### Federal Law on Parliamentary Elections

(Regulations on federal parliamentary elections

1992 – RFPE)

#### Table of Contents

**I. MAIN PART**

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

1. Section: **Membership, elections announcement, constituencies**
   - § 1. Membership, elections announcement, election day, qualifying date for electoral procedures
   - § 2. Provincial election districts, voting districts
   - § 3. Regional election districts
   - § 4. Number of mandates in the election districts, calculation in accordance with the last census
   - § 5. Statement on the number of mandates

2. Section: **Elections authorities**
   - § 6. General remarks
   - § 7. Sphere of activity of the election officials and of the returning officer
   - § 8. Municipal elections officials
   - § 9. Ward elections officials
   - § 10. District elections officials
   - § 11. Provincial elections officials
   - § 12. Federal elections officials
   - § 13. Deadlines for the appointment of the returning officers of the elections areas, of the permanent representative and his agent, swearing-in, sphere of activity of the returning officer
   - § 14. Introduction of the application for appointment of an assistant and of his substitute
   - § 15. Appointment of the assistant and of his substitute, sending out of the persons of confidence.
   - § 16. Composition of the elections authorities, swearing-in of the assistant and his substitute
   - § 17. Constitution of a quorum, valid resolutions of the elections authorities
   - § 18. Independent execution of official acts by the returning officer
   - § 19. Changes in the composition of an election authority, term of office
   - § 20. Fees which the members of the elections authorities are entitled to

**II. MAIN PART**

**Right to vote, registration of the electorate**

1. Section
§ 21. Right to vote

2. Section: Reasons for withdrawal of the right to vote
§ 22. Due to legal conviction

3. Section: Listing of the electorate
§ 23. Electoral register
§ 24. Place of registration
§ 25. Publishing the electoral register
§ 26. Public listing of households
§ 27. Handing over of copies to the parties
§ 28. Objections
§ 29. Informing the people who are proposed to be deprived of their right to vote
§ 30. Decision concerning the objections
§ 31. Correction of the electoral register
§ 32. Appeals
§ 33. Handling of the objections and appeals as postulated in the Voters’ Index Law from 1973
§ 34. Finalization of the electoral registers
§ 35. Reports on the number of electors
§ 36. Participation in the elections
§ 37. Place of voting

4. Section: postal ballot papers
§ 38. Right to be issued with a postal ballot paper
§ 39. Issuing a postal ballot paper
§ 40. Procedures following the issuing of the postal ballot paper

III. MAIN PART
Eligibility for election, election advertising

1. Section
§ 41. Eligibility for election

2. Section: Election advertising
§ 42. Introduction, initial verification and support of the proposals for the provincial elections
§ 43. Contents of the proposals for the provincial elections
§ 44. Distinctive party names and their abbreviations in the proposals for the provincial elections
§ 45. Proposals for the provincial elections without an authorized recipient
§ 46. Examination of the proposals for the provincial elections
§ 47. Complementary proposals
§ 48. Proposals where candidates are nominated for more than one provincial constituency
§ 49. Completion and publishing of the proposals for the provincial elections
§ 50. Withdrawal of proposals for a provincial election and regional parties lists
§ 51. Refunding of expenses
IV. MAIN PART

Voting procedure

1. Section: **Place and time of voting**
   § 52. The municipality as a place of voting, disposition of the municipal elections authorities, in Vienna, of the Municipal Council
   § 53. Election wards
   § 54. Polling stations
   § 55. Polling stations outside of the ward, polling stations shared between a number of wards
   § 56. Polling stations for voters with postal ballot papers
   § 57. Polling booths
   § 58. Zones with restricted access
   § 59. Hours of voting
   § 60. Voting by voters abroad

2. Section:
   § 61. Witnesses of the vote

3. Section: **Domestic voting procedure**
   § 62. Administration of elections, prescribed responsibilities of the returning officer
   § 63. Beginning of the voting procedure
   § 64. Ballot paper envelopes
   § 65. Entering the polling station
   § 66. Exercising the right to vote in person
   § 67. Establishment of the identity of a voter
   § 68. Casting of a vote
   § 69. Remarks made by the elections authorities on the voting list and on the electoral register
   § 70. Procedure for postal ballot paper voters
   § 71. Voting when the identity of the voter is cast in doubt

4. Section: **Special facilitations for exercising of the right to vote**
   § 72. Exercising the right to vote by patients in sanatoriums and nursing homes
   § 73. Exercising the right to vote by bedridden postal ballot paper voters and those who are otherwise incapacitated
   § 74. Exercising the right to vote by incapacitated voters

5. Section: **Official ballot paper**
   § 75. Official ballot paper of the provincial constituency
   § 76. Empty official ballot paper
   § 77. Common regulations for the official ballot paper

6. Section: **Valid and void official ballot papers**
   § 78. Valid completion
   § 79. Handing in of ballot papers with preferred candidates (preferential ballots)
   § 80. More than one ballot papers in one envelope
§ 81. Void ballot paper

7. Section: Valid and void empty official ballot papers
§ 82. Valid completion
§ 83. Void ballot paper

8. Section: Establishment of the local election result
§ 84. Verification of the ballot papers, counting of the votes
§ 85. Record
§ 86. Adding up of the election results from voting areas outside of Vienna
§ 87. Special measures in extraordinary events
§ 88. Adding up of the local election results by the district election officials
§ 89. Handing in of the postal ballot papers to the municipal elections authorities and in Vienna to the ward elections authorities, to the district elections authorities
§ 90. The establishing of the election results in the respective election district and the handing in of the election files to the provincial elections authorities
§ 91. Determining of the preferential ballots

V. MAIN PART
Preliminary proceedings

1. Section: Provisional elections results
§ 92. Establishing the number of ballot envelopes, handed in by postal ballot paper voters at home, outside of their own regional constituency, reporting to the federal elections authorities
§ 93. Provisional determination in a provincial constituency, report to the federal elections authorities
§ 94. Handling of ballot envelopes from postal ballot paper voters handed in at home. Reporting to the Federal elections authorities
§ 95. Determination of the provisional elections results by the federal elections authorities

2. Section: Resolutions of the provincial elections authorities
§ 96. Voting register with ballot figure

First preliminary proceedings
§ 97. Final results in the regional constituency, assigning the mandates to the parties
§ 98. Assigning the mandates to the regional candidates from the regional party lists in accordance with the preferential ballots, enumeration of the regional candidates who were not elected
§ 99. Record of the preliminary proceedings

Second preliminary proceedings
§ 100. Establishing and announcing the parties which are to take part in the second preliminary proceedings
§ 101. Final results in the provincial constituency, assigning the mandates to the parties
§ 102. Assigning the mandates to the candidates from the provincial party lists in accordance with the preferential ballots, listing of the unsuccessful candidates.
§ 103. Record of the second preliminary proceedings
§ 104. Report to the provincial elections authorities
§ 105. Publication of the election results, transmission of the election files

3. Section: Functions of the federal elections authorities
§ 106. Presentation of the proposals for the federal elections
§ 107. Determining and assigning the mandates
§ 108. Assigning the mandates to the candidates, record, publication
§ 109. Declarations by candidates who were elected twice

4. Section:
§ 110. Objections to numerical calculations

5. Section: Unsuccessful candidates
§ 111. Appeal, refusal, deletion of the candidate from the list
§ 112. Filling of mandates when the list of successful candidates has been exhausted

6. Section
§ 113. Certificates for elected members of parliament

VI. MAIN PART
§ 114. Holding parliamentary elections together with other elections

VII. MAIN PART
Special regulations for the repetition of the election procedures
§ 115. Range of application
§ 116. Announcement of the repeated elections
§ 117. Eligibility to vote and electoral registers; election areas and elections authorities
§ 118. Issuing of postal ballot papers; elections authorities and postal ballot paper voters
§ 119. Voting by voters with postal ballot papers
§ 120. Transferring of the votes cast by postal ballot paper voters
§ 121. Determining the results of the votes cast by voters voting with postal ballot papers

VIII. MAIN PART
Final provisions
§ 122. Written transfers and immediate notifications
§ 123. Deadlines
§ 124. Election expenses
§ 125. Exemption from fees
§ 126. Feminine forms of the designations of an office
§ 127. (Transitional regulations)
§ 128. (First publication of the mandates after coming into force)
§ 129. Coming into force

Attachments
Attachment 1: (Vote districts of the provincial constituencies)
Attachment 2: (Electoral register)
I. MAIN PART

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

1. Section

Membership, elections announcement, membership in the constituencies, elections announcement, election day, qualifying date

§ 1. (1) The federal parliament consists of 183 members, elected according to the provisions made in the present 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 another public holiday by the Federal government in agreement with the main
parliamentary committee. 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, vote 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) 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 election officials.

(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 election district.

Regional constituencies

§ 3. (1) The election districts of the provincial municipalities 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:

<table>
<thead>
<tr>
<th>Number of the Regional constituency/Letter</th>
<th>Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1A</td>
<td>Northern Burgenland</td>
</tr>
<tr>
<td>1B</td>
<td>Southern Burgenland</td>
</tr>
<tr>
<td>2A</td>
<td>Klagenfurt</td>
</tr>
<tr>
<td>2B</td>
<td>Villach</td>
</tr>
<tr>
<td>2C</td>
<td>West Korinthia</td>
</tr>
<tr>
<td>2D</td>
<td>East Korinthia</td>
</tr>
<tr>
<td>3A</td>
<td>Weinviertel</td>
</tr>
<tr>
<td>3B</td>
<td>Waldviertel</td>
</tr>
<tr>
<td>3C</td>
<td>Mostviertel</td>
</tr>
<tr>
<td>3D</td>
<td>Middle Lower Austria</td>
</tr>
<tr>
<td>3E</td>
<td>Southern Lower Austria</td>
</tr>
<tr>
<td>3F</td>
<td>Vienna - surrounding areas</td>
</tr>
<tr>
<td>3G</td>
<td>South-East Lower Austria</td>
</tr>
<tr>
<td>4A</td>
<td>Linz and surrounding areas</td>
</tr>
<tr>
<td>4B</td>
<td>Innviertel</td>
</tr>
</tbody>
</table>
(3) The election districts of the regional constituencies are listed in attachment 1 of this document.

