person who gave the declaration can present credible evidence to the provincial elections authorities that they have only given their support to the list of candidates because of a considerable mistake or because of willful deceit or of being threatened, and when the withdrawal of the declaration of support has been undertaken not later than on the forty-first day before the election day.

(3) When a provincial list of candidates does not have the necessary number of declarations of support (§ 42, para 2) or it does not, with the exception of the regional party lists, fulfil the requirements set out in § 43, para 1 it has to be rejected by the provincial elections authorities not later than on the thirty-eighth day before the election day. Regional party lists which do not fulfil these requirements are to be considered invalid by the provincial elections authorities and are not to be published according to § 49, para 1. Candidates who are not eligible to be voted or who have not submitted a written declaration (§ 43, para 2) are to be crossed out of the respective list of candidates. The authorized recipient of the party concerned is to be informed of this.

Complementary proposals

§ 47. When a candidate renounces their place in the list of candidates, when they die or lose their eligibility to be voted or when they are crossed out of the list of candidates because of having lost their eligibility to be voted or because of not having submitted a written declaration (§ 43, para 2), the party concerned can either submit the missing declaration or fill-in the place in the provincial or regional party list by another candidate. Complementary proposals for party lists which only need the signature of the authorized recipient of the party as well as the declaration must be received by the provincial elections authorities by 5 p.m. not later than on the forty-first day before the election day.

Provincial lists of candidates with the same candidates

§ 48. (1) When the name of one and the same election candidate appears on more than one provincial list of candidates in the same provincial constituency, the candidate concerned has to be urged by the provincial elections authority to declare which lists of candidates they want to be entered into within eight days and not later than on the forty-first day before the election day. Their name is to then be crossed out of all other provincial lists of candidates. When the candidate concerned does not make a decision within the given time period their name is to be left on the first submitted provincial list of candidates.

(2) When the name of one and the same candidate appears on more than one provincial list of candidates in the same provincial constituency, the provincial elections authorities concerned are to come to an agreement and the regulations set out in para 1 are to be applied. When no agreement is reached the decision is to be made by the federal elections authority. The decision made is to be reported to the provincial elections authorities by the federal elections authority not later than on the thirty-eighth day before the election day and is binding for the provincial elections authorities.

Completion and publishing of the provincial lists of candidates

§ 49. (1) On the thirty-eighth day before the election day at the latest, the provincial elections authorities have to complete their lists of candidates. In case a provincial or regional party list should contain too many candidates, the superfluous ones are to be crossed out. Thereafter the lists of candidates are to be published.

(2) Faults in the lists of candidates discovered after their publishing do not affect their validity.

(3) The publications according to para 1 have to follow the order of the parties which were represented in the last National Council following the number of seats which they were represented by in the National Council in the whole federal territory. When the number of seats of more than one party is equal, the order of their publication has to follow the total number of votes which each of those parties received in the last National Council election. When these are also equal, the federal elections authority has to decide by a lot drawn by their youngest member. The established order is then to be reported by the federal elections authority to the provincial elections authorities not later than on the thirty-eighth day before the election day and is binding for the provincial elections authorities.

(4) After the parties arranged according to para 3 the other parties taking part in the elections are to be entered and arranged according to the times when they submitted their list of candidates. When these were submitted at the same time by more than one party the order they should be published in is to be decided by the provincial elections authorities by a lot drawn by their youngest member.

(5) The distinctive party names are to be put in front of the words "list 1, 2, 3, etc." and are to be consecutively numbered. When a party which was represented in the last National Council does not take part in the elections, the publication has to only show the number due to it according to para 3 and next to it the word "vacant".

(6) The publication has to be done in conformity with local custom. It has to show all list numbers as well as the contents of the lists of candidates in full (§ 43, para 1, items 1 to 3), with the exception of street names and reference numbers.

(7) The names, and any abbreviated names of all parties, have to be printed in black with equally sized letters and entered in equally sized rectangles. For the abbreviations equally sized black letters are to be used. In front of every party name the word "list" has to be entered in black and under it the larger consecutively numbered digits. For party names longer than three lines, the size of the printed letters can be changed to fit the space available.

Withdrawal of provincial lists of candidates and regional party lists

§ 50. (1) Each campaigning party can withdraw its provincial list of candidates by submitting a written statement. This statement must be received by the provincial elections authorities by 5 p.m. on the forty-first day before the election day at the latest. It has to be signed by the three members of the National Council or half of the persons entitled to vote who supported the list of candidates at the time of its submission.

(2) A provincial list of candidates is also considered as being withdrawn when all candidates on the party list have submitted a written declaration to the provincial elections authorities with the wish to renounce their right to take part in the election by the forty-first day before the election day.

(3) When all candidates on a regional party list renounce in the same way their right to take part in the election it is only the regional party list concerned which is considered withdrawn.

Reimbursement of expenses

§ 51. When a provincial list of candidates is not published, the financial contribution (§ 43, para 4) is to be refunded.

PART IV

Voting procedure

Section 1

Place and time of voting

The municipality as a place of voting, arrangements of the municipal election officials, in the City of Vienna of the Vienna City Administration

§ 52. (1) Each municipality is a place of voting.

(2) Outside of the City of Vienna the municipal elections authorities decide whether a given municipality should be divided into wards according to § 53. The municipal elections authorities and in the City of Vienna the Vienna City Administration establish the wards and determine according to the following regulations the respective polling stations, the zones with restricted access as set out in § 58, para 1, as well as the time of voting. The end of the time of voting must not be set later than 5 p.m. The wards, polling stations, zones with restricted access and the time of voting are to be fixed on the twenty-first day before the election day at the latest.

(3) The arrangements made are to be immediately published by the municipality in conformity with local custom, but in any event also by a public notice on the building of the respective polling station. In these notices the ban on election campaigning, gatherings and the carrying of fire arms set out in § 58 are to be reminded of, whereby it should be pointed out that all violations of these prohibitions are punishable.

(4) Together with the establishing of the wards the municipal elections authorities and in the City of Vienna the Vienna City Administration have to decide how many special elections authorities according to § 73 are to be established. This decision is to be published in conformity with local custom.

(5) In accordance with the technical possibilities it has to be made sure that in each municipality, in Vienna in every municipal district, there is at least one polling station which is easily accessible for handicapped people. Suitable assistances for blind voters as well as those who are hard of hearing getting to the polling station are also to be planned for.

(6) The instructions issued by the municipal elections authority, in particular those concerning the places of the polling stations and time of voting, are to be immediately forwarded to the provincial elections authority by way of the district elections authorities. The provinces shall electronically submit to the federal elections authority the data thus collected not later than on the thirteenth day before the election.

(7) The federal elections authority shall, not later than on the ninth day before the election, combine the data submitted to it according to para 6 in one electronic file and submit them to the Federal Ministry for European and International Affairs for the purpose of forwarding them to the agency in the area of responsibility of the OSCE competent for carrying out the observation of the election.

Wards

§ 53. (1) Larger municipalities are to be divided into wards for the purposes of the elections. These have to be planned in such a way that on the election day in each ward there are not more than around seventy voters to be dealt with per hour.

(2) Municipalities including regions lying at a greater distance from each other (regions with dispersed location) can also be divided into wards in order to facilitate the voters' access to the polling station.

(3) The setting up of wards of less than 30 voters requires the permission of the provincial elections authorities. This can only be given when the necessary anonymity can be secured.

Polling stations

§ 54. Each polling station has to be suited to the election process. The facilities necessary for carrying out the voting such as the table for the elections authority, near to it a table for the election witnesses, the ballot box and the required polling booths with the equipment, as well as a table for the election assistants (§ 20a, para 1) are to be supplied by the municipality. If possible, in each polling station a waiting room for the voters has to also be provided for. The published lists of candidates complying with § 49, para 6, second sentence, are to be put up visibly in front of every polling station.

Polling stations outside of the ward, polling stations shared between a number of wards

§ 55. Generally, in every municipality divided into wards, there has to be a polling station. This polling station can also be situated in a building lying outside of the ward, when the building provided is easily accessible by the voters. In such municipalities a polling station shared between more than one ward can also be established as long as it can cater for all elections authorities and for the simultaneous realization of a number of election procedures and has enough waiting rooms for all voters.

Polling stations for voting card voters

§ 56. (1) In every municipality, one polling station is to be provided in which the voters with voting cards must exercise their voting right. In larger municipalities divided into wards the municipal elections authorities must select at least one polling station in which voters with voting cards can cast their vote. In each district in the City of Vienna there has to also be at least one polling station for voters voting with voting cards. When there are special polling stations for voters voting with voting cards they can only cast their votes in these specific polling stations. Voters voting without voting cards can also be admitted into the polling stations in question if the requirements set out in § 37, para 1, apply to them. Members of the elections authorities and their assistants as well as the election witnesses can exercise their right to vote in the polling stations of the elections authorities where they are on duty, irrespective of whether they are in possession of a voting card or not.

(2) The provisions of § 72 and § 73 are not affected by the regulations set out in para 1.

Polling booth

§ 57. (1) In each polling station there has to be at least one polling booth. In order to facilitate a faster handling of the voters, more than one polling booth can be placed in a polling station as long as this does not hinder the surveillance of the voting procedures. In wards with more than 500 persons entitled to vote at least two polling booths have to be set up in a polling station.

(2) The polling booth has to be set up in such a way that the voter can fill in the ballot paper and put it in its envelope without being observed by any other person in the polling station.

(3) When there are no specially constructed sturdy polling booths for the purposes of the elections, any isolating construction in the polling station which would prevent the voter in it to be observed by any other person can serve as a polling booth. Such an improvised polling booth can be constructed with the use of wooden frames covered with opaque paper or material, by a curtain put across any corner of a room, by pulling together several large cupboards or by arranging several black boards in an appropriate fashion. It should, wherever possible, be constructed in a way that the voter enters it from the one side and leaves from the other.

(4) The polling booth has to be equipped with a table and a chair or a lectern, as well as with some support to write on. The necessary instruments for the filling in of the ballot paper (if possible a colored pencil) have to also be placed in it. The provincial party list composed and published by the provincial elections authorities has to be put up in the booth so as to be easily noticeable.

(5) It has to always be made sure that at all times during polling the polling booth is sufficiently lit up.

Zones with restricted access

§ 58. (1) On the election day in the polling station and in a radius (zones with restricted entry) to be specified by the municipal elections authorities and in the City of Vienna by the Vienna City Administration, all kinds of campaigning, especially by personally addressing the voters, by posting of public notices or distributing of election propaganda or lists of candidates, as well as all gatherings and the carrying of fire arms of any kind, are forbidden.

(2) The ban on fire arms does not concern those which, on the election day, have to be carried by the organs of public security and by the judicial security officers on duty according to the official regulations.

(3) Violations of the bans set out in para 1 are punishable by the district commission by a fine of up to 218 euros and in default of payment by a prison sentence of up to two weeks.

Time of voting

§ 59. Taking into consideration § 52, para 2, the beginning and the end of the casting of votes (time of voting) has to be set in a way that it is possible for all voters to exercise their right to vote.

