

## Local and Regional Government Elections Act

### Part 1

#### *Franchise and Eligibility*

1. (1)- Franchise for the local council and the regional council is held by every person who, on election day, is above 18 years of age, permanently resident in the municipality or region, respectively, and who also-

(i) is a Danish citizen;

(ii) is a national of another member state of the European Union;

(iii) is a national of Iceland or Norway; or

(iv) has uninterruptedly been permanently resident in the realm for the past three years prior to election day.

(2) Franchise for the local council and the regional council is furthermore held by every person who, on election day, is above 18 years of age, is a citizen of another member state in the European Union and is registered with the Protocol Department of the Ministry of Foreign Affairs.

(3) Any person who has been deprived of his or her legal capacity under a guardianship order, cf. section 6 of the Danish Guardianship Act shall not be entitled to vote.

(4) Persons who according to the rules of the national civil registration system (CRS) fulfil the conditions for registration as residents in the municipality shall be considered to be permanently resident in the municipality or the regional council, respectively, in which the municipality is situated.

**1a.**-(1) Subject to reciprocity the Minister for Economic Affairs and the Interior may enter into an agreement with another country to the effect that persons who are nationals of that other country without simultaneously being a Danish citizen shall be accorded franchise at an earlier date than stated in section 1(1)(iv).

(2) After entering into an agreement under subsection (1), the Minister for Economic Affairs and the Interior shall determine not later than 10 weeks prior to election day the period of time for uninterruptedly being permanently resident in the realm required to apply to nationals of that country living in Denmark as a condition for being accorded such franchise.

**2.**-(1) No one shall exercise the right to vote without being included in the electoral register.

(2) Any person included in the electoral register but no longer permanently resident in the municipality or region, respectively, shall not be entitled to vote.

**3.**-(1) Eligibility for the local council and the regional council is accorded to anyone holding the right to vote in local and regional elections, and who not later than Friday 25 days prior to election day or, if this is not the case, not later than noon Monday 22 days prior to election day fulfils the conditions for eligibility, except for the condition as to age and the condition as to the preceding period of being permanently resident in the realm, cf. however section (4).

**3a.**-(1) Subject to reciprocity the Minister for Economic Affairs and the Interior may enter into an agreement with another country to the effect that persons who are nationals of that other country without simultaneously being a Danish citizen shall be accorded eligibility after uninterruptedly being permanently resident in the realm for a period of less than four years.

(2) After entering into an agreement under subsection (1), the Minister for Economic Affairs and the Interior shall determine not later than 10 weeks prior to election day the period of time

for uninterruptedly being permanently resident in the realm required to apply to nationals of that country living in Denmark as a condition for being accorded such eligibility.

**4.-(1)** Any person who by final judgment or acceptance of a fine has been convicted of an act which in the eyes of the public makes him unworthy of being a member of local or regional councils shall not be eligible, cf. section 101. Measures laid down in sections 68-70 of the Penal Code are equal to penalty.

(2) A criminal offence does not imply any forfeiture of eligibility when on election day three years have elapsed since completion, suspension, remission or abolition of the penalty or measure. Where a penalty is an unconditional prison sentence of more than six months, or a custodial sentence, five years must elapse, however. For conditional sentences and fines the time limit shall be the period calculated from the date on which the final judgment was passed or the fine was accepted.

(3) Nomination for candidacy in an election can nevertheless always take place regardless of objections in respect of non-eligibility on account of penalty.

**5.-(1)** Any person who on election day has completed his or her 60th year or has been a member of a local council or a regional council for two full consecutive election periods or is not a Danish citizen shall be under no obligation to accept nomination, cf. section 29.

**6.-(1)** Members of local councils and regional councils are elected for four years. Their seats do not lapse, however, until a new election has taken place.

(2) Elections for local councils and regional councils shall be held on the third Tuesday in November 2009. Thereafter on the third Tuesday in November 2013 and so on.

(3) The election period runs from January 1st. All members shall resign by December 31st in the year of the new election, cf. however section 97(2).

**6a.-(1)** The number of members of local councils shall be laid down in the by-laws, cf. section 5 of the Local Government Act. The local council must approve any amendments to the by-laws changing the number of members, cf. section 2(2) of the Local Government Act, not later than 1 September in the election year that they may become effective from the subsequent election period.