**Number of mandates in the election districts, calculation in accordance with the last census**

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

(2) The number of citizens which, according to the last regular or exceptional census (Census law 1980, FLG. Nr. 199), were permanently residing in the Republic of Austria, added to the number of citizens living outside of the Republic, who, on the day of the census were entered in the electoral register, has to be divided by 183. The result has to be rounded to the third digit after the decimal sign. This gives the proportion figure.

(3) Every provincial constituency receives the number of mandates, which results from the division of the number of citizens (para 2), which, according to the last regular or exceptional census, were permanently residing in the respective provincial constituency added to the number of those living abroad, who, on the day of the census were entered
into the electoral register 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 mandates, the results of the calculations described in para 3 have to be rounded up to the third digit after the decimal sign. The remaining mandates 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 mandate, except when there is only one mandate, 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 mandate, the question of which one does receive it is decided by drawing lots.

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

**Stating the number of mandates**

§ 5. (1) The number of mandates 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 appearance of the final results of the last regular or exceptional census.

(2) The announced distribution of mandates has to be at the basis of all parliamentary elections which take place after the coming into force of the announced mandate distribution and before the publication of the new one, following the next regular or exceptional census.

2. Section

**General remarks on elections authorities**

§ 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 parliamentary elections 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 citizen who is a permanent resident of 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 beard 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 authorities in one of the election wards can be taken over by the municipal elections authorities.

(2) The ward elections authorities consist 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 city with independent status and in the City of Vienna in the location of the respective district office of the Municipal Council, there has to be appointed a district elections authority. The local jurisdiction of the district elections authority in the City of Vienna corresponds to the jurisdiction of the respective district office of the Municipal Council.
(2) The district elections authorities consist 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 Municipal Council 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/her duties, they have to appoint a deputy.

(4) The district elections authorities have their headquarters 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 can not, at the same time, be members of the municipal elections authorities. In the City of Vienna, the members of the district elections authorities can not, at the same time, be members of the provincial elections authorities for the constituency of the City of Vienna.

**Provincial elections authorities**

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

(2) These consist of the leader of the province 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 returning officer should be prevented from carrying out their duties, the leader of the province has to appoint a replacement for them.

**Federal elections authorities**

§ 12. For the whole federal territory there has to be appointed federal elections authorities, based in the office of the federal Ministry of Internal Affairs.

(2) These consist of the Federal Minister of Internal Affairs in the capacity of a chairperson and federal returning officer as well as eleven assistants, of whom two are or have been judges by profession.

(3) The members of the federal elections authorities can not be members of other elections authorities.

(4) In case the Federal Minister of Internal Affairs should be prevented from carrying out their duties they are to appoint a number of representatives as well as to determine the order in which they should be appointed as deputy to his or her office.

(5) The federal elections authorities supervise, 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 authorities have the right to disregard
or modify any decision or decree, especially the illegal ones, made by other elections authorities. Decisions of any elections authorities regarding an objection to or an appeal against the electoral register can not be changed by the federal elections authorities.

(6) The federal elections authorities have 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.

**Bringing in 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 applications for the appointment of the assistant and their substitute, who should not be judges by profession, as set out in § 15, para 3. These applications 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 day set as a deadline, 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 authorities 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 can not be considered. The only exception to this are elections authorities, whose delayed composition is made necessary by changes in the election area, 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 federal government, 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 electors 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 in every newly elected federal elections authority, for the purposes of an election, are to be appointed by the federal government.

(2) The appointment of an assistant and substitute in the remaining elections authorities is the duty of the newly elected elections authorities. 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 persons of confidence of the parties affected by this changes (§ 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 to be professional judges are to be appointed on the basis of the proposals of the parties following the Hondt procedure depending on the results achieved by them in the area of the elections authorities and in the case of ward
elections authorities in the area of the municipality, in the last parliamentary elections.

(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 federal parliament 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 authorities, this right is also granted to parties, not represented in the last elected federal parliament. 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.

Composition 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 deadline.

(2) At this meeting the assistant and their substitute have to make a gentlemen's agreement 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 can constitute a quorum when the chairperson or their deputy and at least half of the 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 day of election 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 can not be assembled since non 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 mandate 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 mandate.

(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 loose their mandates in the province in question as well as in all other elections authorities subordinate to it. Under such circumstances they could also loose their mandates in the federal elections authorities, 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 mandates 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 parliament 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) By changes 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. By changes according to para 4 the prescribed time period must start on the thirtieth day after the day of election.

(6) The elections authorities composed before each new election and changed according
to paras 1 to 5 remain in office until new elections authorities have been composed before the next election.

**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) For the extend of the fees set out in para 1, the regulations of the law on official financial claims from 1975, FLG. Nr. 136, on the fees for members of a jury and lay assessors are 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 day of election 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.

II. MAIN PART

**Right to vote, registration of the electorate**

1. Section

**Right to vote**

§ 21. (1) All men and women who are Austrian citizens are entitled to vote provided they were aged 18 or more on the 1st of January of the year of 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).

2. Section

**Reasons for withdrawal of the right to vote**

**Due to legal conviction**

§ 22. (1) Not entitled to vote are all persons who have been convicted of a crime committed with intend and who are to be imprisoned for a period longer than one year. In this case
the right to vote is returned after six months. The time period in question begins as soon as the sentence has been served and any precautions connected to the imprisonment have been executed or lifted. If the sentence has only been counted as time spend in police custody, the time period begins with the sentence becoming effective.

(2) When, on the basis of other legal regulations no legal consequences are to come into force, when these become invalid or when all such consequences including the withdrawal of the right to vote have been pardoned, the person concerned is not to be deprived of the right to vote. The right to vote is also not withdrawn when a suspended sentence was imposed by the court. When the suspense has been lifted the withdrawal of the right to vote becomes effective on the day the respective decision becomes enforceable.

3. Section
Registration of the electorate
Electoral register

§ 23. (1) The people entitled to vote are to be entered in an electoral register. For the preparation of this register the specimen copy in attachment 2 is to be used.

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

(3) The electoral registers are to be prepared by the municipalities on the basis of the Voters’ Index.

(4) In municipalities not divided into election wards the registers are to be prepared following the alphabetical order of the people entitled to vote. When the municipalities are divided into election wards the lists are to be prepared according to the election 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 register of the place (municipality, election 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 an electoral register.

(3) People 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 register 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 should be entered into more than one electoral register, 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 register of
which the name of this person is to remain are to be informed of the procedure described above.

**Publishing the electoral register**

§ 25. (1) On the twenty first day after the deadline the electoral register 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 register begins on the twenty fourth day after the day set as a deadline. 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 registers has to be locally announced by the mayor before the beginning of the period of public display. This announcement has to include the time period in which the electoral register can be viewed by the public, the hours of the day in which it can be consulted (at least four hours), the place where it is displayed for public view, the office where objections to the electoral register are to be made as well as the regulations set out in para 3 and §§ 28 and 33. The hours of the day set for public viewing of the electoral register have to also include times outside of the normal working hours.

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

(4) From the first day of public display of the electoral register 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 people entitled to vote, as well as the removal of mistakes in the formal presentation of the list, such as spelling mistakes.

**Public listing of households**

§ 26. (1) Before the beginning of the period for public viewing of the electoral register in municipalities with more than 10 000 inhabitants an announcement has to be put up in each house in a place which is accessible to all residents of the house (such as the hallway). This announcement is to include the number of male and female voters, arranged according to the location and number of the flat or according to the family and first names of the residents, as well as the office where objections to the electoral register can be made.

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

**Handing over of copies to the parties**

§ 27. (1) On the first day of publication of the electoral register at the latest, the municipalities have to present to the parties represented in parliament as well as any other party taking part in the elections, on demand, duplicates of the electoral registers. 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 register 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 register can also be presented to the parties on the same conditions.

Objections

§ 28. (1) During the period of public display of the electoral register, 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 register 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 register.

(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 register, all documents necessary for the support of the objection and especially a personal data form (specimen copy in attachment 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 register, 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 destructive reasons is an administrative violation and is punishable by a fine of up to ATS 3,000. 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 register, 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 register. In the City of Vienna, this decision is to be taken by the district elections authorities 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 register

§ 31. When, as a result of the decision taken concerning an objection, the electoral register 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 register 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 authorities within four days of receiving it. In Vienna, this decision is to be made by the provincial elections authorities in the same period of time. § 7 of the 1991 General Administrative Proceedings Act shall be applied. A further appeal can not 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 electoral register 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 registers

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

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

Reports on the number of electors

§ 35. (1) Before issuing the electoral register (§ 25) the district elections authorities have to announce as quickly as possible the number of people 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 authorities (immediate notification).

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

Participation in the elections

§ 36. (1) Only persons entitled to vote whose names feature on the finalized electoral registers 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 issued, three days before the polling day at the latest, with official information on the election, in conformity with local custom, which should include at least the first and family name of the voter, their year of birth and their address, the place of voting (election area), the consecutive number under which they have been entered into the electoral register, the day of election as well as the times when they can cast their vote 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 registers.

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

4. Section
Postal ballot papers
Right to be issued with a postal ballot paper

§ 38. (1) People who, on the day of election, are likely not to be in the place where they
have been entered into the electoral register have the right to be issued with a postal ballot paper.