Postal voting procedure

§ 60. (1) Voters who have been issued with voting cards according to § 38 and § 39 can exercise their right to vote also by way of sending the sealed voting card to the competent district elections authority (postal vote). A vote can be cast by means of postal voting immediately after receipt of the voting card.

(2) For that purpose, the voter shall put the official ballot paper completed by him or her into the beige ballot paper envelope, close the envelope and put it into the voting card. After that, the voter shall declare in lieu of an oath by his or her personal signature that he or she completed the ballot paper personally, unobserved and uninfluenced. Following that, the voter shall seal the voting card. The voting card is to be submitted to the district elections authority in due time so that the district elections authority receives the voting card not later than on the election day, 5 p.m., or is to be cast in a polling station of the electoral district of the district elections authority on the election day during the opening hours of the polling station. In the case of votes cast abroad voting cards received by an Austrian official representation or an Austrian unit by the sixth day before the election day, by a representation outside the European Economic Area or outside Switzerland by the ninth day before the election day, are to be forwarded to the competent district elections authority by the representation or Austrian unit. Voting cards received after the sixth day before the election day, in representations outside the European Economic Area or outside Switzerland after the ninth day before the election day, are permitted to be forwarded to the competent district elections authority by an Austrian official representation or an Austrian unit if it seems to be ensured that the voting card can nevertheless be received by the competent district elections authority in due time, or the person entitled to vote is informed that receipt in due time is possibly not ensured. The costs of transmitting the voting card to the district elections authority by mail are to be borne by the federal government.

(3) Casting a vote by means of postal voting is null and invalid if

1. the declaration in lieu of an oath on the voting card has not been made by the person entitled to vote, or there is evidence that it has not been made by the person entitled to vote,
2. the voting card does not contain a ballot paper envelope,
3. the voting card only contains a ballot paper envelope or several ballot paper envelopes other than the beige ballot paper envelope,
4. the voting card contains two or more beige ballot paper envelopes,
5. the ballot paper envelope bears text apart from the printed number of the provincial constituency,
6. the examination of integrity (§ 90, para 1) has revealed that the voting card is so damaged that it cannot be ruled out that the ballot paper envelope inside has been previously improperly taken out or put back,
7. the data or the signature of the voter can no longer be made visible because the boxes under the flap of the voting card have been glued over, or
8. the voting card has not been received by the competent district elections authority by 5 p.m. on the election day at the latest or cast in a polling station of the electoral district by that time.

(4) After receipt of the voting cards used to cast a vote by means of postal voting by the district elections authority, the data under the flaps are to be recorded after having been made visible, and the voting cards are then to be officially kept secure until they are counted (§ 90, para 1).

(5) The district elections authority shall ensure that voting cards from its own electoral district that were used to cast a vote by means of postal voting are accepted from 8 a.m. to 5 p.m. on the election day and on the day before the election. Before accepting a voting card, the district elections authority is to examine whether this is a voting card from its own electoral district.

Section 2

Election witnesses

§ 61. (1) Each party whose provincial list of candidates has been published can send two election witnesses entitled to vote to every local elections authority and to every special elections authority. The election witnesses have to be made known to the district elections authority in writing by the authorized recipient of the party or a person authorized by the authorized recipient not later than on the tenth day before the election day; each polling witness receives from the municipal returning officer, in Vienna from the district returning officer, an admission slip which authorizes the witness to enter the polling station and which has to be shown upon entering the polling station of the elections authority.

(2) The election witnesses act only as representatives of the party taking part in the election; they do not have the right to influence the election procedure. The election witnesses are not bound to secrecy in what concerns the facts which become known to them during their activity.

Section 3 Domestic voting procedure

Administration of the elections, prescribed responsibilities of the returning officer

§ 62. (1) Irrespective of the regulations set out in § 60, the administration of the elections is the duty of the municipal elections authorities and, in municipalities divided into wards, of the ward elections authorities.

(2) The returning officer is responsible for the maintenance of law and order during the election procedure, as well as for compliance with the provisions of this federal law. He/she is to take care that no infringement of the competence of the elections authorities occur.

(3) The instructions given by the returning officer have to be followed by everybody. Non-compliance with these instructions is an offence and is punishable by the district administrative authority by a fine of up to 218 euros and, in default of payment, by a prison sentence of up to two weeks.

Beginning of the election procedure

§ 63. (1) The election procedure is started by the returning officer at the set hour on election day in the polling station intended for this purpose. He or she presents the electoral roll together with the prepared vote record (specimen copy in schedule 5), the ballot paper envelopes and the official ballot papers (§ 75, § 76) to the elections authorities and informs them of the regulations set out in § 17 and § 18 concerning the ability of the elections authorities to constitute a quorum. The returning officer has also to report the number of official ballot papers received in return of an acknowledgement of receipt (§ 75, para 3). He/she has to verify this number (§ 75, § 76) in the presence of the election officials and enter it in the official record.

(2) Just before the opening of poll, the returning officer has to make sure that the ballot box intended for the collection of ballot papers is empty.

(3) The poll is opened by the casting of the vote by the members of the elections authorities, any assistants present, the persons of confidence and the election witnesses. Should these persons be entered into the electoral roll of an election community, other than the one where they are working, they can only vote in the presence of the elections authority, for which they are working, when in possession of a voting card. Otherwise, the regulations concerning voting with voting cards set out in § 68 and § 70 apply.

Ballot paper envelopes

§ 64. (1) For the purposes of the elections opaque ballot paper envelopes are to be used.

(2) The writing of any words, comments or marks on the ballot paper envelopes is forbidden. The violation of this prohibition, if it does not constitute an act which has to be punished more severely, is punishable by the district administrative authority by a fine of up to 218 euros and in default of payment with a prison sentence of up to two weeks.

Entering the polling station

§ 65. (1) Apart from the elections officials, only their assistants, the election witnesses, the voters for the purpose of casting their vote, any officials required for maintaining law and order and accredited persons according to § 20a, para 3, are allowed to enter the polling stations. After casting their vote, the voters have to immediately leave the polling station.

(2) Accredited persons according to § 20a, para 3, have to present identification upon entering the polling station. After that, the returning officer shall verify the authorization of the accredited persons by means of the list submitted by the federal elections authority according to § 20a, para 3. The entry of the polling station by election assistants shall be entered in the record.

(3) If it is necessary for the undisturbed implementation of the election procedure, the returning officer can order that the voters only enter the polling station one at a time.

Exercising the right to vote in person

§ 66. (1) Voting has to be done in person; the elections authorities have to supply ballot paper templates in order to make it possible for the voters who are blind or hard of hearing to cast their vote autonomously. Physically or mentally handicapped voters or those with visual or auditory difficulties can be assisted in the casting of their vote by a person chosen and confirmed by them to the returning officer. Except in the cases described above only one person should enter the polling booth at any one time.

(2) Voters who are unable to fill in an official ballot paper without the help of another person are considered to be handicapped or having visual or auditory difficulties.

(3) In the case of doubt, the elections authority shall decide on the permissibility of using an accompanying person. Every vote cast with the assistance of an accompanying person is to be entered into the record.

(4) Any person who pretends to be blind, hard of hearing or otherwise handicapped commits a violation of the official regulations and will be punished by the district administrative authority by a fine of up to 218 euros in default of payment with a prison sentence of up to two weeks.

(5) Further regulations concerning the casting of a vote by patients in hospitals or nursing homes are set out in § 72.

Establishment of the identity of a voter

§ 67. (1) Each voter has to appear before the elections officials, give his or her name and residential address and present an official document or certificate furnishing unambiguous proof of their identity.

(2) The following certificates are accepted as official proof of a voter's identity: an identity document, a passport, a driver's license as well as any other official document bearing a photograph of the person concerned.

(3) Should a voter not be in possession of any one of the certificates described in para 2, they may be allowed to vote if the majority of the members of the elections authorities know them, and no objection according to § 71, para 1, is made. This circumstance has to be noted in the record of the election procedure.

Casting of a vote

§ 68. (1) Each voter has to first prove his or her identity (§ 67 and § 70, para 1). If they feature on the electoral roll, the returning officer has to present them with an official ballot paper envelope and a ballot paper. In the case of a voter voting with a voting card, the returning officer has to open the envelope presented by the voter concerned and present them with the official ballot paper contained in it, together with the sealable ballot paper envelope (§ 39, para 4). When the voter concerned is from the regional constituency where the polling station is situated, the returning officer has to issue them with an empty ballot paper envelope instead of the sealable ballot paper envelope, which has to be destroyed. The returning officer has to make all voters with voting cards aware of the fact that in casting their vote they have to use the ballot papers, issued to them at the time of the issuing of the voting card. If the voter concerned is no longer in possession of this ballot paper, they will be issued with an official ballot paper from the regional constituency (§ 75) where the polling station is situated, if their voting card carries the sign of the same regional constituency. When the voter voting with a voting card in question is from another regional constituency, he or she will be issued with an empty ballot paper (§ 76). The returning officer has to enter the number of the respective provincial constituency and the letter of the respective regional constituency marked on the voting card in the empty ballot paper, before presenting it to the voter concerned. When a voter voting with a voting card is no longer in possession of a sealable ballot paper envelope, a new sealable envelope from their respective provincial constituency is to be issued to them.

(2) The returning officer has to direct each voter to the polling booth. There, the voter fills in the official ballot paper, puts it in the envelope, comes out of the polling booth and presents the envelope to the returning officer. The returning officer puts the unopened ballot paper envelope into the ballot box. If the ballot paper envelope is from a voter voting with a voting card who is not entered as being entitled to vote in a municipality of the regional constituency, the voter voting with a voting card has to seal the ballot paper envelope before presenting it to the returning officer.

(3) When a voter makes a mistake in the process of filling out the ballot paper, they have to be issued with a new one on their request. In this case, the regulations set out in para 1 are to be applied. The voter concerned has to tear up in the presence of the elections officials the ballot paper initially presented to them, so as to make it unsuitable, and take it with them for the sake of maintaining the secrecy of the vote.

(4) The issuing of a second ballot paper has to always be noted in the vote record.

Remarks in the vote record and the electoral roll by the elections authorities

§ 69. (1) An assistant has to enter the name of each voter who casts his or her vote into the vote record, together with a consecutive number, to which the consecutive number from the electoral roll has to be added. At the same time, their name is to be crossed out of the electoral roll by a second assistant.

(2) The consecutive number from the vote record has to be entered in the electoral roll under the heading "vote cast" in the corresponding place (male, female voter) by the second assistant.

Procedure for voters voting with voting cards

§ 70. (1) Voters voting with a voting card have to present it together with an official document or certificate (§ 67, para 2) indicating their identity as entered in the voting card. The names of all voters voting with voting cards, as long as they are not the ones described in para 2, have to be entered at the end of the electoral roll under the consecutive number as well as in the report on the election procedure. The voting card has to be taken from the voter concerned and marked with the consecutive number from the electoral roll. It has to then be attached to the record. If a polling station has been provided especially for voters voting with voting cards, the consecutive number of the vote record has to be indicated on the voting card. In such a polling station, the ballot paper envelopes do not have to be exchanged (§ 68, para 1, fourth and fifth sentences).