## Part 2

### *Electoral Registers and Poll Cards*

**7.-(1)** Voters shall be included in the electoral register in the municipality where they have permanent residence. Persons holding a franchise under section 1(2), are entered upon request, cf. however subsection (2), on the electoral register in the municipality in which they have their private address.

(2) Persons holding a franchise under section 1(2) will however be automatically entered on the electoral register if the persons in question

- (i) were entered on the electoral register in Denmark at the most recently held local and regional government elections,
- (ii) since without interruption have been registered with the Protocol Department of the Ministry of Foreign Affairs, and
- (iii) have not requested to be deleted from the electoral register.

**8.-(1)** In election years the local council shall prepare an electoral register of the voters of the municipality. The register shall be prepared for each polling district in the municipality. The electoral register consists of a main register and one for newcomers.

(2) The main register shall include the voters who have settled in the municipality not later than on the Monday 15 days prior to election day and who not later than on this date have notified the municipality where they have taken up their new residence of the change of address.

(3) The list of newcomers shall include voters who have not been entered in the main register and who have settled in the municipality not later than on the Tuesday 7 days prior to election day and who not later than on this date have notified the municipality where they have taken up their new residence of the change of address.

(4) Voters who not later than on the Monday 15 days prior to election day have relocated within the municipality and who not later than on this date have reported their relocation to the municipality shall be included in the main register under their new address. Voters relocating within the municipality later than on the Monday 15 days prior to election day, or who have reported their relocation to the municipality after this date shall remain included in the electoral register under their former address.

(5) The Minister for Economic Affairs and the Interior lays down detailed rules for entry on the register of persons holding a franchise under section 1(2) and on their notification of taking up residence in another municipality and moving abroad.

**9.**-(1) The main registers shall be prepared on the basis of data contained in the national civil registration system (CRS) and data on persons who hold a franchise according to section 1(2).

(2) Registers of newcomers may be prepared from data available in the CRS and data on persons who hold a franchise according to section 1(2).

(3) Electoral registers shall contain the voter's name, birth date, address and serial number and have a space for marking.

(4) The local council may decide that one or more or all polling districts shall use an electronic electoral list.

(5) The Minister for Economic Affairs and the Interior may lay down detailed rules for the preparation of electoral registers and their design.

**10.**-(1) As soon as the electoral register has been prepared, the local council shall issue poll cards for the voters listed in the register. The local council shall nonetheless only issue poll cards upon request to voters who have no permanent place of residence, but who in accordance with the rules of the National Civil Registration Act are registered in the municipality as having vacated their former place of residence.

(2) The poll card must contain information about the voter's name, address, and number in the electoral register and about the location of the polling station and day and time of voting. Poll cards issued to voters listed in the newcomers's register must also contain the information that the poll card supersedes any previously issued poll card.

**11.**-(1) Not later than on the Saturday 10 days prior to election day shall the local council publish in local dailies or papers that poll cards will be sent out to the voters and that complaints about not having received poll cards or having received cards with erroneous content shall be addressed to the local council.

**12.**-(1) The local council shall immediately consider the complaints specified in section 11 and shall, case requiring, correct the errors by writing out new poll cards and by making corrections to the electoral register. Such corrections can be made up to and including election day.

(2) The local council shall furthermore, up to and including election day, correct the electoral register if the local authority receives notification about relocation from the municipality, death cases, initiation or abolition of guardianships involving deprivation of legal capacity, cf. section 6 of the Guardianship Act, or the acquisition or forfeiture of Danish citizenship, respectively. If a voter has relocated to another municipality within one and the same region and if the voter is not admitted to the electoral register of the new municipality, cf. section 8(2) and (3), the electoral register shall carry a remark that the voter is only entitled to vote in the regional election.

*Election Committees, Polling Supervisors and Appointed Electors*

*Election Committees*

- 13.**-(1) Not later than on the Tuesday eight weeks prior to election day shall an election committee be chosen for each municipality and region.
- (2) The election committee discharges the following tasks-
- (i) receives and approves lists of candidates and announcements of coalition lists and election coalitions;
  - (ii) procures ballot papers and notices;
  - (iii) supervises the final count (recount) of the votes cast, cf. however subsection (3); and
  - (iv) supervises the tabulation of the election.
- (3) The local election committee supervises the recount of votes cast in both local and regional elections. The regional election committee may undertake a renewed recount of votes cast in the regional election, either of the entire vote or parts thereof, cf. section 80.