(2) The right to be issued with a postal ballot paper 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 postal ballot paper 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 day of election that they renounce their right to be visited by a special elections authority as set out in § 73.

Issuing a postal ballot paper

§ 39. (1) The application for the issuing of a postal ballot paper has to be submitted in written or oral form to the municipality in the electoral register of which the voter has been entered, in the time period between the day on which the elections are publicly announced and the third day before the day of election; abroad, this application can also be done through the representative officials of Austria in the respective country. In the case of an oral application the identity of the applicant has to be proved by an official document. The identity of an applicant submitting a written application can also be proved in other ways. 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. People in custody have to also supply an official proof of the location where they are kept in custody.

(2) The postal ballot paper has to be sent as a sealable envelope and should contain the imprints set out in attachment 3. For postal ballot papers issued by an automatic data processor the entry of the name of the mayor is a sufficient replacement for his or her signature; a certificate from their office is not necessary.

(3) When an application for the issuing of a postal ballot paper is accepted, an official ballot paper and a sealable ballot envelope, showing the number of the provincial constituency, have to be send together with the postal ballot paper. These have to be put in the envelope described in para 2. The envelope has to be sent to the applicant who has to store it carefully until the casting of the vote.

(4) The municipality can not issue duplicates for lost or destroyed postal ballot papers or any other ballot paper.

Procedure following the issuing of a postal ballot paper

§ 40. (1) The issuing of a postal ballot paper has to be marked in the electoral register by entering the words "postal ballot paper" in a clear way (for example by the use of a colored
pencil) next to the name of the voter concerned under the heading "Remark".

(2) In the event that a postal ballot paper 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 register, the municipality issuing the postal ballot paper has to inform the municipality in which the voter is staying of the issuing of the postal ballot paper 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 authorities have to immediately report the number of postal ballot papers issued to the provincial elections authorities (immediate notification). The provincial elections authorities have to also immediately, or at the latest on the last day before the day of election, report the number of postal ballot papers issued on their territory to the federal elections authority.

(4) Whether special polling stations should be opened for voters with postal ballot papers 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 postal ballot papers are to be found in §§ 60, 68, 70 and 82.

III. MAIN PART
Eligibility for elections, election advertising

1. Section
Eligibility for election

§ 41. Eligible to be elected are all men and women who on the day sat as a deadline are Austrian citizens, were at least 19 years old on the 1st January of the year of the elections and who have not been deprived of their right to vote.

2. Section
Election advertising Introduction, initial verification and support of the proposals for the provincial election

§ 42. (1) Each campaigning party has to present its election proposal for the first and second preliminary proceedings for the provincial election to the provincial election authority until 5 p.m. on the thirty-seventh day before the day of election at the latest; § 122 is not to be applied. After an immediate examination of the proposal for the provincial election 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 proposal for the provincial election has to also be submitted within the given time period. Only after the improved version of the proposal for the provincial election has been submitted should the provincial returning officer mark the date and time of its submission.
(2) Each proposal for a provincial election has to be signed by at least three members of parliament or it should be supported by the number of people who, until the day set as deadline, have been entered into the electoral register of the respective municipality in the provincial constituency in question as indicated in the following list:
Burgenland and Vorarlberg - 100 people; Korinthia, Salzburg and Tirol 200; Upper Austria and Styria - 400 and in the provincial constituencies of Lower Austria and Vienna form 500 people. The declarations of support have to be attached to the respective proposal for the provincial election. These should be filled in as shown in attachment 4 and individually composed according to para 3.

(3) Each declaration of support should contain the confirmation of the respective municipality that the person named in it featured on the electoral register before the relevant deadline. 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 electoral register, 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 or an identity document issued by the post), when the declaration of support contains the first name and the family 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 proposals for the provincial elections

§ 43. (1) Each proposal for the provincial election 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 include not more than twice as many candidates as there are members of parliament to be elected in the respective provincial constituency; the regional party lists, which should 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 first and family 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 representative acting as an authorized recipient (first and family name, profession, residential address).
(2) A candidate can only be included in an election proposal 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 election proposal on which they feature and should be attached to the respective election proposal.

(3) The provincial election authority has to immediately send duplicates of the proposals for the provincial election submitted to it to the federal elections authorities 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 authorities 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 ATS 6,000 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 election proposals (para 1). If the contribution in question is not paid the election proposal is considered invalid.

Distinctive party names and their abbreviations in the proposals for the provincial elections

§ 44. (1) In case more than one proposal for the provincial elections 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 can not be reached, the provincial elections authorities have to accept any party name which has already featured on an election proposal for a parliamentary 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 proposal for the provincial elections which does not carry an explicit party name should likewise be named after the first candidate entered in it.

(3) When a proposal for the provincial elections 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 election proposal 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 proposal for the provincial elections 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 proposal for the provincial elections the first.
Proposal for the provincial elections without an authorized recipient

§ 45. (1) When a proposal for the provincial elections 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 candidate concerned does not agree to this or when the provincial election authority does not consider them to be in the position to represent the respective party, the declaration has to be signed by at least half of the candidates entered into the election proposal, who, according to the provincial election authority, are still in a position to represent the party at the time of the submission of the declaration. When this number of signatures cannot be collected any one signature of a candidate from the election proposal who can, according to the provincial election authority, represent the party in question suffices.

Examination of the proposals for the provincial election

§ 46. (1) The provincial elections authorities have to immediately verify whether the submitted proposal for the provincial elections has either been signed by at least three members of parliament or has been supported by the number of people 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 proposal for the provincial elections, the provincial elections authorities have to only accept as valid their support of the election proposal which has been submitted the first. The support of the other proposals for the provincial elections is in this case considered invalid.

(2) A withdrawal of individual declarations of support after the proposal for the provincial elections 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 prove to the provincial elections authorities that they have only given their support to the election proposal 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 at least thirty four days before the day of election.

(3) When a proposal for the provincial elections 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 within twenty four days before the day of election. 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 election proposal. The authorized recipient of the party concerned is to be informed of this.
Complementary proposals

§ 47. When a candidate renounces their place in the election proposal, when they die or lose their eligibility to be voted or when they are crossed out of the election proposal 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 have to be submitted to the provincial elections authorities before 5 p.m. on the thirty fourth day before the day of election.

Proposals for the provincial elections where candidates are nominated for more than one provincial constituency

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

(2) When the name of one and the same candidate appears on more than one proposal for the provincial elections 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 authorities. This decision is to be reported to the provincial elections authorities by the federal elections authorities and is to be considered as binding.

Completion and publishing of the proposals for the provincial elections

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

(2) Faults in the election proposals 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 parliament following the number of mandates which they were represented in parliament by in the whole federal territory. When the number of mandates of more than one parties are equal, the order of their publication has to follow the total number of votes which each of those parties received in the last parliamentary elections. When these are also equal, the federal elections authorities have to decide by a lot drawn by their youngest member. The established order is then to be reported by the federal
elections authorities to the provincial elections authorities within thirty days before the day of elections. This order of publication is to be considered as binding by 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 election proposals. 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 parliament 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 locally. It has to show all numbers on the list as well as the contents of the election proposals in full (§ 43, para 1, items 1 to 3).

(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 proposals for a provincial election and regional party lists

§ 50. (1) Each campaigning party can withdraw its proposal for the provincial elections by submitting a written statement. This statement has to be submitted to the provincial elections authorities by 5 p.m. on the thirty fourth day before the day of elections at the latest. It has to be signed by the three members of parliament or half of the people entitled to vote who supported the election proposal at the time of its submission.

(2) A proposal for the provincial elections 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 within thirty four days before the day of elections.

(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 proposal for the provincial elections is not published, the financial contribution (§ 43, para 4) is to be refunded.
IV. MAIN PART

Voting procedure

1. Section

Place and time of voting

The municipality as a place of voting, disposition of the municipal election officials, in the City of Vienna of the Municipal Council

§ 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 election wards according to § 53. The municipal elections authorities and in the City of Vienna the Municipal Council establish the election 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 times of voting. The voting time should not be until later than 6 p.m. The election wards, polling stations, zones with restricted access and the times of voting should be fixed, with the exception of the special election wards on the fifth day before the day of elections at the latest.

(3) The arrangements made are to be published locally as well as on a notice displayed on the respective polling station by the municipality on the fifth day before the day of election at the latest. In these notices the ban on election cam pa igning, 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 election wards the municipal elections authorities and in the City of Vienna the Municipal Council have to decide how many special elections authorities according to § 73 are to be established. This decision is also to be published locally.

(5) In accordance with the technical possibilities it has to be made sure that in each municipality and in every district in the City of Vienna there is at least one polling station which is easily accessible for handicapped people. Suitable assistance 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 authorities are to be immediately reported to the district elections authorities.

Election wards

§ 53. Larger municipalities are to be divided into election ward for the purposes of the elections. These have to be planned in such a way that on the day of elections in each election 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 election ward in order to facilitate the
voters’ access to the polling station.

(3) The setting up of election 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 the carrying out of the voting such as the table for the elections authorities and the one for the election witnesses next to it, the ballot box and the polling booths with the necessary equipment 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.

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

§ 55. Generally, in every municipality divided into election 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 election wards can also be established as long as it can cater for all elections authorities and for the simultaneous realization of a number of election proceedings and has enough waiting rooms for all voters.

Polling stations for postal ballot paper voters

§ 56. (1) In larger municipalities divided into election wards the municipal elections authorities must select at least one polling station in which voters with postal ballot papers 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 postal ballot papers. When there are special polling stations for voters voting with postal ballot papers they can only cast their votes in these specific polling stations. Voters voting without postal ballot papers 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 polling 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 postal ballot paper or not.