(2) When a voter who is already in possession of a voting card decides to vote in the presence of the elections authorities, in whose original electoral roll they featured, they have to cast their vote using the ballot paper issued to them together with the voting card, and in accordance with the remaining regulations set out in this federal law, after handing their voting card over to the elections authorities.

(3) In every polling station, voting cards from the polling station's own electoral district that have been used to cast a vote by means of postal voting are to be accepted during the opening hours for the purpose of forwarding them to the district elections authority (§ 85, para 3, item k).

Casting of a vote when the identity of a voter is in doubt

§ 71. (1) The elections authorities only can make decisions concerning the admissibility to the casting of a vote if there are doubts about the identity of a voter. The members of the elections authorities, the election witnesses and any other voters, who are in the respective polling station, can raise an objection against the admissibility to the casting of a vote of the person entitled to vote as long as he or she has not cast his or her vote.

(2) The decision of the elections authorities has to be made before continuation of the voting procedure. This decision is final.

Section 4

Special facilities for exercising of the right to vote

Exercising the right to voting by patients in hospitals and nursing homes

§ 72. (1) In order to facilitate the casting of votes by patients in hospitals and nursing homes, the municipal elections authorities and in the City of Vienna the Vienna City Administration, may set up one or more special wards in the area of these institutions. In these cases the regulations set out in § 52 and § 54 are to be taken into consideration. The acceptance of votes that are cast by other persons present in hospitals and nursing homes is permissible.

(2) If wards are formed according to para 1, the patients who are able to walk have to cast their votes in the polling station administered by the respective ward elections authorities in accordance with para 1. The same applies to patients who are able to walk who cast their vote by means of voting card.

(3) In order to collect the votes of bedridden patients in the institutions mentioned above, the responsible district elections authority according to para 1 can also enter into the rooms of the patients concerned. In such cases appropriate facilities have to be set up (such as for example a wooden frame covered with material, or a similar device) to ensure that the patient can fill in the ballot paper and put it in an envelope given to them by the returning officer, without being observed by any other person in the room.

(4) Furthermore, provisions of this federal law, and especially those in § 39 and § 40 as well as § 68 and § 70 concerning the participation in the elections and the exercising of the right to vote by voting card, must also be observed by voting according to paras 2 and 3.

Exercising the right to vote by bedridden patients and voters who are otherwise incapacitated voting with voting cards

§ 73. (1) In order to facilitate the casting of a vote by voters voting by a voting card issued to them on demand according to § 38, para 2, the municipal elections authorities and in Vienna the Vienna City Administration have to set up, not later than on the twenty-first day before election day, special elections authorities which visit these voters during the settled time of voting. The presence of election witnesses and of a maximum of two accredited persons referred to in § 20a, para 3, is permissible. The regulations set out in § 52 and § 54 have to be applied accordingly.

(2) When voting in the presence of the special elections authorities the regulations set out in § 72, paras 3 and 4, are to be applied accordingly. The acceptance of votes that are cast by other persons present during the casting of votes by voters voting with voting card who are bedridden or otherwise incapacitated is permissible.

(3) The verification of the ballot papers by the special elections authorities is only concerned with the remarks set out in § 84, para 2. The ballot paper envelopes of the voters voting with voting cards, according to § 38, para 2 from other regional constituencies are to be counted separately and to be presented to the elections authorities acting according to para 4 separately. Concerning the record of the special elections authorities, § 85, para 2, items a) to i), para 3, items a) to d) and g), as well as para 4 are to be applied accordingly.

(4) In the interest of maintaining the secrecy of the vote, the municipal elections authorities and in Vienna the Vienna City Administration have to select the elections officials who are to find out the election results recorded by the special elections authorities. These elections officials have to then add the sealed envelopes taken from the bedridden patients or the voters who are otherwise incapacitated from the respective regional constituency to their own election results so that these cannot be differentiated. The ballot paper envelopes from bedridden patients and voters who are otherwise incapacitated from other regional constituencies have to be treated according to the regulations set out in § 84, para 3, and § 85, para 3, item h). The ballot papers and records of the special elections authorities have to be presented to the respective elections authorities determining the election results and form part of their election files.

Exercising the right to vote by incapacitated voters

§ 74. In order to facilitate the voting by voters kept in prisons, penitentiaries or who are in offender's institutions, the municipal elections authorities and in Vienna the Vienna City Administration can set up one or more special wards on the premises of these institutions. In this context, the provisions governing the exercise of voting rights by patients in hospitals and nursing homes (§ 72) are to be observed accordingly.

Section 5 Official ballot paper

Official ballot paper of the provincial constituency

§ 75. (1) In the official ballot papers of the regional constituencies of each provincial constituency an equally sized column has to be provided for each party taking part in the elections. Each column has to contain the list number, a circle, the name of the party and any abbreviation and under it a blank space where the name of a candidate from the provincial party list of the party being voted for can be entered, as well as a special column for the candidates entered in the order, in which they appear on the regional party list with a circle and an Arabic digit, stating their family name or last name, first name and year of birth. The details published according to § 49 and illustrated in the specimen in schedule 6 have to also be entered in these columns. Ballot paper templates (§ 66, para 1) are to be produced in the same way. The official ballot papers as well as the ballot paper templates can only be made on request of the provincial elections authorities.

(2) The size of the ballot papers in each provincial constituency has to be set according to the number of entries on the provincial party list numbers, as well as to the number of regional candidates of the parties. Ballot papers have to be at least a DIN A3 format. For all party names, equally sized rectangles and block letters are to be used and all abbreviations of party names are to be printed in equally sized block letters of the largest possible size. If a party name extends over more than three lines, the size of the block letters can be adjusted accordingly. The word "list" has to be printed in smaller font size letters. For the list numbers standardized larger-size figures can be used. All documents have to be printed in black exclusively. The dividing lines between the rectangles as well as all circles should be equally dark.

(3) The official provincial ballot papers have to be presented by the provincial elections authorities directly to the ward elections authorities in Vienna. In the case of the municipal and ward elections authorities outside of Vienna, this has to be done through the district commission and the municipalities and in the towns with an own charter through the same authorities. The number of official ballot papers to be presented is calculated on the number of persons entitled to vote registered in the respective elections authorities plus another 15 % of this number as a reserve. A further surplus of 5 % of those has to be presented to the district administrative authorities in case there should be more ballot papers needed by any election authority on election day. On receipt of the ballot papers for the respective provincial constituency, an acknowledgement of receipt has to be issued in duplicate. One copy is for the delivering party, the second one for the accepting party.

(4) The costs for the production of the official ballot papers and the ballot paper templates (§ 66, para 1) are to be covered by the state.

Empty official ballot paper

§ 76. (1) The empty official ballot paper must have columns in which the voter can enter the party name (or its abbreviation) and one candidate from the provincial party list and the regional party list of the party they are voting for. It must also contain the details illustrated in the specimen copy in schedule 7. The empty official ballot paper can only be issued on request of the federal elections authority.

(2) The size of each empty ballot paper has to be approximately equal to a DIN A5 format.

(3) Empty official ballot papers are to be submitted to the municipal and ward elections authorities through the district commission and municipalities, in towns with an own charter through the same ones, in the necessary number. The last sentence of § 75, para 3, is to be applied accordingly. Further empty official ballot papers are to be submitted to the Federal Ministry for European and International Affairs for the purpose of forwarding them to the Austrian official representations so that these can hand out empty official ballot papers, where applicable, if the official ballot paper was lost by voters voting with voting card or became unusable.

Common regulations concerning the official ballot paper

§ 77. (1) For the purposes of casting a vote, only the official ballot paper presented to each voter by the returning officer together with the ballot paper envelope is to be used.

(2) Any person who commissions, produces, distributes or disseminates official ballot papers or ballot papers identical with or similar to the official ballot papers without authorization is committing a violation of the administrative regulations and is punishable, unless the act constitutes a violation subject to a more severe punishment, by the district administrative authority by a fine of up to 218 euros and in default of payment with a prison sentence of up to two weeks. Official ballot papers produced by an unauthorized person or such ballot papers which are the same as or similar to the official ones can be declared forfeited, irrespective of whose property they are.

(3) Any unauthorized person who marks in any way any official ballot paper intended to be used in the voting is also punishable in accordance with para 2.

Section 6

Valid and invalid official ballot papers

Valid completion

§ 78. (1) An official ballot paper from any provincial constituency is considered as being filled out correctly when it shows with no doubt which party the voter wanted to vote for. This is the case when the voter makes a cross or any other sign with a ballpoint pen, colored pencil, pencil or any similar writing instrument in one of the circles printed under the name of each party in a way that there can be no doubt that this is the party the voter wants to vote for.

(2) The official ballot paper is also filled out correctly when the voter indicates the party he or she is voting for by ticking off, underlining or showing in any other way the party he or she wants to vote for. The completed ballot paper is also valid when the respective voter has crossed off the names of all parties other than the one he or she wants to vote for or when he or she indicates clearly the name of at least one candidate from a party list (§ 79).

Casting of preferential votes

§ 79. (1) Each voter can cast one preferential vote for any one candidate from the provincial party list and the regional party list of the party he or she has voted for.

(2) Any voter can cast a preferential vote for a candidate from the provincial party list by entering the name of the respective candidate in the space intended for this purpose on the official ballot paper. The entry is considered as valid when it indicates unambiguously which candidate from the party voted for the voter wanted to indicate by it. This is the case, in particular, when at least the surname or the last name of the candidate or, in the case of candidates with the same surname from one and the same provincial party list, any appropriate distinctive characteristic (for example the consecutive number in the provincial party list, the first name, the year of birth, the profession or the residential address) is indicated.

(3) Any voter can cast a preferential vote for a regional candidate by making a cross or any other sign with a ballpoint pen, colored pencil, pencil or any similar writing instrument in the circle to the left of the name of the respective regional candidate from any party taking part in the election in the space provided for this in the official ballot paper. The entry is considered as valid when it shows unambiguously that the person whose name is put on the same line is the one the voter wants to cast a preferential vote for.

(4) The preferential vote for a regional candidate is also considered as valid, when the voter makes it clear in any other way, for example by ticking off, underlining or indicating in any other way or by crossing off all other regional candidates, which regional candidate he or she wants to cast a preferential vote for.

(5) The indication of a candidate by a voter is considered invalid when more than one candidate has been indicated or when the candidate indicated from a party list is not from the party the voter concerned has voted for.

More than one ballot paper in one ballot paper envelope

§ 80. (1) If a ballot paper envelope contains more than one official ballot paper they count as one valid one if

1. the same party has been indicated in all ballot papers or

2. at least one ballot paper has been filled out correctly and no doubt about the party being chosen exists because of the indications on the other ballot papers or
3. apart from the correctly filled out ballot paper there are others, which are either empty or their validity according to § 79, para 5, and § 81, para 3, is not impaired.