- 14.**-(1) The election committee shall consist of not less than five and not more than seven members. Members of the election committee are elected by the local council or the regional council, respectively, by proportional representation. The group appointing a member shall also appoint a substitute. The mayor or the regional mayor, respectively, is chairman of the election committee. In municipalities governed by a corporation or by a multilevel administrative body, cf. sections 64 and 64a in the Local Government Act, the municipality may adopt by-laws to provide that a member of the corporation or a committee chairman shall be a member and not the mayor. Other members and substitutes are chosen from among the members of the local council or the regional council, respectively.
- (2) A member of the local council or the regional council, including the mayor or the chairman of the regional council, respectively, standing in the election, is eligible for the election committee as a member or substitute.
- (3) The local council or the regional council, respectively, elects from among the members of the election committee a vice-chairman of the election committee. The vice-chairman shall discharge the duties of the chairman in the latter's absence.

- 15.**-(1) The chairman of the election committee prepares, convenes and conducts the meetings of the election committee. Decisions by the election committee are taken by majority vote. In the event of an equality of votes the chairman's vote shall be decisive.
- (2) The chairman of the election committee shall decide in all unambiguous questions.
- (3) The election committee shall keep election records in which all material information about an election and the results thereof are entered. The local election committee shall keep separate election records for the local and regional elections. The Minister for Economic Affairs and the Interior shall lay down the rules governing the content and design of the election records.

*Polling Supervisors*

- 16.**-(1) For each polling district, cf. section 51, the local council shall elect not less than five and not more than nine polling supervisors to conduct the polling and the vote count at the polling station.
- (2) Polling supervisors are elected by proportional representation in one step from among all voters residing in the municipality.
- (3) A voter standing in the election is eligible as a polling supervisor.
- (4) From among the polling supervisors the local council elects a chairman for each polling district. The chairmen are elected by proportional representation.
- (5) The polling supervisors shall keep a poll book in which they enter all material information about the voting in the polling district and the result thereof. Separate poll books are kept for

local and regional elections. The Minister for Economic Affairs and the Interior shall lay down the rules governing the content and design of the poll books.

#### *Appointed Electors*

**17.**-(1) The local council shall elect a number of appointed electors to assist in the election. Appointed electors are elected by proportional representation in one step from among all voters residing in the municipality.

(2) The regional council may elect a number of appointed electors to assist in a renewed recount of votes cast in the regional election. The election follows the rules referred to in subsection (1).

(3) A voter standing in the election is eligible as an appointed elector by the local council or the regional council, respectively.

#### *Common Rules*

**18.**-(1) Any voter is under duty to assume the task of polling supervisor or appointed elector.

(2) The members of the election committee, polling supervisors and appointed electors shall perform the tasks incumbent upon them except when absent. In the absence of a member of the election committee his or her substitute shall join the election committee. In the absence of a polling supervisor the group in the local council responsible for his or her appointment shall appoint a new polling supervisor or a new appointed elector.

(3) Allowances are granted to members of the election committee, polling supervisors and appointed electors for their assistance during the election process. Allowances are paid according to the rules laid down in the Local Government Act. Notwithstanding, the local and regional councils respectively can decide in a meeting that allowances shall not be granted, or that the allowances granted shall be a different amount than what follows from the rules laid down in the Local Government Act. The allowances paid per day can nevertheless not exceed the quintuple of the amount laid down in the Local Government Act for meetings that do not exceed 4 hours.

### Part 4

#### *Lists of Candidates in Elections*

##### *General Provisions*

**19.**-(1) Those nominated for elections are entered in lists of candidates.

(2) A list of candidates for local elections shall be signed by a minimum of 25 voters in the municipality as supporters. In municipalities which in the most recent local election mustered more than 25,000 municipal voters the local council may decide to increase the minimum number of supporters, cf. subsection (4). The minimum number shall not, however, exceed 50. For the City of Copenhagen the minimum number shall not exceed 150. Lists of candidates must be signed by a number of supporters not to exceed the equivalent of twice the minimum number of supporters in the municipality.