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

Polling booths

§ 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 booths can be placed in a polling station as long as this does not hinder the surveillance of the voting procedures. In election wards with more than 500 electors 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 day of elections 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 Municipal Council, 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 day of election, 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 officials by a fine of up to ATS 3,000 and in default of payment by a prison sentence of up to two weeks.

Hours of voting

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

Voting by voters abroad

§ 60. (1) If they are in a possession of a postal ballot paper, voters who are likely to be abroad on the day of election can exercise their right to vote, taking into consideration the
regulations set out in paras 2 to 6, by sending within the relevant time period the postal ballot paper to the provincial elections authorities responsible, whose address is indicated on the postal ballot paper.

(2) In case the voter concerned should want to take advantage of the possibilities set out in para 1, they would need their postal ballot paper to be certified by a person corresponding to an Austrian notary or, according to the laws of the country of stay, of a facility in the country authorized to officially certify documents or by the head of the Austrian representative authorities and, if need be, by a person authorized by them. This certificate has to indicate the identity of the voter as well as the place and time (date and hour) when they have put the sealed ballot envelope in the postal ballot paper. The certificate must have been issued before the closing of the last polling station in Austria.

(3) In the case of voters who are members of an assistance unit sent abroad on request of an international organization, the certificate mentioned above has to be issued by the leader of the unit or by a member of the unit authorized by him/her.

(4) Moreover, the certificate can be issued by any Austrian citizen of full legal age who is in possession of a valid Austrian passport, the date of issue of which has to be recorded on the postal ballot paper, with the cast vote being invalid otherwise.

(5) The right to vote can not be exercised in a way not permitted by the country of stay.

(6) The postal ballot paper, together with the sealed envelope in it, has to reach the competent provincial elections authorities before 12 o'clock on the eight day following the day of election. Any ballot envelopes which reach the provincial elections authorities after the given deadline are not to be taken into account when the election results are determined.

2. Section
Witnesses of the vote

§ 61. (1) Each party, whose proposal for the provincial elections has been published, has the right to send two polling witnesses to every election authority in every polling station. The polling witnesses have to be made known to the district elections authorities in writing by the authorized recipient of the party concerned until the tenth day before the day of election; each witness of the election is given a document for admission in the respective polling station which has to be shown to the elections authorities on entering the polling station.

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

3. Section
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 election wards, of the ward elections authorities.

(2) The returning officer is responsible for the maintenance of law and order during the election proceedings, 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 officials by a fine of up to ATS 3,000 and, in default of payment, by a prison sentence of up to two weeks.

Beginning of the voting proceedings

§ 63. (1) The voting proceedings are 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 register together with the prepared ballot list (specimen copy in attachment 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 polling witnesses. Should these persons be entered into the electoral register 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 postal ballot papers. Otherwise, the regulations concerning voting with postal ballot papers 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 ATS 3,000 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 polling witnesses, the voters who are about to cast their vote and the officials responsible for maintaining law and order are allowed to enter the polling stations. After casting their vote, the voters have to immediately leave the polling station.

(2) If it is necessary for the undisturbed implementation of the election proceedings, 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 case of doubt as to whether a person should be allowed in the polling station to assist a handicapped person, the decision is to be made by the elections authorities. Every ballot paper filled in with the assistance of another person has 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 officials by a fine of up to ATS 3.000 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 documents 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 documents 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 have to be
noted in the record of the election proceedings.

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 register, 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 postal ballot paper, 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 3). 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 postal ballot papers 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 postal ballot paper. 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 postal ballot paper carries the sign of the same regional constituency. When the postal ballot paper voter 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 postal ballot paper in the empty ballot paper, before presenting it to the voter concerned. When a postal ballot paper voter 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, who puts it in the ballot box. Any voter voting with a postal ballot paper who is not entered into the electoral register of a municipality in the regional constituency concerned as being entitled to vote, has to seal his or her envelope before presenting it to the returning officer. The returning officer puts this envelope in a special container. The assistant who crosses the names of the voters in the electoral register (§ 69, para 1) has to be careful that the returning officer does not put an envelope given to them by a voter voting with a postal ballot paper in the general ballot box by mistake.

(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 ballot list.

Remarks in the ballot list and the electoral register by the elections authorities
§ 69. (1) An observer has to enter the name of each voter who has cast his or her vote into the ballot list, together with a consecutive number, to which the consecutive number from the electoral register has to be added. At the same time, their name is to be crossed out of the electoral register by a second observer.

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

Procedure for voters voting with postal ballot papers

§ 70. (1) Voters voting with a postal ballot paper have to present it together with an official document or certificate (§ 67, para 2) indicating their identity as entered in the postal ballot paper. The names of all voters voting with postal ballot papers, as long as they are not the ones described in para 2, have to be entered at the end of the electoral register under the consecutive number as well as in the report on the voting proceedings. The postal ballot paper has to be taken from the voter concerned and marked with the consecutive number from the electoral register. It has to then be attached to the record. When the respective polling station was especially made for voters voting with postal ballot papers, the consecutive number from the ballot list has to be indicated on each postal ballot paper.

(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 register they featured, they have to cast their vote using the ballot paper issued to them together with the postal ballot paper, and in accordance with the remaining regulations set out in this law, after handing their postal ballot paper over to the elections authorities.

Voting when the identity of a voter is cast in doubt

§ 71. (1) The elections authorities can only make decisions concerning the admissibility to the voting proceedings in case of doubt as to the identity of a voter. Any objections on these grounds by members of the elections authorities, by the election witnesses or by any other voter, who is in the respective polling station at the time of the casting of a vote by a particular voter, can only be made as long as the voter whose right to vote has been challenged has not yet 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.

4. Section

Special facilitations 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 Municipal Council, may set up one or more special election wards in the area of these institutions. In these cases the regulations set out in §§ 52 and 54 are to be taken into consideration.
(2) If election 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 postal ballot paper.

(3) In order to collect the votes of bedridden patients in the institutions mentioned above, the responsible district elections authorities 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 postal ballot paper, 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 postal ballot papers

§ 73. (1) In order to facilitate the casting of a vote by voters voting by a postal ballot paper issued to them on demand according to § 38, para 2, the municipal elections authorities and in Vienna the Municipal Council have to set up, by the second day before election day, special elections authorities who can visit these voters during the official hours of voting. The regulations set out in §§ 52 and 54 should 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.

(3) The examination 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 postal ballot papers, 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. In what concerns the record of the voting proceedings of the special elections authorities, § 85, para 2, items a) to h), 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 Municipal Council 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 can not 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 Municipal Council can set up one or more special election 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.

5. Section

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 number from the list of parties, 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 where their first and family names as well as their date of birth is to be entered. The details published according to § 49 and illustrated in the specimen in attachment 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, 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 numbers from the party list 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 elections authorities of the wards in Vienna. In the case of the municipal and ward elections authorities outside of Vienna, this has to be done through the district officials 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 people 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 officials 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 attachment 7. The empty official ballot paper can only be issued on request of the federal elections authorities.

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

(3) The necessary number of empty official ballot papers has to be presented by the federal elections authorities to the municipal and ward elections authorities through the district officials and municipalities and in towns with an own charter through the same authorities. The last sentence of § 75, para 3, is to be applied accordingly.

Common regulations concerning the official ballot paper

§ 77. (1) For the purposes of voting, 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 officials by a fine of up to ATS 3,000 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.

6. Section

Valid and void 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 puts in ink, colored pencil, pencil or any similar writing instrument a cross or any other sign 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 of, 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 ballots

§ 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 family name of the candidate or, in the case of candidates
with the same family name 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 putting in ink, colored
pencil, pencil or any similar writing instrument a cross or any other sign 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 void when more than one
candidates have 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.

**Void ballot papers**

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

1. a ballot paper other than the official one has been used for the voting 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 void 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 void, if their voidness 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 void. Any insertion put into a ballot paper envelope does not impair the validity of the official ballot paper.

7. Section

**Valid and void 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 register of which the voter in question has been entered.

(2) Any voter voting by a postal ballot paper 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 §§ 77 to 80 are to be applied accordingly.

**Void ballot paper**

§ 83. (1) The empty official ballot paper is considered void 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 proposal for the provincial elections has been published in the provincial constituency in the electoral register 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.

8. Section

**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, and the polling witnesses should be present, is to be closed.

(2) Taking into consideration any additional remarks made in the ballot list, 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 authorities have to then count the number of ballot paper envelopes handed in by the voters from other regional constituencies voting with postal ballot papers and put in a separate container and to pack them in an envelope. 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 authorities have to shuffle the ballot paper envelopes contained in the ballot box, empty it and determine:

a) the number of ballot paper envelopes handed in by the voters;
b) the number of voters entered into the ballot list;
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 postal ballot papers 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 void ballot papers being handed in;
b) the number of void ballot papers being handed in;
c) the number of valid papers being handed in;
d) the number of valid votes cast for each party (totals for party votes)

(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 postal ballot papers, are to be written down in the record of the election proceedings (§ 85) and reported as quickly as possible to the municipalities outside of Vienna which are divided into election wards, to the municipal elections officials in the remaining municipalities and to the district elections authorities in Vienna (immediate notification). When there were no votes cast by voters from other regional constituencies this has to be explicitly indicated.

Record of the voting proceedings

§ 85. (1) The elections authorities have to then note down the election proceedings 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, election ward, polling station, regional constituency, provincial constituency) and the day of elections;
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 polling witnesses who are present;
d) the time of opening and closing of poll;
e) the number of official ballot papers being received and the number of those handed out to the voters;
f) the names of the voters having voted with postal ballot papers with an emphasis on those from other regional constituencies;
g) the decisions of the respective elections authorities concerning the admissibility and non-admissibility of voters to the poll (§ 71);
h) other decisions of the elections authorities made during the voting proceedings (for example to adjourn the voting process);
i) the statement of the elections authorities according to § 84, paras 3 and 4, and in the case of void votes, the reason why they are considered void.
(3) The following documents should be attached to the record of the poll:
   a) the electoral register;
   b) the ballot list;
   c) the postal ballot papers of the voters voting with postal ballot papers;
   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 voting proceedings, which have to
      also be enclosed in specially marked envelopes;
   h) the postal ballot papers 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.