(2) Any unofficial ballot papers which are found in a ballot paper envelope together with a correctly filled out ballot paper do not impair the validity of the official ballot paper.

Invalid ballot papers

§ 81. (1) A ballot paper is considered invalid if

1. a ballot paper other than the official one has been used for the casting of a vote or
2. because of a part of the correctly filled out official ballot paper being torn off, it is no longer possible to determine without any doubt which party the respective voter wanted to vote for, or
3. no party and no candidate have been indicated, or
4. two or more parties have been indicated, or
5. a party list has been indicated which contains only a list number but no party name (§ 49, para 5), or
6. only one candidate has been indicated, who is however not a candidate from the party entered in the same column, or
7. the sign or any other marking made by the voter does not allow an unambiguous decision as to which party he or she wanted to vote for.

(2) Empty ballot paper envelopes count as invalid ballot papers. When a ballot paper envelope contains more than one ballot paper on which different parties have been voted for, they are all to be counted as invalid, if their invalidness is not already established for any other reason.

(3) Words, comments or markings entered on the official ballot paper for any reason other than to indicate a party or a candidate, do not impair the validity of the ballot paper, if they do not lead to one of the reasons for a ballot paper to be considered invalid. Any insertion put into a ballot paper envelope does not impair the validity of the official ballot paper.

Section 7

Valid and invalid empty official ballot paper

Valid completion

§ 82. (1) The empty official ballot paper is filled out correctly, when it can clearly be seen from it which party the voter intended to vote for. This is the case, especially when the voter indicates the name or the abbreviated name of a party which has been published in the provincial constituency in the electoral roll of which the voter in question has been entered.

(2) Any voter voting with a voting card can give one preferential vote to the party supported by them by entering the name of one candidate in the regional party list and one in the provincial party list in the empty official ballot paper issued to them.

(3) The regulations set out in § 78 to § 80 are to be applied accordingly.

Invalid ballot paper

§ 83. (1) The empty official ballot paper is considered invalid when

1. the entries made by the voter do not allow a clear decision as to which party the voter in question intended to vote for, or
2. a party has been indicated, from which no provincial list of candidates has been published in the provincial constituency in the electoral roll of a municipality of which the voter concerned is entered, or
3. no party and no candidate have been indicated, or
4. only one candidate has been indicated, who does not however feature on the party list of the party which the voter is voting for, or
5. the number of the provincial constituency and the letter of the regional constituency (§ 68, para 1, next to the last sentence) were either not entered at all or were not clearly identifiable.

(2) The regulations set out in § 81, para 1, item 1 and 2 as well as paras 2 and 3 are to be applied accordingly.

Section 8 Establishment of the local election results

Verification of the ballot papers Counting of the votes

§ 84. (1) When the time period set for the elections has expired and all voters who were in the polling station or in the waiting room determined by the elections authorities have voted, the respective elections authority declares the voting closed. After the end of the voting, the polling station in which only the members of the elections authorities, their assistants, the persons of confidence defined in § 15, para 4, the election witnesses and the persons accredited according to § 20a, para 3, are allowed to remain, is to be closed.

(2) Taking into consideration any additional remarks made in the vote record, the elections authorities determine first how many official ballot papers were handed in all together and check, whether this number, together with the number of official ballot papers which have not been used, equals the total number of official ballot papers taken-in before the opening of the vote.

(3) The elections authority has to empty the ballot box and separate the beige ballot paper envelopes, count them and pack them. The envelope has to be closed and sealed. On it the number of unopened ballot paper envelopes contained in it is to be indicated. Thereafter, the elections authority has to thoroughly shuffle the remaining ballot paper envelopes and determine:

- a) the number of ballot paper envelopes handed in by the voters;
- b) the number of voters entered into the vote record;
- c) the probable reasons why the number of ballot paper envelopes under a) together with the number of ballot paper envelopes handed in by the voters from other regional constituencies voting with voting cards does not correspond to the number of voters under b).

(4) The elections authorities have to then open the ballot paper envelopes handed in by the voters from the respective regional constituency, take out the ballot papers, whose validity is to be checked, number the invalid ballot papers consecutively and determine:

- a) the total number of valid and invalid ballot papers being handed in;
- b) the number of invalid ballot papers being handed in;
- c) the number of valid papers being handed in;
- d) the number of valid votes cast for each party (party totals)

(5) The results achieved according to para 4, as well as the number of ballot paper envelopes handed in by voters from other regional constituencies voting with voting cards, are to be written down in the record of the election procedure (§ 85) and reported as quickly as possible to the municipalities outside of Vienna which are divided into wards, to the municipal elections authorities in the remaining municipalities and to the district elections authority in Vienna (immediate notification). When there were no votes cast by voters from other regional constituencies this has to be explicitly indicated.

(6) After that, the elections authority has to determine the preferential votes for each candidate on the party lists of a provincial list of candidates published in the provincial constituency and enter them in a preferential vote record.

(7) If the polling station is a polling station provided for voters voting with voting card only, all required activities and determinations concerning blue ballot paper envelopes, in particular the examination of ballot papers, do not apply.

Record of the election procedure

§ 85. (1) Then the elections authorities have to note down the election procedure and the election results in a record.

(2) This record has to include at least the following information:

- a) the specific place of voting (municipality, political district, ward, polling station, regional constituency, provincial constituency) and the election day;
- b) the names of the members of the elections authorities who are present and those who are absent, as well as the persons of confidence according to § 15, para 4;
- c) the names of the election witnesses who are present;
- d) the names of the accredited persons (§ 20a, para 3) who are or were present;
- e) the time of opening and closing of election;
- f) the number of official ballot papers being received and the number of those handed out to the voters;
- g) the names of the voters voting with voting cards with an emphasis on those from other regional constituencies;
- h) the decisions of the respective elections authorities concerning the admissibility and non-admissibility of voters to the casting of a vote (§ 71);

- i) other decisions of the elections authorities made during the election procedure (for example to adjourn the voting process);
 - j) the statements of the elections authorities according to § 84, paras 3 and 4, and in the case of invalid votes, the reason why they are considered invalid.
 - k) the number of the voting cards of the elections authority's own electoral district used to cast a vote by means of postal voting and accepted according to § 70, para 3.
- (3) The following documents have to be attached to the record of the poll:
- a) the electoral roll;
 - b) the vote record;
 - c) the voting cards of the voters voting with voting cards;
 - d) the declaration of receipt for the number of official ballot papers received;
 - e) the invalid ballot papers, which are to be enclosed in specially marked envelopes;
 - f) the valid ballot papers, which are to be grouped according to the list number of the parties and within this sequence according to whether a preferential vote was given or not and to be packed in special envelopes with the respective inscription;
 - g) the official ballot papers which were not used in the election procedure, which have to also be enclosed in specially marked envelopes;
 - h) the preferential vote records completed according to § 84 para 6;
 - i) the voting cards handed in by the voters from other regional constituencies in the specially marked and sealed envelope (§ 84, para 3, second sentence), in case these have not already been sent to the provincial elections authorities according to § 89, para 2;
 - j) where applicable, documents referred to in § 39, paras 6 and 7, and voting cards not collected according to § 39, para 8;
 - k) the voting cards of the elections authority's own electoral district used to cast a vote by means of postal voting and accepted according to § 70, para 3.
- (4) The record has to be signed by the members of the elections authorities. When it is not signed by all members, the reason therefor has to be given.
- (5) Upon request, the returning officer has to hand to any election assistants present (§ 20a, para 3) a compilation of the results of the vote of the local elections authority signed by him or her.
- (6) This brings the poll to an end.
- (7) The record with its schedules constitutes the election file of the elections authorities.
- (8) If the polling station is a polling station provided for voters voting with voting card only, all required activities and determinations concerning blue ballot paper envelopes, in particular the examination of ballot papers, do not apply.
- (9) The voting cards of the elections authority's own electoral district used to cast votes by means of postal voting and accepted according to § 70, para 3, are to be submitted in advance to the district elections authority if it is not ensured that they, together with the record, are received before 9 a.m. on the first day after the election.

Adding up the election results from the wards outside of Vienna

§ 86. (1) The municipal elections authorities in municipalities outside of Vienna which are divided into wards, have to add up the results from the whole territory of the respective municipality, given to them by the ward elections authorities, according to § 84, para 5, and to report the final results to the district elections authority as quickly as possible - using messengers whenever necessary (immediate notification).

(2) The ward elections authorities in the municipalities described in para 1 have to enclose the voting cards in closed and, if possible, sealed envelopes and transmit them to the municipal elections authorities. The municipal elections authorities have to reexamine the results established by the ward elections authorities according to § 84, paras 3 and 4, on the basis of the record of the election procedure. They have to also calculate the results for the whole territory of the municipality and to put them down in their record. In doing so, the municipal elections authorities have to determine the preferential votes for each candidate on the party lists of a provincial list of candidates published in the provincial constituency on the basis of the preferential vote records of the ward elections authorities and enter them in preferential vote records for the area of responsibility of the municipality. The regulations set out in § 85, para 2, items a) to f), i), j) and k) apply accordingly. The record has to include the final election results for the whole territory of the municipality in the form described in § 84, paras 3 and 4.

(3) The election files of the ward elections authorities have to be attached to the records of the municipal elections authorities discussed in para 1. These constitute the election file of the municipal elections authorities in the respective municipality.

(4) The record of the election procedure is to be signed by the members of the municipal elections authorities. When it is not signed by all members the reason therefor has to be given.

Special measures in extraordinary events

§ 87. (1) In case the beginning, the continuation or the end of the election procedure should be hindered by unforeseen circumstances, the elections authorities can extend the duration of the poll or postpone it to the next day.

(2) Any extension or postponement has to be announced immediately in conformity with local custom and is to be communicated to the federal elections authority by way of the respective superior elections authority. The federal elections authority has to communicate the extension or postponement without delay to the Federal Ministry for European and International Affairs for the purpose of forwarding the communication to the agency in the area of responsibility of the OSCE competent for carrying out the observation of the election.

(3) If the casting of votes had already started, the voting cards and the ballot box with the ballot paper envelopes and the ballot papers contained therein are to be kept under lock and key and safely stored by the elections authorities until the continuation of the poll.

Adding up of the local election results by the district elections authority

§ 88. (1) The district elections authority has to add up the election results in the whole electoral district handed in to them by the municipal elections authorities and in Vienna by the ward elections authorities. The thus established results of the polling districts are to then be transmitted to the provincial elections authorities as quickly as possible – using messengers whenever necessary (immediate notification).

(2) On the election day at 5 p.m., the district elections authority has to report to the provincial elections authority without delay as quickly as possible, where appropriate through messengers, the number of the voting cards which were used to cast votes by means of postal voting in the electoral district and received in due time (immediate notification). On the day after the election, the district elections authority has to supplement this number by the number of the voting cards accepted in the electoral district according to § 70, para 3, and also report it to the provincial elections authority as quickly as possible, where appropriate through messengers (immediate notification).