(3) A list of candidates for a regional election shall be signed by not less than 50 voters in the region as supporters. The regional council may decide to increase the minimum of supporters, cf. subsection (4). The minimum number shall not, however, exceed 150. Lists of candidates must be signed by a number of supporters not to exceed the equivalent of half the minimum number of supporters in the region.

(4) Any decision to increase the number of supporters or to change a previous decision thereon must be made not later than June 1st in the election year in order to be effective during the immediately ensuing election. The decision shall be published soonest possible in local dailies or papers.

**20.**-(1) A supporter shall fulfil the conditions of franchise for the local council or the regional council, respectively. The franchise conditions, except for the condition regarding age and the condition regarding the duration of being prior permanently resident in the realm, must, however, be fulfilled not later than on the Friday 25 days prior to election day or, if this is not the case, or otherwise at noon on the Monday 22 days prior to election day.

(2) Any person who is a supporter of more than one list of candidates shall be considered a supporter of none of the lists. A candidate shall not be a supporter of a list of candidates on which he himself or she herself appears as a candidate.

**21.**-(1) A list of candidates shall state a maximum of four names in addition to the number of members to be elected in the municipality or region, respectively, cf. however subsection (2).

(2) The total number of candidates on lists of candidates entering into a list coalition, cf. section 37, shall not exceed the number of members to be elected in the municipality or region, respectively, by more than eight.

(3) No one shall be a candidate on more than one list, cf. section 30.

**22.**-(1) Not later than the Tuesday eight weeks prior to election day shall the local council or the regional council, respectively, announce in local dailies and papers

- (i) the number of members to be elected;
- (ii) the number of supporters of a list of candidates;
- (iii) the time limit for submission of lists of candidates; and
- (iv) day and time of the election.

(2) The announcement according to subsection (1) shall furthermore briefly specify which persons have a right to exercise such franchise and to stand as a candidate in the local or the regional elections, respectively, including the conditions for foreign nationals residing in the municipality or region, respectively, to be accorded these rights.

#### *Submission of Lists of Candidates*

**23.**-(1) Not later than noon on the Tuesday four weeks prior to election day shall lists of candidates be submitted to the chairman of the election committee. A list of candidates shall not be submitted before the Tuesday six weeks prior to election day. Lists of candidates shall be submitted on a form approved by the Minister for Economic Affairs and the Interior.

(2) Any person submitting a list of candidates is entitled to a receipt stating the day and the time of handing in the list.

**24.**-(1) The list of candidates must contain information about the full name, CRS number, nationality, occupation and address of individual candidates. Instead of the CRS number, the date of birth must be stated for eligible candidates who hold a franchise according to section 1(2). If a candidate does not want his or her full name to appear on the ballot paper, it must be indicated how the name is desired to appear. A candidate's last name or middle name and at least one first name or initial must always appear. Only middle and last names which a candidate is entitled to use under the Names Act, or middle names recorded in the national civil registration system (CRS), are allowed to appear on the ballot paper. Instead of the first name, a name by which the candidate is known and which is derived from the first name, may be stated.

(2) Candidates shall appear on the list of candidates in the order in which they are desired to appear on the ballot paper. The list of candidates shall contain information as to whether candidates stand in a specific order (party list), cf. section 86, or whether they stand in parallel, cf. section 85.

(3) The list of candidates shall contain information about the list designation of the list of candidates, cf. section 24a. Candidates shall approve list designations by their signatures.

**24a.**-(1) Lists of candidates for a party which on August 1<sup>st</sup> in the election year is entitled to stand in general elections shall as list designation use the name of the party in general elections

or a designation in which this name forms a part. This provision shall apply correspondingly to lists of candidates of the German minority party.

(2) As list designation other lists of candidates shall not use the name of any of the parties specified in subsection (1) or any designation in which this name forms a part, or a designation that may cause confusion of the list of candidates with the lists of candidates for one of these parties.

(3) Single letters (A, B, C, etc.) are not permitted as list designation, nor is any combination of letters which do not form a word (RV, CD, SF, KRF, etc.).