(4) The record of the voting proceedings has to then 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) This brings the poll to an end.

(6) The record of the voting proceedings together with its attachments constitute the
    election file of the elections authorities.

    **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 election wards, have to add up the results from the whole territory of the
    respective municipality, given to them by the elections authorities of the ward, according to
    § 84, para 5, and to report the final results to the district elections authorities 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 postal ballot papers 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 proceedings. They have to also calculate the
    results for the whole territory of the municipality and to put them down in their record. The
    regulations set out in § 85, para 2, items a) to e), h) and i) are applicable to this record.
    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 proceedings 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 voting proceedings 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 of the poll has to immediately be announced in conformity with local custom.

(3) If the casting of votes had already started, the postal ballot papers 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 authorities

§ 88. The district elections authorities have 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).

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

§ 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 authorities 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 authorities on the day of elections have to transmit the ballot paper envelopes handed in by voters from other regional constituencies voting with postal ballot papers separately to the district elections authorities, immediately after having counted them according to § 84, para 3. The district elections authorities have to then immediately transmit these to the provincial elections authorities.

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

§ 90. (1) 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 election 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 authorities are to add up the final election results for the whole election district and to put them down in the record of the voting proceedings.

(2) Finally, on the basis of all ballot papers being handed in, the district elections authorities have to determine, for each municipality and in Vienna for each election ward, the number of preferential ballots according to § 91 cast for every candidate on each party list of each of the proposals for the provincial elections published in the provincial constituency. These have to then be entered into the preferential vote record for the whole territory of the election district.

(3) The record of the voting proceedings discussed in para 1 and the preferential vote record discussed in para 2 constitute the election file of the district elections authorities. Attached to it should be the election files of the municipal elections authorities and in Vienna the ward elections authorities. The closed and, if possible, sealed envelope containing these is then to be immediately handed in to the provincial elections authorities responsible.

(4) In towns with an own charter, the ward elections authorities have to submit their reports directly to the district elections authorities. The election files are also to be sent directly to the district elections authorities by the ward elections authorities. The regulations set out in paras 1 to 3 as well as §§ 86 to 89 are to be applied accordingly, with the proviso that the adding up of the local election results and the establishing of the election results from the election district are the duty of the district elections authorities.

Determining the preferential ballots

§ 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 ballot 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 ballots received by a candidate, divided into provincial party list and regional party list, is determined by the district elections authorities for the territory of the election districts and by the provincial elections authorities for the territories of the provincial constituency and of all its regional constituencies.

V. MAIN SECTION
Preliminary proceedings

1. Section
Provisional election results

Establishing the number of ballot paper envelopes handed in by voters voting with postal ballot papers at home outside of their regional constituency
Reporting to the federal elections authorities

§ 92. As soon as all reports according to § 88 have been handed in, each provincial
The election authority has to determine the total number of ballot paper envelopes, handed in by voters voting with postal ballot papers outside of their regional constituency on its territory. This number has to then immediately be reported to the federal elections authorities (immediate notification).

**Provisional determination of results in the provincial constituency, Report to the federal elections authorities**

§ 93. (1) On the basis of the reports formulated by the district elections authorities according to § 88, 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 postal ballot papers, registered as entitled to vote in a municipality of the respective provincial constituency, are not to be taken into consideration.

(2) The provincial elections authorities have to immediately report to the federal elections authorities 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 authorities:
   a) the total number of valid and void votes being cast;
   b) the number of void votes;
   c) the number of valid votes;
   d) the number of valid votes cast for each individual party (totals for party votes).

**Handling of ballot paper envelopes from voters voting with postal ballot papers at home. Report to the federal elections authorities**

§ 94. (1) When all ballot paper envelopes from voters voting with postal ballot papers have been presented to the provincial elections authorities by the district elections authorities according to § 89, para 2, and when, because of the announcement according to § 88, 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 authorities is to be determined. The provincial elections authorities have to then separate the ballot paper envelopes handed in by voters voting with postal ballot papers in the respective provincial constituency.

(2) The provincial elections authorities have to then report the results established according to para 1 as quickly as possible to the federal elections authorities (immediate notification). In case no such statements should be made by any one provincial constituency because of lack of voters voting with postal ballot papers, 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 postal ballot papers from the other eight provincial constituencies and to put down in the record the statements described in para 1 for each provincial constituency separately. These statements are to be signed by the members of the provincial elections authorities, put in a sealed envelope and sent to the competent...
provincial elections authorities by express post as a registered letter, together with the respective ballot paper envelopes. A copy of this record has to be kept by the provincial elections authorities. The second clause of para 2 is to be applied accordingly.

**Determination of the provisional election results by the federal elections authorities**

§ 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 authorities have 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 void votes;
b) the number of void votes;
c) the number of valid votes;
d) the number of valid votes cast for each party (totals for party votes).

(2) Thereafter, the federal elections authorities have to determine the number of mandates 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.

2. Section

**Resolutions of the provincial elections authorities**

**Ballot list with election figure**

§ 96. (1) On the basis of the election files submitted to them according to § 90, para 3, the provincial elections authorities have to check whether there are any mistakes in the calculation of the election results for each voting district made by the district elections authorities. Any possible mistakes are to be corrected. The provisional resolutions of the federal elections authorities for the regional constituencies and the respective provincial constituency according to § 95 are to then be finalized and reported to the federal elections authorities immediately (immediate notification). The ballot paper envelopes put aside according to § 94, para 1, the ballot paper envelopes submitted by the other provincial elections authorities according to § 94, para 3, as well as the ballot paper envelopes submitted by voters abroad voting with postal ballot papers (taking into consideration the regulations for voting abroad set out in § 60) are to be included in this report, whereby the necessary precautions for keeping the secrecy of the vote (for example by shuffling all in a container) are to be taken.

(2) The total number of valid votes cast for all parties in the provincial constituency is then to be divided by the number of mandates 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 preliminary proceedings**

**Final results in the regional constituency, assigning the mandates to the parties**
§ 97. Each party receives as many mandates as the times the election figure is contained in its total of party votes in the regional constituency.

Assigning the mandates 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 mandates 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 2) and the ballot papers from the ballot paper envelopes submitted to them according to §§ 60, para 6, and 94, para 3, as well as the ballot papers from the ballot paper envelopes put aside according to § 94, para 1, the provincial elections authorities 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 proceedings are to be entered into a preferential vote record for each regional constituency.

(3) The mandates 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 mandates 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 mandate, the remarks on the order of the regional candidates made on the respective regional party list are decisive.

(4) The mandates allocated to a party which can not 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 mandate 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 mandate on their list is finished. Paras 3 and 4 are to be applied accordingly. When the list is exhausted because of a candidate being taken out (§ 111, para 4) or because of the death of a candidate, further appointments according to § 102, para 5, are to be made.

Record of the first preliminary proceedings

§ 99. (1) The provincial elections authorities have to enter the results of the first preliminary proceedings 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 authorities 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) all resolutions according to § 96, para 1;
d) the finalized results of the poll in the respective regional constituency in the form shown
in § 93, para 2;
e) 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;
f) 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 ballot records of
the regional constituencies and the proposal for the provincial elections published
according to § 49 are to be attached to this record. It constitutes, together with its
attachments, the election file on the first preliminary proceedings.

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

Second preliminary proceedings

Establishing and announcing the parties which are to take part
in the second preliminary proceedings

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

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

(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 mandates to the parties

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

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

§ 102. (1) The mandates 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 mandate in the first preliminary proceedings 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 2) and the ballot papers from the ballot paper envelopes submitted to them according to §§ 60, para 6, and 94, para 3, as well as the ballot papers from the ballot paper envelopes put aside according to § 94, para 1, the provincial elections authorities determine the total number of preferential votes, falling on 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 ballot record.

(3) The mandates 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 mandates 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 mandate, the remarks on the order of the candidates, made on the respective provincial party list, are decisive.

(4) The mandates allocated to a party which can not 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 mandate 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 mandate on their list is finished. Paras 3 and 4 are to be applied accordingly.

Record of the second preliminary proceedings

§ 103. (1) The provincial elections authorities have to enter the results of the second preliminary proceedings 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 authorities 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) all resolutions according to § 96, para 1;
d) the finalized result of the vote in the respective provincial constituency, in the form shown in § 93, para 2;
e) 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 ballots received by them;
f) the names of the affiliated candidates not elected in the order described in § 102, para 5.

(3) The records of the first preliminary proceedings, as well as the preferential ballot records of the provincial constituencies are to be attached to the record of the provincial elections authorities on the second preliminary proceedings. It constitutes, together with its attachments, the election file on the second preliminary proceedings.

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

Report to the federal elections authorities

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

Publication of the election results, transmission of the election files

§ 105. (1) The provincial elections authorities have 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 mandates which have not been allocated. The announcement has to be put up on the official notice board of the office of the provincial government. It has to show the date when it was put up on the official notice board.

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

3. Section

Functions of the federal elections authorities

Third preliminary proceedings
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 mandates in the third preliminary proceedings, when they have put forward a federal election proposal and are not prevented from receiving mandates according to § 107, para 2.

(2) The federal election proposal has to reach the federal elections authorities not later than on the twentieth day before the day of election; it has to be signed by at least one person who features on one proposal for the provincial elections of one provincial constituency as an authorized recipient of a party with the same name. People who have
been entered as candidates of this party into any proposal for the provincial elections in any provincial constituency can also feature on the proposal for the federal elections.