Handing in of the election files from the municipal election authorities and in Vienna from the ward elections authorities to the district elections authority

§ 89. (1) Immediately after the local election results have been established, the election files of the municipal elections authorities and in Vienna of the ward elections authorities are to be handed in through messengers to the relevant district elections authority in closed and if possible sealed envelopes.

(2) The municipal elections authorities who are not able to hand in their election files to the district elections authority on the election day have to transmit the ballot paper envelopes handed in by voters from other regional constituencies voting with voting cards separately to the district elections authority, immediately after having counted them according to § 84, para 3. The district elections authority has to then immediately transmit these to the provincial elections authorities.

The establishing of the election results in the respective electoral district and the handing in of the election files to the provincial elections authorities

§ 90. (1) On the day after the election, 9 a.m., the district returning officer, under the observation of the assistants present, examines the voting cards received by way of postal voting according to § 60 by the election day, 5 p.m., and any voting cards accepted by the local elections authorities and forwarded to the district elections authority according to § 70, para 3, for the integrity of the seal and for the visibility of the data and the signature of the voter. After that, the district returning officer examines whether the declarations in lieu of an oath (§ 60, para 2) on the voting cards are present. Voting cards that do not meet those requirements must not be included in the determination of the results. Following that, the district returning officer opens the voting cards, takes out the beige ballot paper envelopes contained in them, which must be included, and puts them in a container provided for that purpose. Voting cards for which there is a ground for nullity as referred to in § 60, para 3, items 2 to 5, must also not be included in the determination of the results. Voting cards not to be included are to be enclosed in the election file and kept secure. The reasons for not including the voting cards are to be entered in a record. After the voting cards to be included have been thoroughly shuffled, the district elections authority has to open them, take out the official ballot papers, verify their validity, mark the invalid official ballot papers with consecutive numbers and establish for the votes cast by means of postal voting:

1. the total number of the valid and invalid votes cast;
2. the total number of the invalid votes cast;
3. the total number of the valid votes cast;
4. the valid votes cast for the individual parties (party totals).

(2) Following that, the district elections authority has to add the election results of the votes cast by means of postal voting to the election results referred to in § 88, para 1, for the area of the electoral district, to report them to the competent provincial elections authority without delay as quickly as possible (immediate notification) and to enter them in a record. The results of the votes cast by means of postal voting are to be shown separately. After that, the district elections authority has to determine the preferential votes for each candidate on the party lists out of the votes cast by means of postal voting and enters them into preferential vote records.

(3) As soon as all election files from the municipal elections authorities and in Vienna all ward elections authorities have reached the district elections authorities, they have to be arranged by them alphabetically according to municipalities outside of Vienna and in Vienna according to wards. All calculations of the local election results are then to be checked for any possible mistakes. If any mistakes are found they have to be corrected. Thereafter, the district elections authority is to add up the final election results for the whole electoral district and to put them down in the record of the election procedure.

(4) Finally, the district elections authority has to determine, according to § 91, the preferential votes for each candidate on the party lists of a provincial list of candidates published in the provincial constituency on the basis of the preferential vote records of the municipalities provided to it and on the basis of the preferential vote records referred to in para 2, last sentence, and enter them in preferential vote records for the area of the electoral district.

(5) The records referred to in paras 1, 2 and 3 and the preferential vote records referred to in para 4 constitute the election file of the district elections authority. The election files of the municipal elections authorities, in Vienna of the ward elections authorities, as well as the documents in which voters voting with voting card have been recorded according to § 60, para 4, are to be enclosed as schedules in a closed state, if possible in a sealed envelope, and submitted without delay to the competent provincial elections authority.

(6) In towns with an own charter, the ward elections authorities have to submit their reports directly to the district elections authority. The election files are also to be sent directly to the district elections authority by the ward elections authorities. Paras 3 to 5 as well as § 86 to § 89 are to be applied with the proviso that the adding up of the local election results and the establishing of the election results from the electoral district are the duty of the district elections authority.

(7) Upon request, the district returning officer is to hand to any election assistants present (§ 20a, para 1) a compilation of the results of the vote of the elections authority signed by him or her.

(8) On the fourteenth day after the election day, the district elections authority is to determine the number of late voting cards received by then and report it to the federal elections authority by way of the provincial elections authorities. Furthermore, the district elections authority has to ensure that the unopened voting cards are destroyed at the time when the results of the election have been established and become unappealable.

Determining the preferential votes

§ 91. (1) Each candidate on one of the party lists from one of the proposals for the provincial elections published in the respective provincial constituency, receives a preferential vote each time their name is correctly indicated by a voter on an official ballot paper (§ 79, § 82, para 2).

(2) The total number of preferential votes received by a candidate, divided into provincial party list and regional party list, is determined by the district elections authority for the territory of the electoral districts and by the provincial elections authorities for the territories of the provincial constituency and of all its regional constituencies.

PART V

Counting procedure

Section 1

Provisional election results

Establishing the number of ballot paper envelopes handed in by voters voting with voting cards at home outside of their regional constituency, report to the federal elections authority

§ 92. As soon as all reports according to § 88 have been received by it, each provincial election authority has to determine without delay the total number of ballot paper envelopes handed in by voters voting with voting cards outside of their regional constituency on its territory and the total number of voting cards that were used to cast votes by means of postal voting and received in due time in the electoral districts and to report these numbers to the federal elections authority without delay as quickly as possible (immediate notification). On the day after the election, the provincial elections authority has to supplement these numbers with the numbers of the voting cards accepted in the electoral districts according to § 70, para 3, and also report them to the federal elections authority as quickly as possible (immediate notification).

Provisional determination of results in the provincial constituency, report to the federal elections authority

§ 93. (1) On the basis of the reports formulated by the district elections authorities according to § 88, para 1, the provincial elections authorities have to determine the provisional ballot results in the respective constituency. The votes cast outside of their regional constituency by voters voting with voting cards, registered as entitled to vote in a municipality of the respective provincial constituency, are not to be taken into consideration.

(2) The provincial elections authority has to immediately report to the federal elections authority the provisional ballot results, in the respective provincial constituency, determined by them according to para 1 (immediate notification). The following details are to be reported to the federal elections authority:

- a) the total number of valid and invalid votes being cast;
- b) the number of invalid votes;
- c) the number of valid votes;
- d) the number of valid votes cast for each individual party (party totals).

(3) After having been provided with the reports referred to in § 90, para 2, first and second sentences, the provincial elections authority has to add the votes cast by means of postal voting contained in the reports to the respective results of the vote reported according to para 2 and to report them to the federal elections authority as quickly as possible (immediate notification).

(4) Upon request, the provincial returning officer is to hand to any election assistants present (§ 20a, para 1) a compilation of the results of the vote of the elections authority signed by him or her.

Handling of ballot paper envelopes from voters voting with voting cards at home. Report to the federal elections authority

§ 94. (1) When all ballot paper envelopes from voters voting with voting cards have been presented to the provincial elections authority by the district elections authorities according to § 89, para 2, and when, because of the announcement according to § 88, para 1, it is certain that no more such ballot paper envelopes will be handed in, the number of ballot paper envelopes handed in for each provincial constituency by all municipal and ward elections authorities in the area of the respective provincial elections authority is to be determined. The provincial elections authority has to then separate the ballot paper envelopes handed in by voters voting with voting cards in the respective provincial constituency.

(2) The provincial elections authority has to then report the results established according to para 1 as quickly as possible to the federal elections authority (immediate notification). In case no such statements should be made by any one provincial constituency because of lack of voters voting with voting cards, this fact has to also be reported.

(3) Each provincial elections authority has to sort out the ballot paper envelopes submitted by voters voting with voting cards from the other eight provincial constituencies and to enter in a record the statements described in para 1 for each provincial constituency separately. These records are to be signed by the members of the provincial elections authority and, together with the respective ballot paper envelopes, demonstrably sent to the competent provincial elections authorities in a sealed envelope in the quickest possible manner. A copy of this record has to be kept by the provincial elections authority. The second clause of para 2 is to be applied accordingly.

Determination of the provisional election results by the federal elections authority

§ 95. (1) On the basis of the reports submitted to them by the provincial elections authorities according to § 93, para 2, and § 94, para 2, the federal elections authority has to provisionally determine, for each of the forty three regional constituencies, nine provincial constituencies and for the whole federal territory the following:

- a) the total number of valid and invalid votes;
- b) the number of invalid votes;
- c) the number of valid votes;
- d) the number of valid votes cast for each party (party totals).

(2) Thereafter, the federal elections authority has to determine the number of seats falling to the individual parties, according to the provisional election results, following the regulations set out in § 96, para 2, § 97, § 100, § 101 as well as § 107.

(3) Upon request, the federal returning officer has to hand to any election assistants present (§ 20a, para 1) a compilation of the results of the vote of the elections authority signed by him or her.

Section 2 Determination of the provincial elections authority

Vote record with election figure

§ 96. (1) On the fourth day after the election day, having regard to § 78 to § 83, the provincial elections authority has to open the ballot paper envelopes separated according to § 94, para 1, and the ballot paper envelopes submitted by the other provincial elections authorities according to § 94, para 3, take out the ballot papers, verify their validity, mark the invalid ballot papers with consecutive numbers and establish:

1. the total number of the valid and invalid votes cast;
2. the total number of the invalid votes cast;
3. the total number of the valid votes cast;
4. the valid votes cast for the individual parties (party totals);
5. the total number of invalid and unattributable votes from ballot paper envelopes that did not contain an official ballot paper.

(2) After that, the provincial elections authority has to add up the determinations made according to para 1 and the reports submitted according to § 90, para 2, and report them to the federal elections authority without delay.

(3) On the basis of the election files submitted to it according to § 90, para 5, the provincial elections authority has to check whether there are any mistakes in the calculation of the election results for each electoral district made by the district elections authorities, correct such mistakes, where required, and finally determine the results provisionally established by the federal elections authority for the regional constituencies and the provincial constituency according to § 95, taking into account the results established according to para 1.

(4) The total number of valid votes cast for all parties in the provincial constituency is then to be divided by the number of seats to be distributed in the respective provincial constituency. The resulting number, which has to always be rounded to the higher number, is the election figure. The results of the vote in the provincial constituency as well as the election figure are to be entered into a vote record.

First counting procedure

Final results in the regional constituency, assigning the seats to the parties

§ 97. Each party receives as many seats as the times the election figure is contained in its total of party votes in the regional constituency.

Assigning the seats to the regional candidates from the regional party lists in accordance with the preferential votes, enumerating the regional candidates who were not elected

§ 98. (1) The seats reserved for the regional candidates of a party according to § 97 are to be distributed in accordance with the regulations set out in paras 3 and 4.

(2) For this purpose and on the basis of the preferential vote records of the district elections authorities (§ 90, para 4) and the ballot papers from the ballot paper envelopes submitted to them according to § 94, para 3, as well as the ballot papers from the ballot paper envelopes put aside according to § 94, para 1, the provincial elections authority determine the total number of preferential votes falling on each regional candidate, featuring on the ballot paper of the elected party list in the regional constituencies of the provincial constituency. § 91 is to be applied accordingly. The results of this proceeding are to be entered into a preferential vote record for each regional constituency.