(4) A list designation is not permitted if by final judgment it is established or there are other reasons to assume that somebody else on a basis different than the rules in subsection (2) holds an exclusive right to the list designation. The list designation may however be approved if the holder of the exclusive right has consented to the list designation being used by the list of candidates.

(5) If by final judgment it is established or there are other reasons to assume that somebody else on a basis different than the rules in subsection (2) holds an exclusive right to the list designation for an approved list of candidates, cf. section 27, and if the holder of this exclusive right does not consent to the list designation being used by the list of candidates, the election committee may revoke the approval. The list of candidates shall not be entitled to participate in the election.

**25.-**(1) The list of candidates shall be signed by the required number of voters as supporters, cf. section 19(2) and (3). The supporters shall sign either the list of candidates proper or copies thereof. Copies, if appropriate, shall be attached to the original before the list of candidates is submitted.

(2) The list of candidates shall contain information about the name, CRS number and address of individual supporters. Instead of the CRS number, the date of birth must be stated for supporters who hold a franchise according to section 1(2). Information about the names and addresses of supporters are open to public inspection.

(3) The list of candidates shall contain information as to the supporter or candidate who the election committee may approach concerning the list of candidates (contact person).

**26.-**(1) A submitted list of candidates may be revoked by all supporters jointly if communicated to the chairman of the election committee not later than noon on the Monday 22 days prior to election day. A voter who as supporter has signed a list of candidates shall not be allowed to revoke his or her signature separately once the list has been submitted to the chairman of the election committee.

#### *Election Committee's Approval of Lists of Candidates*

**27.-**(1) After expiry of the time-limit for submission of lists of candidates the election committee shall examine whether the lists of candidates submitted in time are valid, cf. sections 20 and 23 to 25. The election committee shall also examine whether the candidates on individual lists can be approved or whether any candidates should be deleted from the lists of candidates, cf. sections 28 to 31.

(2) If the election committee finds that a list of candidates must be declared invalid on account of material deficiencies or that one or more candidates are to be deleted from a list under the rules laid down in sections 28 to 30, the election committee shall not later than on the Saturday 24 days prior to election day inform the contact accordingly. Not later than noon on the Monday 22 days prior to election day may the deficiencies be remedied or a new list of candidates be submitted. The chairman of the election committee shall then decide on the validity of the list of candidates and on the approval of the candidates. The decision is entered in the election records and a transcript dispatched to the contact.

(3) If on a list of candidate a candidate appears who is not a Danish citizen, the election committee shall inform the candidate in question whether the appropriate list of candidates and the appropriate candidature have been approved.

**28.**-(1) A candidate who does not fulfil the eligibility conditions laid down in section 3 shall be deleted from a list of candidates.

**29.**-(1) A candidate who under section 5 is under no obligation to stand as candidate shall be deleted from a list of candidates provided that he makes a written request to the chairman of the election committee to this effect not later than noon on the Friday 25 days prior to election day.

**30.**-(1) A candidate appearing as candidate on more than one list of candidates shall as soon as possible be asked by the election committee to decide on which list of candidates he desires to appear. Failure on the part of a candidate to provide such information immediately shall prompt the election committee to draw lots among the lists of candidates unless there is sound evidence for the election committee to assume which list the candidate prefers. In such event he shall be approved as candidate for the appropriate list and shall be deleted from all other lists.

**31.**-(1) Where the number of candidates on a list of candidates exceeds the number specified in section 21(1), the election committee shall delete any excess candidates from the list. The candidate whose name appears at the bottom of the list is first deleted, next the second lowest, and so on.

(2) Where the total number of candidates on lists of candidates entering into a list coalition exceeds the number of candidates specified in section 21(2), the number of candidates on individual lists shall be reduced proportionately, cf. subsection (3). Excess candidates shall be deleted as specified in subsection (1).

(3) Where a proportional distribution does not produce integers and therefore, when the fractions are eliminated, does not produce the number of candidates allowed, the largest fractions shall be increased until the number has been reached. Where two or more lists of candidates are equally entitled to a candidacy, the election committee shall arrange to draw lots.

(4) The names of candidates deleted under the provisions of subsections (1) to (3) shall be entered in the election records and a transcript shall be dispatched to the contact.