(3) The proposal for the federal elections must contain the following:

1. the distinctive party name in words and any abbreviation in letters;
2. the federal party list, which is a list of candidates applying for a mandate in the third preliminary proceedings. The federal party list should be made in the order of submission. The entries have to be marked in Arabic digits and should include the first and family names of each candidate, their year of birth, their profession and residential address. In the case of a candidate who already features on a proposal for the provincial elections of the party submitting the proposal for the federal elections in any provincial constituency, it has to be indicated in which party list (provincial party list, federal party list) he or she has been entered as a candidate in a proposal for the provincial elections.
3. The identification of the authorized recipient (first and family name, profession, residential address).

(4) The federal elections authorities have to immediately verify whether the proposal for the federal elections 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.

(5) Not later than on the sixteenth day before the day of elections, the federal elections authority has to finalize the proposals for the federal elections and to publish them in the "Official Journal attached to the Wiener Zeitung".

**Determining and assigning the mandates**

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

(2) Parties which have not received a mandate in any regional constituency and who have received less than 4% of the valid votes cast are not entitled to receive any mandates in the third preliminary proceedings.

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

(4) The totals for party votes 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 mandates to be
allocated, the 182\textsuperscript{nd} biggest number, when there are 182 mandates to be allocated, the 181\textsuperscript{st} biggest of the numbers listed in that way by 181 mandates and so on.

(6) Each party receives as many mandates 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 mandate, 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 mandates discussed in para 7 it receives the mandate. When the same happens for more than one party, the decision as to which one of them is to receive the mandate in question is made by drawing lots.

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

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

\textbf{Allocating the mandates to the candidates, record of these proceedings, announcement of the results}

\textbf{§ 108.} (1) The mandates received in the third preliminary proceedings (§ 107) are to be allocated to the candidates of all parties, according to their place in the proposal for the federal elections. Unsuccessful candidates are be taken into consideration when a mandate from their list in the proposal for the federal elections is finished. The order of their appointment is to be determined according to their place in the proposal for the federal elections.

(2) The federal elections authorities have to formulate their results from the third preliminary proceedings as follows:
\begin{itemize}
  \item a) the number of totals for party votes for each party on the federal territory;
  \item b) the number of mandates allocated to each party;
  \item c) the names of the candidates who have received mandates according to § 107, para 8.
\end{itemize}

(3) The results of the computations of the federal elections authorities are to be entered in a record. This record has to include at least the following information:
\begin{itemize}
  \item a) the names of the members of the federal elections authorities who are present and of those who are absent;
  \item b) the declarations according to para 2.
\end{itemize}

(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 Internal Affairs. It has to also include the date when it was put up on the official notice board.
Declarations of candidates who were elected twice

§ 109. When a candidate is elected on more than one election proposal (proposal for the provincial elections/proposal for the federal elections), he or she has to present a written declaration to the federal elections authorities, 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 authorities. The elections authorities concerned by this decision are to be informed of this decision.

4. Section
Objections to numerical calculations

§ 110. (1) The authorized recipient of a party has the right to object in writing to the federal elections authorities 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 authorities in accordance with § 108, para 4, within three days after the announcement was made.

(2) The objection has to present prima facie evidence as to why and to what extent the results computed by the provincial elections authorities and the federal elections authorities are not in compliance with the provisions of the present 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 authorities have 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 authorities have to immediately correct the result in question, revoke the announcement of the provincial elections authorities and the federal elections authorities and announce the correct result.

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

5. Section
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, a secretary of state or a member of the European Parliament appointed by the federal parliament give up their mandate in parliament, an unsuccessful candidate from
the respective party list has to be appointed to replace them. After withdrawing from this office or from the European Parliament and, in the cases described in para 71 of the Federal Constitutional Law in the edition of 1929, after the lifting of the administrative commission, the mandates 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 mandate. In this way, the election candidate who received the mandate 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 mandate in question, provided that they have expressed to the elections authorities their wish to receive the mandate. 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 mandate.

(2) Unsuccessful candidates featuring on a proposal for the provincial elections are to be appointed to an office by the provincial elections authorities. Unsuccessful candidates featuring on the proposal for the federal elections are to be appointed to an office by the federal elections authorities. 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 proposal for the federal elections, 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 officially announced and in the case of an appointment of a candidate from a proposal for the provincial elections their name is to immediately be reported to the federal elections authorities so that they could issue them with a certificate for elected members of parliament to be announced immediately.

(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) Each election candidate from a proposal for the provincial elections can request from the provincial elections authorities to be deleted from the list and each candidate from the proposal for the federal elections can demand the same from the federal elections authorities. The resulting deletion from the respective list has to be announced by the respective elections authorities.

Filling of mandates when the list of successful candidates has been exhausted

§ 112. (1) When the provincial party list of a proposal for the provincial elections is exhausted because of the death of a candidate or because a candidate was deleted from
the list (§ 111, para 4), the provincial elections authorities responsible for the appointment of another candidate have to urge the authorized recipient of the party which submitted the proposal for the provincial elections 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 authorities to receive the vacant mandates.

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

6. Section

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 parliament.

VI. MAIN SECTION

Holding parliamentary elections together with other elections


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

1. The ballot papers for the other general elections can be put together with the ballot papers for the parliamentary elections when the two together are not more than twice the size of the ballot papers for the parliamentary elections.

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 parliamentary elections as well as with one for the other general elections.

3. When a voter is only entitled to vote in the parliamentary elections, only a ballot paper for the parliamentary elections 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 parliamentary elections 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 parliamentary elections, as well as of those for the other general elections, is to be judged according to the special election regulations.

6. The records, electoral registers, vote registers, election files, ballot papers and other attachments for the parliamentary elections are to remain in the election file of the parliamentary elections.

VII. MAIN SECTION

Special provisions for the repetition of the elections procedures

Range of application

§ 115. (1) In case of a repetition of the parliamentary elections or of a part of them because of a resolution of the Constitutional Court, the regulations set out in the main sections I. to VI. and VIII. of the present 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 standpoint of the Constitutional Court (§ 70, para 4, of the Constitutional Court Law from 1953).

Announcement of the repeated elections

§ 116. (1) When the voting proceedings of parliamentary elections or a part of them have to be repeated the federal elections authorities have to immediately announce the repeated elections by a decree.

(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 parliamentary committee on a Sunday or on another public holiday. A deadline has to only be set when the elections authorities are to be reestablished and the electoral registers reedited or published again because of a change in the election proceedings for the new elections. When this is not the case, the deadline for the elections being changed is to serve as a deadline for the new elections. The decree has to also specify in which constituencies the repeated voting proceedings are to be carried out.

(3) When the voting proceedings are not to be repeated in all constituencies voters voting with postal ballot papers can still cast their votes on the whole federal territory as well as abroad, following the regulations set out in § 60.

People entitled to vote and electoral registers; election 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 reelectons:
1. Only voters who were already entered into the electoral register of the elections which are to be repeated are entitled to vote in the new elections. These electoral registers are to remain unchanged and be the basis of the new elections.

2. In the constituencies, in which the voting proceedings were annulled, the division into election wards, established in the annulled elections, is to remain valid for the reelections.

3. The voting proceedings, as well as the proceedings for determining the election results, are 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 postal ballot papers, elections authorities and voters voting with postal ballot papers

§ 118. (1) Each person entitled to vote in the new elections according to § 117, para 1, is entitled to be issued a postal ballot paper. By the issuing of the postal ballot paper 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 postal ballot paper 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 authorities issuing the postal ballot paper are to be indicated.

(2) Voting by voters in possession of postal ballot papers 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 authorities can also be carried out by the municipal elections authorities.

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

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

Voting by voters voting with postal ballot papers

§ 119. When a voter voting with a postal ballot paper 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 postal ballot paper, as well as with an official ballot paper. The returning officer has to also inform the voter voting with a postal ballot paper of the regulations set out in § 68. For the voting proceedings abroad, the regulations set out in § 60 are to be applied accordingly.

Transferring of the votes cast by voters voting with a postal ballot paper

§ 120. (1) In constituencies where the voting proceedings were not annulled, the ward elections authorities, as well as the municipal elections authorities, have to enter the names of the voters voting with a postal ballot paper in the ballot list and to put down in a record the number of ballot paper envelopes handed in by voters voting with postal ballot papers, 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 postal ballot papers and the ballot list, 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 sealed ballot paper envelopes, together with a letter stating the number of ballot paper envelopes being submitted, are to be sent to the provincial elections authorities, from the area of which the ballot paper envelopes originated, by express post and in a registered letter.

(3) The ward elections authorities in the City of Vienna where the voting proceedings were not annulled are to send, in a sealed envelope, the ballot paper envelopes handed in by voters voting with postal ballot papers to the responsible provincial elections authorities, according to para 2. The submission to the provincial elections authorities in the City of Vienna is to be done through the Municipal Council. The sealed envelopes containing the ballot paper envelopes are to be sent to the remaining provincial elections authorities by express post and in a registered letter.

(4) The present provisions are only applicable, when voters voting with postal ballot papers 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 postal ballot papers in the voting hours, this fact is to be put down in a record of the voting proceedings.

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

(6) The provincial elections authorities, on whose territory the voting proceedings were annulled, have to first 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 authorities, from the area of which the ballot paper envelopes originated.

Determining the results of the votes cast by voters voting with postal ballot papers

§ 121. (1) As long as this 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 postal ballot papers 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 postal ballot papers 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.

VIII. MAIN SECTION
Final provisions

Written transfers and immediate notifications

§ 122. (1) Unless provided otherwise hereunder, petitions in writing may also be made by telegram, telex, 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 law will not be affected by Sundays or other public holidays. The same applies to Saturdays and Good Friday. When the end of time limit falls on a Saturday, Sunday or any other public holiday, the authorities responsible for the election proceedings 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 calculated in the deadline set.