(3) The seats to be distributed are to first be given to the regional candidates who have received at least half as many preferential votes as the election figure, or for whom the number of preferential votes received is equal to a sixth of all valid votes cast for this party in the respective regional constituency. The order in which the distribution of seats is done is determined by the number of preferential votes received by each regional candidate. It begins with the highest amount of preferential votes, followed by the next-lowest one. When more than one regional candidate is entitled to any one specific seat, the remarks on the order of the regional candidates made on the respective regional party list are decisive.

(4) The seats allocated to a party which cannot be distributed to regional candidates on the basis of preferential votes are to be given to regional candidates, following the order of their entry on the respective regional party list. The regional candidates who have already received a seat on the basis of the number of preferential votes received are not to be taken into consideration.

(5) Regional candidates who were not elected are to be taken into consideration when a seat on their list is finished. Paras 3 and 4 are to be applied accordingly. When the list is exhausted because of deletion or death (§ 111, para 4), the provincial elections authority competent for the appointment has to order the authorized recipient of the party that submitted the provincial list of candidates to make known within 14 days which of the candidates to be considered, appearing in the other regional party lists of the provincial elections proposal, is to be appointed by the provincial elections authority to the seat becoming vacant in the event seats become vacant.

Record of the first counting procedure

§ 99. (1) The provincial elections authority has to enter the results of the first counting procedure in a record.

(2) This record has to contain at least the following information:

- a) the name of the regional constituency, the place and the time of the official proceedings;
- b) the names of the members of the provincial elections authority who are present and of the ones who are absent, as well as the names of the persons of confidence according to § 15, para 4;
- c) the names of the accredited persons (§ 20a, para 3) who are or were present;
- d) any resolutions according to § 96, para 1;
- e) the finalized results of the poll in the respective regional constituency in the form shown in § 93, para 2;
- f) the names of the regional candidates from all regional party lists, in the order of their appointment and where applicable with the addition of the number of preferential votes received by them;
- g) the names of the affiliated regional candidates not elected in the order described in § 98, para 5.

(3) The records of the district elections authorities, the municipal elections authorities and the ward elections authorities as well as the vote record, the preferential vote records of the regional constituencies and the provincial list of candidates published according to § 49 are to be attached to this record. It constitutes, together with its schedules, the election file on the first counting procedure.

(4) The record has to be signed by the members of the provincial elections authority. In case it should not be signed by all members, the reason therefor has to be given.

(5) Upon request, the provincial returning officer has to hand to any election assistants present (§ 20a, para 1) a compilation of the results of the vote of the elections authority signed by him or her.

Second counting procedure

Establishing and announcing the parties which are to take part in the second counting procedure

§ 100. (1) Only parties which have received at least one seat in one regional constituency or at least 4% of the valid votes cast in the whole federal territory, according to the first counting procedure, take part in the second counting procedure.

(2) After all reports of the provincial elections authorities submitted according to § 96, para 2, have been received, the federal elections authority has to determine which parties fulfill the requirements for taking part in the second counting procedure.

(3) The resolutions made according to para 2 have to immediately be announced to all provincial elections authorities, as quickly as possible (immediate notification).

Final results in the regional constituency, assigning the seats to the parties

§ 101. The seats to be assigned in the regional constituency are to be distributed amongst the parties determined by the federal elections authority according to § 100, para 3. Each party receives as many seats as the times the election figure is contained in its total of party votes in the respective provincial constituency, minus any seats received in the first counting procedure.

Assigning the seats to the candidates from the provincial party lists in accordance with the preferential votes, listing the unsuccessful candidates

§ 102. (1) The seats reserved for the candidates of a party according to § 101 are to be distributed in accordance with the regulations set out in paras 3 and 4. Candidates who have already received a seat in the first counting procedure are not to be taken into consideration.

(2) For this purpose and on the basis of the preferential vote records of the district elections authorities (§ 90, para 4) and the ballot papers from the ballot paper envelopes separated according to § 94, para 1, as well as the ballot papers from the ballot paper envelopes submitted to it by other provincial elections authorities according to § 94, para 3, the provincial elections authority determines the total number of preferential votes for each candidate featuring on the ballot paper of the elected provincial party list in the provincial constituency. § 91 is to be applied accordingly. The results of this proceedings are to be entered into a preferential vote record.

(3) The seats to be distributed are to first be given to the candidates who have received at least as many preferential votes as the election figure. The order in which the distribution of seats is done is determined by the number of preferential votes received by each candidate. It begins with the highest amount of preferential votes followed by the next-lowest one. When more than one candidate is entitled to any one specific seat, the remarks on the order of the candidates, made on the respective provincial party list, are decisive.

(4) The seats allocated to a party which cannot be distributed to candidates on the basis of preferential votes are to be given to candidates, following the order of their entry on the respective provincial party list. The candidates who have already received a seat on the basis of the number of preferential votes received are not to be taken into consideration.

(5) Unsuccessful candidates are to be taken into consideration when a seat on their list is finished. Paras 3 and 4 are to be applied accordingly.

Record of the second counting procedure

§ 103. (1) The provincial elections authority has to enter the results of the second counting procedure in a record.

(2) This record has to contain at least the following information:

- a) the name of the provincial constituency, the place and the time of the official proceedings;
- b) the names of the members of the provincial elections authority who are present, and of the ones who are absent, as well as the names of the persons of confidence according to § 15, para 4;
- c) the names of the accredited persons (§ 20a, para 3) who are or were present;
- d) any resolutions according to § 96, para 1;
- e) the finalized result of the vote in the respective provincial constituency, in the form shown in § 93, para 2;
- f) the names of the candidates from all provincial party lists in the order of their appointment and where applicable with the addition of the number of preferential votes received by them;
- g) the names of the affiliated candidates not elected in the order described in § 102, para 5.

(3) The record of the first counting procedure, as well as the preferential vote record of the provincial constituencies are to be attached to the record of the provincial elections authority on the second counting procedure. It constitutes, together with its schedules, the election file on the second counting procedure.

(4) The record has to be signed by the members of the provincial elections authority. In case it will not be signed by all members, the reason therefor has to be given.

(5) Upon request, the provincial returning officer is to hand to any election assistants present (§ 20a, para 1) a compilation of the results of the vote of the elections authority signed by him or her.

Report to the federal elections authority

§ 104. Thereafter, the provincial elections authority has to report to the federal elections authority the final results determined in the regional constituencies in the form described in § 99, para 2, items e) and f), as well as those determined in the provincial constituency in the form described in § 103, para 2, items e) and f), as quickly as possible (immediate notification).

Publication of the election results, transmission of the election files

§ 105. (1) The provincial elections authority has to then announce the finalized results of the vote in the provincial constituency and in the regional constituency, the names of the successful and unsuccessful candidates from the provincial and regional party lists, as well as the number of seats which have not been allocated. The announcement has to be put up on the official notice board of the office of the provincial government and posted on the Internet. It has to show the date when it was put up on the official notice board.

(2) The election files of the provincial elections authority has to then be locked and be sent immediately, if necessary by the use of messengers, to the federal elections authority.

Section 3

Functions of the federal elections authority

Third counting procedure

Presentation of the proposals for the federal elections

§ 106. (1) Parties taking part in the election which have put forward proposals for the provincial elections are only entitled to receive seats in the third counting procedure, when they have put forward a federal list of candidates and are not prevented from receiving seats according to § 107, para 2.

(2) The federal list of candidates has to be submitted to the federal elections authority not later than on the twentieth day before the election day; it has to feature the same party name as all provincial lists of candidates attributable to it in the third counting procedure and must be co-signed by at least one authorized recipient of an attributable provincial list of candidates.

(3) The federal list of candidates must contain the following:

1. the party name in words and any abbreviation in letters;
2. the federal party list, which is a list of candidates applying for a seat in the third counting procedure;
3. the name of the authorized recipient (first name, family or last name, profession, residential address), who must meet the requirements of § 41.

(4) In the federal party list, the candidates are to be listed in the order applied for in Arabic digits, including the first name, family or last name, year of birth, profession and residential address of each candidate. A maximum of three times the total number of candidates appearing in the provincial lists of candidates of the respective party may be listed. The federal list of candidates may also include persons who appear as candidates of this party in a provincial list of candidates in one of the provincial constituencies. In the case of a candidate who already appear in a provincial list of candidates of the party submitting the federal list of candidates in one of the provincial constituencies, it has to be indicated in which party list (provincial party list, regional party list) he or she has been entered as a candidate in a provincial list of candidates. A candidate who does not appear in a provincial list of candidates may only be included in the federal party list if the candidate gave his or her written consent. If the name of a candidate in the federal list of candidates of a party appears in a provincial list of candidates of another party, the name is to be deleted in that federal list of candidates. If several federal lists of candidates list the name of a candidate who does not appear in a provincial list of candidates, the federal election authority has to ask the candidate to declare within forty-eight hours which of the federal lists of candidates the candidate decides to appear in; in all other federal lists of candidates, the candidate is to be deleted. If the candidate does not make a declaration within the period specified, the candidate is to be left in the federal list of candidates featuring the candidate's name that was received first.

(5) The federal elections authority has to immediately verify whether the federal list of candidates complies with the regulations set out in paras 2 and 3. The federal returning officer has to act in accordance with the regulations set out in § 42, para 1. Proposals for the federal elections which do not fulfill these requirements are considered as not being submitted.

(6) Not later than on the sixteenth day before the election day, the federal elections authority has to finalize the federal lists of candidates and to publish them, without street names and reference numbers, on the official notice board of the Federal Ministry of the Interior and on the Internet.

(7) The party can replace the authorized recipient of the federal list of candidates by another authorized recipient at any time. Declarations to that effect are to be submitted to the federal elections authority and only require the signature of the last authorized recipient. If the last authorized recipient does not agree, the declaration has to be signed by more than half of the candidates named in the list of candidates.

Determining and assigning the seats

§ 107. (1) On the basis of the records of the federal elections authority submitted to them by the provincial elections authorities according to § 105, para 2, the federal elections authority first establishes the party totals for the whole federal territory.

(2) Parties which have not received a seat in any regional constituency and who have received less than 4% of the valid votes cast are not entitled to receive any seats in the third counting procedure.

(3) In the third counting procedure, all 183 seats, minus the number of seats allocated in the first and second counting procedure to all parties which did not submit a federal list of candidates, are to be distributed amongst the remaining parties, using the elections figure calculated according to § 107, paras 4 and 5.

(4) The party totals have to be written down, side by side and according to amounts; below each total, the result of dividing this number by two, three, four as well as the subsequent fractions are to be written down.

(5) The election figure is the 183rd biggest number when there are 183 seats to be allocated, the 182nd biggest number, when there are 182 seats to be allocated, the 181st biggest of the numbers listed in that way by 181 seats and so on.