Election expenses

§ 124. (1) As long as no other provisions are made in the present law, the costs incurred by holding the elections are to be covered by the municipalities; however, federal authorities have to fully reimburse the municipalities for the costs for paper and printed
material used in the carrying out of the elections, as well as one third of the remaining costs. In both cases, however, the refunding is only to be done after sufficient proof of the expenses is presented and as long as they are not been covered according to § 12 of the Voters' Index Law from 1973.

(2) Only costs which were inevitable for the holding of the election can be refunded according to para 1. Cost which would also have been incurred by the municipalities anyway even when no elections had taken place are not refundable. The refunding of these costs is not affected by any elections to the provincial and municipal government taking place at the same time.

(3) Municipalities, with the exception of the City of Vienna, are to claim from the leader of the province a refund of the costs for the elections within 60 days after the day of election. A decision concerning this claim is to be made by the leader of the province in agreement with the competent provincial financial authority.

(4) No appeal can be filed against this decision.

(5) Claims for a refund of the costs of the elections made by the City of Vienna are to be submitted directly to the Federal Minister of Internal Affairs, within the time period set in para 3. A decision concerning these claims is to be made by the Federal Minister of Internal Affairs with the agreement of the Federal Minister of Finance.

Exemption from fees

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

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


(3) Any appointments of candidates who were not elected to the last elected parliament before the coming into force of this law is the duty of the elections authorities composed according to the Law on Federal Parliamentary Elections from 1971. Until the composition of the new elections authorities according to the present law, the elections authorities last mentioned have to also carry out the duties of the elections authorities described in the Voters' Index Law from 1973, FLG. Nr. 601/1973 in the version of the laws in FLG. Nr. 427/1985 and 148/1990. The provisions made in the Law on Federal Parliamentary
Elections from 1971 are to be applied to these elections authorities accordingly.

§ 128. Immediately after the coming into force of the present law, the Federal Minister of Internal Affairs has to announce the number of mandates for each constituency according to § 4, based on the results of the last regular or exceptional census. This announcement has to also be made in the Federal Law Gazette. § 5, para 2, is to be applied accordingly.

§ 129. (1) The present law comes into force on 1. May 1993.

(1a) § 24, para 3, of the version of the law in FLG. I Nr. 30/1998 comes into force on 1st January 1998.

(2) Responsible for implementing the present federal law is the Federal Minister of Internal Affairs, with the agreement of the Federal Minister of Justice in the case of the provisions of § 22, with the agreement of the Federal Minister of Foreign Affairs and the Federal Minister of Defense in the case of the provisions of § 60 and with the agreement of the Federal Minister of Finance in the case of the provisions of § 124. The enforcement of § 125 regarding stamp fees falls under the scope of influence of the Federal Minister of Finance.
<table>
<thead>
<tr>
<th>Constituency</th>
<th>Regional constituency</th>
<th>Name</th>
<th>Includes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Burgenland</td>
<td>A</td>
<td>Northern Burgenland</td>
<td>The cities of: Eisenstadt and Rust, the political districts: Eisenstadt surrounding areas, Mattersburg, Neusiedl am See</td>
</tr>
<tr>
<td></td>
<td>1 B</td>
<td>Southern Burgenland</td>
<td>The political districts: Güssing, Jennersdorf, Oberpullendorf, Oberwart</td>
</tr>
<tr>
<td>Korinthia</td>
<td>2 A</td>
<td>Klagenfurt</td>
<td>The city of Klagenfurt, the political district Klagenfurt area</td>
</tr>
<tr>
<td></td>
<td>2 B</td>
<td>Villach</td>
<td>The city of Villach, the political district Villach area</td>
</tr>
<tr>
<td></td>
<td>2 C</td>
<td>West Korinthia</td>
<td>The political districts: Feldkirchen, Hermagor, Spittal an der Drau</td>
</tr>
<tr>
<td></td>
<td>2 D</td>
<td>East Korinthia</td>
<td>The political districts: St. Veit an der Glan, Völkermarkt, Wolfsberg</td>
</tr>
<tr>
<td>Lower Austria</td>
<td>3 A</td>
<td>Weinviertel</td>
<td>The administrative districts: Gänserndorf, Hollabrunn, Korneuburg, Mistelbach</td>
</tr>
<tr>
<td></td>
<td>3 B</td>
<td>Waldviertel</td>
<td>The city of Krems, the administrative districts: Gmünd, Horn, Krems, Waidhofen an der Thaya, Zwettl</td>
</tr>
<tr>
<td></td>
<td>3 C</td>
<td>Mostviertel</td>
<td>The city Waidhofen an der Ybbs, the administrative districts: Amstetten, Melk, Sheibbs</td>
</tr>
<tr>
<td></td>
<td>3 D</td>
<td>Middle Lower Austria</td>
<td>The city of St. Pölten, the administrative districts: Lilienfeld, St. Pölten, Tulln</td>
</tr>
<tr>
<td></td>
<td>3 E</td>
<td>Southern Lower Austria</td>
<td>The city of Wiener Neustadt, the administrative districts: Neunkirchen, Wiener Neustadt</td>
</tr>
<tr>
<td></td>
<td>3 F</td>
<td>Vienna - surrounding areas</td>
<td>The administrative districts: Mödling, Vienna – surrounding areas</td>
</tr>
<tr>
<td></td>
<td>3 G</td>
<td>South - East Lower Austria</td>
<td>The administrative districts: Baden, Bruck an der Leitha</td>
</tr>
<tr>
<td>Higher Austria</td>
<td>4 A</td>
<td>Linz and surrounding areas</td>
<td>The city of Linz, the political district Linz-area</td>
</tr>
<tr>
<td></td>
<td>4 B</td>
<td>Innviertel</td>
<td>The political districts: Braunau am Inn, Ried im Innkreis, Schärding</td>
</tr>
<tr>
<td></td>
<td>4 C</td>
<td>Hausruckviertel</td>
<td>The city of Wels, the political districts: Eferding, Grieskirchen, Vöcklabruck, Wels – area</td>
</tr>
<tr>
<td></td>
<td>4 D</td>
<td>Traunviertel</td>
<td>The city of Steyr, the political districts: Gmunden, Kirchdorf an der Krems, Steyr-area</td>
</tr>
<tr>
<td></td>
<td>4 E</td>
<td>Mühlviertel</td>
<td>The political districts: Freistadt, Perg, Rohrbach, Urfahr - surrounding areas</td>
</tr>
<tr>
<td>Constituency</td>
<td>Regional constituency</td>
<td>Name</td>
<td>Includes</td>
</tr>
<tr>
<td>--------------</td>
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</tr>
<tr>
<td><strong>Salzburg</strong></td>
<td>5 A</td>
<td>City of Salzburg</td>
<td>The city of Salzburg</td>
</tr>
<tr>
<td></td>
<td>5 B</td>
<td>Flachau/Tennengau</td>
<td>The political districts: Hallein, Salzburg – surrounding areas</td>
</tr>
<tr>
<td></td>
<td>5 C</td>
<td>Lungau/Pinzgau/ Pongau</td>
<td>The political districts: St. Johann im Pongau, Tamsweg, Zell am See</td>
</tr>
<tr>
<td><strong>Styria</strong></td>
<td>6 A</td>
<td>Graz</td>
<td>The city of Graz</td>
</tr>
<tr>
<td></td>
<td>6 B</td>
<td>Styria - Middle</td>
<td>The political districts: Graz - surrounding areas, Voitsberg</td>
</tr>
<tr>
<td></td>
<td>6 C</td>
<td>Southern Styria</td>
<td>The political districts: Deutschlandsberg, Leibnitz</td>
</tr>
<tr>
<td></td>
<td>6 D</td>
<td>South - East Styria</td>
<td>The political districts: Feldbach, Fürstenfeld, Radkersburg</td>
</tr>
<tr>
<td></td>
<td>6 E</td>
<td>East Styria</td>
<td>The political districts: Hartberg, Weiz</td>
</tr>
<tr>
<td></td>
<td>6 F</td>
<td>Northern Styria</td>
<td>The political districts: Bruck an der Mur, Mürzzuschlag</td>
</tr>
<tr>
<td></td>
<td>6 G</td>
<td>North - Western Styria</td>
<td>The political districts: Leoben, Liezen</td>
</tr>
<tr>
<td></td>
<td>6 H</td>
<td>Western Styria</td>
<td>The political districts: Judenburg, Knittelfeld, Murau</td>
</tr>
<tr>
<td><strong>Tirol</strong></td>
<td>7 A</td>
<td>Innsbruck</td>
<td>The city of Innsbruck</td>
</tr>
<tr>
<td></td>
<td>7 B</td>
<td>Innsbruck - area</td>
<td>The political districts: Innsbruck-area, Schwaz</td>
</tr>
<tr>
<td></td>
<td>7 C</td>
<td>Unterland</td>
<td>The political districts: Kitzbühel, Kufstein</td>
</tr>
<tr>
<td></td>
<td>7 D</td>
<td>Oberland</td>
<td>The political districts: Imst, Landeck, Reutte</td>
</tr>
<tr>
<td></td>
<td>7 E</td>
<td>East Tirol</td>
<td>The political districts: Lienz</td>
</tr>
<tr>
<td><strong>Vorarlberg</strong></td>
<td>8 A</td>
<td>Northern Vorarlberg</td>
<td>The administrative districts: Bregenz, Dornbirn</td>
</tr>
<tr>
<td></td>
<td>8 B</td>
<td>Southern Vorarlberg</td>
<td>The administrative districts: Bludenz, Feldkirch</td>
</tr>
<tr>
<td><strong>Vienna</strong></td>
<td>9 A</td>
<td>Vienna - Inner city - South</td>
<td>The municipal districts: Landstraße, Wieden, Margareten</td>
</tr>
<tr>
<td></td>
<td>9 B</td>
<td>Vienna - Inner city - West</td>
<td>The municipal districts: Inner city, Mariahilf, Neubau, Josefstadt, Alsergrund</td>
</tr>
<tr>
<td></td>
<td>9 C</td>
<td>Vienna - Inner city - East</td>
<td>The municipal districts: Leopoldstadt, Brigittenau</td>
</tr>
<tr>
<td></td>
<td>9 D</td>
<td>Vienna South</td>
<td>The municipal districts: Favoriten, Simmering, Meidling</td>
</tr>
<tr>
<td></td>
<td>9 E</td>
<td>Vienna South - West</td>
<td>The municipal districts: Hietzing, Penzing, Rudolfsheim-Fünfhaus, Liesing</td>
</tr>
<tr>
<td></td>
<td>9 F</td>
<td>Vienna North - West</td>
<td>The municipal districts: Ottakring, Hernals, Währing, Döbling</td>
</tr>
<tr>
<td></td>
<td>9 G</td>
<td>Vienna - North</td>
<td>The municipal districts: Floridsdorf, Donaustadt</td>
</tr>
</tbody>
</table>
Community: Electoral ward:
Municipality: Municipal district:
District:........................................ Sheet ........................................... Street
Federal Province: .................. Lane
Regional constituency: .................. Place