(6) Each party receives as many seats as the times the election figure is contained in its total for party votes. In case, according to these calculations, two or more parties are entitled to receive any one specific seat, the decision as to which one receives it is made by drawing lots. When the decision taken in this way leads to a party having the total number of seats discussed in para 7 it receives the seat. When the same happens for more than one party, the decision as to which one of them is to receive the seat in question is made by drawing lots.

(7) When the total number of seats allocated in this way to a party is lower than the number of seats received by this party in the first and second counting procedure, the party is considered as not having brought forward any federal list of candidates. In such a case, the determining procedure illustrated in paras 3 to 6 is to be repeated.

(8) When the total number of seats allocated in the same way to a party is higher than the number of seats received by this party in the first and the second counting procedure it receives as many additional seats as required to equate these two sum totals.

Allocating the seats to the candidates, record of these proceedings, announcement of the results

§ 108. (1) The seats received in the third counting procedure (§ 107) are to be allocated to the candidates of all parties, according to their place in the federal list of candidates. Unsuccessful candidates are to be taken into consideration when a seat from their list in the federal list of candidates is finished. The order of their appointment is to be determined according to their place in the federal list of candidates.

(2) The federal elections authority has to formulate the result of the third counting procedure as follows:

- a) the number of party totals for each party on the federal territory;
- b) the number of seats allocated to each party;
- c) the names of the candidates who have received seats according to § 107, para 8.

(3) The result of the computations of the federal elections authority is to be entered in a record. This record has to include at least the following information:

- a) the names of the members of the federal elections authority who are present and of those who are absent;
- b) the declarations according to para 2.

(4) The results of the computations are to immediately be announced in the form described in para 2. The announcement has to be put up on the official notice board of the Federal Ministry of the Interior and posted on the Internet. It has to also include the date when it was put up on the official notice board.

(5) Upon request, the federal returning officer has to hand to any election assistants present (§ 20a, para 1) a compilation of the results of the vote of the elections authority signed by him or her.

Declarations of candidates who were elected twice

§ 109. When a candidate is elected on more than one list of candidates (provincial list of candidates/federal list of candidates), he or she has to present a written declaration to the federal elections authority, stating which elections proposal they choose to remain on, within 48 hours after the announcement of the last election results (§ 105, para 1, and § 108, para 4), which lead to him being elected twice. When no declaration from the candidate who was elected twice is submitted within the given time period, the decision as to which elections proposal they remain on is made by the federal elections authority. The elections authorities concerned by this decision are to be informed of this decision.

Section 4

Objections to numerical calculations

§ 110. (1) The authorized recipient of a party has the right to object in writing to the federal elections authority against the numerical calculations of a provincial elections authority within three days after the announcement made according to § 105, para 1. Such an appeal can also be made against the results computed by the federal elections authority in accordance with § 108, para 4, within three days after the announcement was made.

(2) The objection has to present credible evidence as to why and to what extent the results computed by the provincial elections authority or the federal elections authority are not in compliance with the provisions of this federal law. If the reasoning is missing, the objection may be rejected without further examination.

(3) If the objection contains sufficient prima facie evidence, the federal elections authority has to check the election result, on the basis of the records available to it. If these documents establish that the computed result is incorrect, the federal elections authority has to immediately correct the result in question, revoke the announcement of the provincial elections authority and the federal elections authority and announce the correct result.

(4) If the check reveals no reason to correct the computed results, the federal elections authority is to reject the objection.

Section 5 Unsuccessful candidates

Appeal, refusal, deletion of the candidate from the list

§ 111. (1) Election candidates who were not elected or did not accept being elected, as well as those who accepted their seat but subsequently resigned from it, remain on the party list (regional party list, provincial party list, federal party list) as long as they have not explicitly demanded to be deleted from it (para 4). When a member of the federal government or a secretary of state give up their seat in the National Council, an unelected candidate from the respective party list has to be appointed to replace them. After withdrawing from this office, in the cases described in art. 71 of the [Federal Constitutional Law](#), Federal Law Gazette No. 1/1930, after the lifting of the administrative commission, the seats of these candidates are renewed by the elections authorities responsible, as long as they do not declare to the same elections authorities within eight days that they do not accept a renewal of their seat. In this way, the election candidate who received the seat of the member of parliament who has temporarily withdrawn from this office is put on the list of unsuccessful candidates, as long as they have not requested to be deleted from the party list. In case another member of parliament should feature on the list of candidates of the same party, they receive the seat in question, provided that they have expressed to the elections authorities their wish to receive the seat. When such a wish was expressed by more than one member of parliament, the one who declared their wish the last is to receive the seat.

(2) Unsuccessful candidates featuring on a provincial list of candidates are to be appointed to an office by the provincial elections authority. Unsuccessful candidates featuring on the federal list of candidates are to be appointed to an office by the federal elections authority. The order of appointment of unsuccessful regional candidates is determined by the regulations set out in § 98, para 5. The order of appointment of unsuccessful candidates from a provincial party list is determined by the regulations set out in § 102, para 5, and of unsuccessful candidates from the proposals for the federal elections, according to their order of entry in the federal party lists. When a candidate appointed in this way is already elected in a regional constituency, in a provincial constituency or from the federal list of candidates, he or she has to be urged by the elections authorities which are seeking to appoint him to declare, within eight days, which elections proposal he or she chooses to remain on. When no such declaration is presented within the given time period, this decision is made by the elections authorities in question. All elections authorities affected by this decision have to be informed of it. The name of the elections candidate finally appointed is to be announced in conformity with local custom and, in the case of an appointment of a candidate from a provincial list of candidates, is to be reported immediately to the federal elections authority for the purpose of issuing a certificate for elected members of parliament.

(3) In case an election candidate who is to be appointed to a vacant seat should refuse the appointment, he or she still keeps their ranking on the respective party list.

(4) Any candidate appearing in a provincial list of candidates can at any time request the provincial elections authority to be deleted from that proposal. Deletion from one list (provincial party list or regional party list) is permissible. A candidate appearing in the federal list of candidates can at any time request the federal elections authority to be deleted from that proposal. The deletion has to be announced by the competent elections authority in every case.

Filling of seats when the lists of candidates have been exhausted

§ 112. (1) When the provincial party list of a provincial list of candidates is exhausted because of the death of a candidate or because a candidate was deleted from the list (§ 111, para 4), the provincial elections authority responsible for the appointment of another candidate has to urge the authorized recipient of the party which submitted the provincial list of candidates in question to announce which of the remaining candidates featuring on the other proposals for the provincial elections are to be appointed by the provincial elections authority to receive the vacant seats.

(2) The regulations set out in para 1 are to be applied when the list of candidates of a federal list of candidates has been exhausted, provided that the authorized recipient of the respective party fills in the vacancies in the federal list of candidates by appointing other candidates from the same provincial constituency who were not, until then, included in the federal list of candidates.

Section 6 Certificates for elected members of parliament

§ 113. Each member of parliament receives from the federal returning officer after their appointment according to § 111 a certificate which allows them to enter the National Council.

PART VI

Holding the National Council election together with other elections

§ 114. (1) It is admissible to hold a National Council election together with another general election. In case of holding a National Council election together with an election of Members of the European Parliament, § 82 of the law concerning elections for the European Parliament - EuWO, Federal Law Gazette No. 117/1996 applies.

(2) In the case of holding other general elections together with the National Council election, the following regulations apply:

1. The ballot papers for the other general elections can be put together with the ballot papers for the National Council election when the two together are not more than twice the size of the ballot papers for the National Council election.
2. When the two ballot papers are not put together, each voter, provided that they are entitled to take part in both elections, has to be presented by the returning officer with a ballot paper for the National Council election as well as with one for the other general elections.
3. When a voter is only entitled to vote in the National Council election, only a ballot paper for the National Council election is to be issued to them. The ballot paper envelopes of such voters are to be put in a special ballot box with the inscription "for National Council electors only".
4. Each voter is only to be issued with one ballot paper envelope, irrespective of whether they are using one or two ballot papers.
5. Ballot papers which were put together have to be separated after opening the ballot paper envelopes at the beginning of the counting of votes and to undergo the procedures, described in the special election regulations. The validity and invalidity of the ballot papers for the National Council election, as well as of those for the other general elections, is to be judged according to the special election regulations.
6. The records, electoral rolls, vote records, election files, ballot papers and other schedules for the National Council election are to remain in the election file of the National Council election.

PART VII

Special provisions for the repetition of the elections procedures

Range of application

§ 115. (1) In case of a repetition of the National Council election or of a part of them because of a resolution of the Constitutional Court, the regulations set out in parts I to VI and VIII of this federal law are to be applied accordingly, as long as no other provisions are made in the following paragraphs.

(2) In the case of repetition of the election procedures, the elections authorities are to follow the decisions and the legal stand point of the Constitutional Court (§ 70, para 4, of the Constitutional Court Law from 1953).

Announcement of the repeated elections

§ 116. (1) When the election procedure of a National Council election or a part of it has to be repeated the federal elections authority has to announce the repeated elections by a decree immediately.

(2) This decree has to include the date set for the repetition of the elections which is to be set by the federal government in agreement with the main committee of the National Council on a Sunday or public holiday. A qualifying date only has to be set when the elections authorities are to be reestablished and the electoral rolls reedited or published again because of a change in the election procedure for the new elections. When this is not the case, the qualifying date for the elections being changed is to serve as a qualifying date for the new elections. The decree has to also specify in which constituencies the repeated election procedure is to be carried out.

(3) When the election procedure is not to be repeated in all constituencies voters voting with voting cards can still cast their votes on the whole federal territory as well as abroad, following the regulations set out in § 60.

Persons entitled to vote and electoral roll; wards and elections authorities

§ 117. As long as no other regulations result from § 115, para 2, and § 116, para 2, the following regulations apply to the reelections:

1. Only voters who were already entered into the electoral roll of the elections which are to be repeated are entitled to vote in the new elections. These electoral rolls are to remain unchanged and be the basis of the new elections.
2. In the constituencies, in which the election procedure was annulled, the division into wards, established in the annulled elections, is to remain valid for the reelections.
3. The election procedure, as well as the proceedings for determining the election results, is to be carried out by the elections authorities, in the way this was done in the annulled elections. When changing the composition of the elections authorities § 19, para 1, 2 and 3 are to be applied accordingly.

Issuing of voting cards, elections authorities and voters voting with voting cards

§ 118. (1) Each person entitled to vote in the new elections according to § 117, para 1, is entitled to be issued a voting card. By the issuing of the voting card and the voting with it, the regulations set out in § 38 to § 40 as well as § 56, § 68, § 70 and § 72 are to be applied accordingly, provided that together with the official ballot paper each voter voting with a voting card is issued with a ballot paper envelope, on which the name and the number of the provincial constituency, the letter and the designation of the regional constituency, as well as the address of the provincial elections authority issuing the voting card are to be indicated.

(2) The casting of a vote by voters voting with voting cards in the constituencies where the elections proceedings were not annulled, is to take place in the presence of the municipal elections authorities and the ward elections authorities composed according to § 72 for the annulled elections, as long as no other provisions are made in para 3. In these special elections wards outside of Vienna, the functions of the ward elections authority can also be carried out by the municipal elections authority.

(3) When the election procedure in a given constituency was not annulled, the municipal elections authorities and in the City of Vienna the Vienna City Administration are to determine, not later than on the fifth day before the election day, in the presence of which ward elections authority the voters voting with voting cards from larger municipalities which were divided into wards for the purposes of the annulled elections can cast their vote.

(4) The municipal elections authorities and in the City of Vienna the Vienna City Administration have to determine the voting hours for voters voting with voting cards, not later than on the fifth day before the election day. The voting hours and the polling stations designed for the voters voting with voting cards are to be announced in a public notice, on the fifth day before the election day at the latest.

Casting of a vote by voters voting with voting cards

§ 119. When a voter voting with a voting card casts their vote in the presence of one of the elections authorities described in § 118, para 2, the returning officer has to present the voter with a ballot paper envelope, contained in the voting card, as well as with an official ballot paper. The returning officer has to also inform the voter voting with a voting card of the regulations of § 68, to be complied with when casting a vote. For casting of votes abroad, the regulations set out in § 60 are to be applied accordingly.

Transferring of the votes cast by voters voting with a voting card

§ 120. (1) In constituencies where the election procedure was not annulled, the ward elections authorities, as well as the municipal elections authorities, have to enter the names of the voters voting with a voting card in the vote record and to put down in a record the number of ballot paper envelopes handed in by voters voting with voting cards, arranged according to the constituency from which the voters are coming. The sealed ballot paper envelopes are to be attached to this record. The record, together with the ballot paper envelopes handed in by voters voting with voting cards and the vote record, constitutes the election file of the local elections authorities.

(2) The ward elections authorities outside of the City of Vienna discussed in para 1 are to submit the ward election files to the respective municipal elections authorities. These have to take out the ballot paper envelopes contained in the election file of the ward elections authorities as well as the ones from their own election file, to arrange them according to constituencies and to put down in a record the number of ballot paper envelopes handed in for each constituency. Thereafter, the unopened ballot paper envelopes, together with a letter stating the number of ballot paper envelopes being submitted, are to be demonstrably sent to the provincial elections authority from whose area the ballot paper envelopes originated in a sealed envelope in the quickest possible manner.

(3) The ward elections authorities in the City of Vienna, where the election procedure was not annulled, the ballot paper envelopes handed in by voters voting with voting cards are to send in a sealed envelope to the responsible provincial elections authority, according to para 2. The submission to the provincial elections authority in the City of Vienna is to be effected through the Vienna City Administration, to the other provincial elections authorities demonstrably in the quickest possible manner.

(4) The present provisions are only applicable, when voters voting with voting cards cast their vote in one of the local elections authorities, specified in paras 1 to 3. When no ballot paper envelope was handed in by voters voting with voting cards in the voting hours, this fact is to be put down in a record of the election procedure.

(5) When the provincial elections authorities are dealing with ballot paper envelopes handed in by voters voting with voting cards abroad, the regulations set out in § 96, para 1, are to be applied accordingly.

(6) The provincial elections authorities, on whose territory the election procedure was annulled, first have to put down in a record the number of ballot paper envelopes handed in by voters from other constituencies and arranged according to constituencies, submitted to them by the local elections authorities. The sealed ballot paper envelopes handed in by these voters, together with a letter stating the number of ballot paper envelopes being submitted, are to be sent as quickly as possible in a sealed envelope to the provincial elections authority, from the area of which the ballot paper envelopes originated.

Determining the results of the votes cast by voters voting with voting cards

§ 121. (1) As long as this federal law provides for a provisional determination and announcement of the results from the votes cast in other constituencies, the present provisions do not apply to all constituencies in case of repetition of the election procedures.

(2) When repeated elections are only held in some constituencies, the provincial elections authorities can only determine the results of the votes cast by voters voting with voting cards based on the ballot paper envelopes submitted to them according to § 120, paras 2, 3, 5 and 6, when these have been finalized.

(3) The determining of the results from the votes cast by voters voting with voting cards can only be undertaken when it can be assumed that no further ballot paper envelopes from such voters (§ 120, paras 2, 3, 5 and 6) will be handed in.

PART VIII

Final provisions

Written transfers and immediate notifications

§ 122. (1) Unless provided otherwise hereunder, petitions in writing may also be made by telegram, computer-supported data transmission or any other technically feasible way, subject to the technical means available.

(2) The same applies to immediate notifications, provided that the fastest manner of transmission is ensured.

Deadlines

§ 123. (1) The beginning and duration of the time limits set in this federal law will not be affected by Sundays or public holidays. The same applies to Saturdays and Good Friday. When the end of time limit falls on a Saturday, Sunday or public holiday, the authorities responsible for the election procedure must make sure that any action subject to a time limit can also be acknowledged by them on these days.

(2) Time spent for postal communication must be included in the deadline set.

Election expenses

§ 124. (1) As long as no other provisions are made in this federal law, the costs incurred by holding the elections are to be born by the municipalities. However, the federal government is to pay to the municipalities a lump-sum compensation of 0.75 euros per person entitled to vote.

(2) The compensation rate specified in para 1 will reduce or increase annually, starting from 1 January 2012, to the extent to which the 2010 consumer price index published by Statistics Austria or the index replacing it will have changed in comparison with the index figure published for January 2011; changes of the index figures are not to be taken into account as long as they do not exceed ten percent of the index figure published for January 2011 or the index figure later used as an assessment basis for a change of the compensation rate. If the compensation rate changes, it is to be rounded to a whole eurocent amount and published in the Federal Law Gazette.

(3) The lump-sum compensations are to be remitted to the provincial governors within two years of the election day. The provincial governors have to forward the lump-sum compensation to the municipalities without delay. If an adjustment according to para 2 was made after an election, the compensation rate applying at the date of the election has to be applied nevertheless.

(4) The lump-sum compensation for the City of Vienna has to be remitted by the Federal Minister of Internal Affairs within the period specified in para 3.

Exemption from fees

§ 125. All papers arising directly from the provisions of this federal law are to be exempt from federal administrative charges.

Feminine forms of the designations of a position

§ 126. When positions hereunder are occupied by women, the feminine form of the designation of the respective position may be used.

Enforcement

§ 128. The federal government is responsible for enforcing § 1, paras 2 and 3, the Federal Minister for European and International Affairs is responsible for enforcing § 20a, paras 1, 2, 3 and 8, with regard to para 8 by agreement with the Federal Minister of Internal Affairs, and the Federal Minister of Finance is responsible for enforcing § 125. The Federal Minister of Internal Affairs is responsible for enforcing the remaining provisions, with regard to § 22 by agreement with the Federal Minister of Justice, with regard to § 20a, para 4, § 39, para 1, § 52, para 7, § 76, para 3 and § 87, para 2, by agreement with the Federal Minister for European and International Affairs and with regard to § 60, para 2, by agreement with the Federal Minister for European and International Affairs and the Federal Minister of Defense and Sports.

Coming into force

§ 129. (1) This federal law comes into force on 1 May 1993.

(1a) § 24, para 3, as amended by the federal law published in Federal Law Gazette I No. 30/1998, comes into force on 1 January 1998.

(1b) § 28, para 4, § 43, para 4, § 58, para 3, § 62, para 3, § 64, para 2, § 66, para 4, and § 77, para 2, as amended by the federal law published in Federal Law Gazette I No. 98/2001, come into force on 1 January 2002.

(1c) § 21, para 1, § 23, paras 1 and 3, § 41, § 42, paras 2 and 3, and § 129, para 2, last sentence, and schedule 4, as amended by the federal law published in Federal Law Gazette I No. 90/2003, come into force on 1 January 2004.

(1d) § 2, para 2, § 4, paras 2 and 3, § 5, § 12, para 2, § 15, paras 2 and 3, § 20a including the heading, § 21, para 1, § 25, paras 4 and 5, § 26, para 1, § 38 para 1, § 39, § 40, paras 1 and 3, § 41, § 42, para 3, § 45 including the heading, § 46, para 3, § 49, para 6, § 52, paras 2, 6 and 7, § 54, § 56, para 1, § 59, § 60 including the heading, § 61, para 1, § 65 including the heading, § 66, para 3, § 67, para 3, § 68 including the heading, § 69, para 1, § 71 including the heading, § 72, para 1, § 73, § 76, para 3, § 77, para 1, § 78, para 1, § 79, para 3, § 84, § 85, § 86, para 2, § 87, para 2, § 90, § 94, para 2, § 95, § 96, § 98, paras 2 and 5, § 99, paras 2 and 5, § 102, para 2, § 103, paras 2 and 5, § 104, § 106, § 108, para 5, § 111, paras 2 and 4, § 114, para 1, § 118, paras 2 and 4, § 119 including the heading, § 124, paras 2 and 3, § 125, § 128 including the heading, § 129, para 2, and schedule 3, as amended by the federal law published in Federal Law Gazette I No. 28/2007, come into force on 1 July 2007.

(1e) § 10, para 3, § 11, para 3, § 12, para 4, § 15, para 3, § 17, para 1, § 20, para 2, § 25, paras 1 and 2, § 26, para 1, § 36, para 3, § 39, paras 2 to 4, § 42, para 3, § 43, para 1, items 2 and 3, § 52, paras 3 and 4, § 54, § 60, paras 2 to 5, § 61, para 1, § 62, para 2, § 70, paras 1 and 2, § 75, para 1, § 79, para 2, § 84, paras 1, 6 and 7, § 85, para 2, item h), and para 3, items h) and i), and para 8, § 86, para 2, § 87, para 3, § 90, paras 2 to 5 and 8, § 93, paras 3 and 4, § 96, para 1, item 5, and para 3, § 102, para 2, § 105, para 1, § 106, para 3, item 3, and paras 4 and 6, § 108, para 4, § 111, para 2, § 119 and schedules 2, 3, and 4, as amended by the federal law published in Federal Law Gazette I No. 13/2010, come into force on 1 March 2010. At the same time, § 128 becomes invalid.

(2) § 22, § 25, para 2, § 39, § 40, para 1, § 41, § 42, para 1, § 46, paras 2 and 3, § 47, § 48, paras 1 and 2, § 49, paras 1 and 3, § 50, paras 1 and 2, § 52, para 2, § 60, § 70, para 3, § 85, para 2, items j) and k), § 85, para 3, items i), j) and k), and para 9, § 86, para 2, § 88, § 90, § 92, § 93, paras 1 and 3, § 94, paras 1 and 3, § 96, paras 1 and 2, § 98, para 2, § 100, para 2, § 102, para 2, § 111, para 1, § 120, paras 2 and 3, § 123, para 2, § 124, paras 1 and 2 and schedules 2 and 3, front page, as amended by the federal law published in Federal Law Gazette I No. 43/2011, come into force on 1 October 2011.

(3) The following provisions come into force as amended by the federal law published in Federal Law Gazette I No. 12/2012:

1. § 48, para 1, and § 49, para 1, as of 1 October 2011;
2. the other provisions, as of 1 April 2012.