*The consecutive number from the ballot list is to be entered here!*

<table>
<thead>
<tr>
<th>Consecutive number</th>
<th>House</th>
<th>Door number</th>
<th>First name and family Name (in full)</th>
<th>Year of birth</th>
<th>Vote cast(*)</th>
<th>Re-Mark</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>male Female</td>
<td></td>
</tr>
</tbody>
</table>
After casting a vote abroad and receiving one of the confirmations shown, please send the well closed postal ballot paper (please use glue if adhesive strip on envelope is ineffective) to the provincial elections authorities entered on the reverse side as quickly as possible so that it can reach the authorities not later then at 12 o’clock on the XX.XX.XXXX.

Parliamentary elections XXXX

### Postal Ballot paper

<table>
<thead>
<tr>
<th>District</th>
<th>Election ward</th>
<th>Regional constituency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Municipality</td>
<td>Street/Lane/Place, House number</td>
<td></td>
</tr>
<tr>
<td>Consecutive number</td>
<td>First name, surname</td>
<td>Year of birth</td>
</tr>
</tbody>
</table>

Place, date: Signature of the mayor/On behalf of the mayor

The person named above is entitled to vote outside of the place where they have been entered into the electoral register. Together with the postal ballot card, a certificate or an official document showing the identity of the person designated in the postal ballot card is to be presented. No duplicates for a lost or damaged postal ballot card can be issued.

### Attest of voting abroad

Attest from a witness or from an Austrian representative body/unit

The person named above has placed in my presence

<table>
<thead>
<tr>
<th>On (date)</th>
<th>At (time)</th>
<th>In (place of voting)</th>
<th>In (country)</th>
</tr>
</thead>
</table>

The sealed ballot paper envelope into the postal ballot paper and closed the latter.

<table>
<thead>
<tr>
<th>First and surname of the witness in capital letters</th>
<th>Date of birth</th>
<th>Passport Nr.</th>
<th>Issued by</th>
<th>Date of issue</th>
</tr>
</thead>
</table>

Signature of the witness or signature and stamp of the Austrian representative body/unit

### Attest from a person comparable to an Austrian notary public

Attest Mr./Mrs.

Appeared in my office in (place/Department/State) – on At (a.m. p.m.)

Enclosed the sealed envelope in this voting envelope and sealed it.

Signature and stamp

The voting abroad has to be done before the closing of the last polling station
on election day XX.XX.XXXX

Empfänger/ Destinataire/ Addressee

Provincial elections authorities

For the regional constituency..............................

..............................................................................

(postal code)A- ....................................
Plz.

Österreich – Autriche – Austria

Information for postal ballot paper voters

In the parliamentary elections on XX.XX.XXXX., as an Austrian citizen living abroad or as an elector who is likely to be abroad on the day of election, you are entitled to cast your vote abroad with this postal ballot paper. You can also make use of this postal ballot paper for voting in Austria on the day of election.

Voting in Austria:

Please keep the postal ballot paper in a safe place until the polling day (XX.XX.XXXX) and hand it in, unopened, to the returning officer on the day of election. Please let the municipal authorities of the municipality where you would like to cast your vote using the postal ballot paper inform you of the polling stations which accept postal ballot papers, as well as of the local voting hours.

Voting abroad:

In deviation from the act of voting in Austria, you can cast your vote already immediately upon receipt of the postal ballot paper, i.e. even before the actual day of election, as soon as you have left Austrian territory. This procedure is recommended, in order to make sure that your postal ballot paper reaches the provincial elections authority in good time.

As there are no polling stations abroad, the casting of the vote is your responsibility. You should fill-in the official ballot paper unobserved and uninfluenced, put it in the ballot envelope, seal the envelope and put it in the postal ballot paper. The putting of the sealed ballot envelope in the postal ballot card should be certified in one of the following ways:

- by a person comparable to an Austrian notary public or by an authority in the country of stay entitled by law to certify official documents;
- by an Austrian representative authority abroad;
- by an Austrian person of full legal age who is in possession of a valid Austrian passport, the issuing data of which (number of passport, date of issue and issuing authority) must be entered on the postal ballot paper.

As a member of a unit sent abroad on demand of an international Organisation for providing assistance, you can also cast your vote within your unit.
Voting abroad should not be done later than the closing time of the last polling station in Austria on the day of election. The sealed postal ballot paper, provided with all necessary attests, must reach the competent provincial elections authorities (set up with the respective office of the provincial government or the Municipal Council in the City of Vienna) not later than at 12 o’clock on XX.XX.XXXX. The address is indicated above.

If an Austrian representative body (embassy, consulate) confirms your act of voting, it will pass on this postal ballot paper to the competent provincial elections authorities in good time. If your vote is certified in any other way, it is your responsibility to ensure that your postal ballot paper, together with the sealed ballot envelope enclosed therein, reaches the competent provincial elections authorities in good time. Postal ballot papers arriving with a delay will not be taken into consideration by the counting of the votes.

In the event that you obtain the confirmation for your act of voting from an Austrian representative body, it is advisable to inform yourself of their opening hours in good time. For further information please turn to the following:

- the respective representative authorities;
- the Federal Ministry of Foreign Affairs (address: XXXX, phone no.: XXXX, Telex: XXXX, E-mail: XXXX);
- the Federal Ministry of Internal Affairs (address: XXXX, phone no.: XXXX, Telex: XXXX, E-mail: XXXX).

Please notice: 
Under no circumstances can your municipality replace lost or damaged postal ballot papers!
Federal Province: ......................
District: ................................. Consecutive number: ............
Municipality: ...........................

DECLARATION OF SUPPORT

The undersigned ........................................................., born on ....................
(First and family name)
residing at ...........................................................................................................

herewith supports the proposal for the provincial elections of

.........................................................
(name of the campaigning party )

for the provincial constituency ........................................
(Province)

......................................................... ...
(Signature)

Place for any certifications of the above
signature by the court or by a notary public

Letter of confirmation by the municipal authorities

The municipality ........................................................., district: .............................,
(name of the municipality),
herewith confirms that on ............ ............... the aforementioned person was entered
(qualifying date)
in the electoral register (electoral ward no.: ..... ) as an elector.

The signature on the declaration of support was put by the municipal authorities*/ was
certified by the court*/ was certified by a notary*).

.............................., on .......... 19.... Municipal stamp:
(Signature)

*) Cross out if not applicable!
Attachment 5

Community: ..........................                                              Election ward: ..........................
Municipality: ..........................                                             Municipal district: ..........................
District: ..............................                                             (location of the polling station)
Federal Province: ...............                                             Street
Regional Constituency: ......                                             .................  Lane Nr.: .....  Place

### Ballot list

<table>
<thead>
<tr>
<th>Consecutive number</th>
<th>Name of voter</th>
<th>Consecutive number from the electoral Register</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
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</tbody>
</table>
### Official ballot paper

for the

**Parliamentary elections on** ..........  
**Regional constituency** .................

<table>
<thead>
<tr>
<th>List number</th>
<th>1</th>
<th>2</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Party name</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Party name abbreviation</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Put a cross in the circle for the party voted</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

**Preferential vote-**
**Provincial constituency**
To cast a preferential vote for a candidate from the provincial party list of the voted party put the name of the candidate in the respective column.

<table>
<thead>
<tr>
<th>Preferential vote-<strong>Regional constituency</strong></th>
<th>1</th>
<th>1</th>
<th>1</th>
<th>Family Name and Surname of the Candidate from The regional party list in The order they appear on the Respective proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>±</td>
<td>±</td>
<td>±</td>
<td>Etc.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>2</th>
<th>2</th>
<th>2</th>
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</thead>
<tbody>
<tr>
<td>3</td>
<td>±</td>
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<td>±</td>
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<tr>
<td>4</td>
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<tr>
<td>10</td>
<td>±</td>
<td>±</td>
<td>±</td>
</tr>
<tr>
<td>11</td>
<td>±</td>
<td>±</td>
<td>±</td>
</tr>
</tbody>
</table>
Regional constituency: ..............
To be filled in by the returning officer!

Empty official ballot paper
for the
Parliamentary elections on

<table>
<thead>
<tr>
<th>Party voted for by the voter (abbreviated party name)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of a candidate from the provincial party list</td>
<td></td>
</tr>
<tr>
<td>Name of a candidate from the regional party list</td>
<td></td>
</tr>
</tbody>
</table>