#### *Letter Designations of Lists of Candidates*

**32.**-(1) The election committee shall assign to approved lists of candidates a letter designation according to the rules in sections 33 to 36. The lists of candidates shall appear on the ballot paper by their letter designation and in alphabetical order according to this designation.

**33.**-(1) Lists of candidates whose list designation is the name of a party which on August 1st in the election year is entitled to nomination in national elections or in whose list designation such name is included, shall be assigned the letter designation of the party in national elections. Similar rules shall apply to lists of candidates whose list designation is the name of the German minority party or list designations in which such name is included.

(2) Letter designations covered by the rules of subsection (1) shall not be assigned to other lists of candidates.

(3) Soonest possible after the date specified in subsection (1) the Minister for Economic Affairs and the Interior shall publish the letters assigned to the parties specified in subsection (1) in the Official Gazette.

**34.**-(1) Lists of candidates not covered by the rules of section 33 shall be assigned one of the letter designations that have not been reserved under the rules of section 33(2). However, the letter X shall not be assigned to any list of candidates.

(2) Where several lists of candidates carry the same list designation, they shall be assigned identical letter designations if they so request. The same shall apply where several lists of candidates have the same list designation, but for a designation indicating a special local or other affiliation.



(3) A written request for assignment of the same letter designation must be submitted to the chairman of the election committee and handed in together with the list of candidates. Such request shall for each list of candidates be signed by all supporters and all candidates appearing on the list of candidates.

**35.**-(1) Where several lists of candidates are to be assigned the same letter designation, a digit shall be added to the letter designation (A.1, A.2, A.3 etc.) in the order in which the lists are handed in.

**36.**-(1) Where a letter designation cannot be assigned to all lists of candidates covered by the rules of section 34, the following shall apply-

(i) a previously submitted list of candidates shall take precedence over one submitted later in regard to allocation of letter designation;

(ii) lists of candidates which have not been assigned any letter designation shall be listed at the bottom of the ballot paper in alphabetical order according to their list designation.

#### *List and Election Coalitions*

**37.**-(1) Lists of candidates which have been assigned the same letter designation may support each other by entering into a list coalition. Such lists of candidates shall enter only one list coalition.

**38.**-(1) Lists of candidates which have not been assigned the same letter designation may support each other by entering into an election coalition. Each list of candidates shall be permitted to enter into one election coalition only.

(2) Lists of candidates having entered into a list coalition are considered as one list of candidates when the provisions of subsection (1) are applied.

**39.**-(1) Lists of candidates having entered into list or election coalitions are considered as one list of candidates in the tabulation of the number of seats won at the election by each list of candidates, cf. section 81(2).

(2) Lists of candidates having entered into list coalitions shall appear in the same field on the ballot paper, cf. section 46(3).

**40.**-(1) A written announcement of list and election coalitions shall be submitted to the chairman of the election committee not later than noon on the Monday 22 days prior to election day. For each list of candidates the announcement must be signed by all supporters having signed the list of candidates and by all candidates on the list of candidates.

(2) Supporters and candidates may on the list of candidates appoint one or more supporters to announce list and election coalitions by written authorisation. Notwithstanding the authorisation has been provided for two or more supporters or candidates, the authorisation shall be considered as being provided for each of the appointed persons severally except where the list of candidates specifies that the authorisation is provided for the appointed persons jointly.

**41.**-(1) A list of candidates may be withdrawn from an announced list coalition or election coalition. A written statement of withdrawal from the announced list or election coalitions shall be submitted to the chairman of the election committee not later than noon on the Monday 22 days prior to election day. The statement shall be signed by the supporters and candidates of the list of candidates, cf. however subsection (2).

(2) Supporters and candidates may on the list of candidates appoint one or more supporters by written authorisation to issue a statement of withdrawal from a list coalition or election coalition already announced. Notwithstanding the authorisation has been provided for two or more supporters or candidates, the authorisation shall be considered as being provided for each of the appointed persons severally unless the list of candidates specifies that the authorisation is provided for the appointed persons jointly.

(3) Withdrawal of a list of candidates from participation in a coalition does not imply that the coalition becomes annulled for other participants in the coalition. The same shall apply in the event of deficiencies in the announcement of a coalition.

**42.-(1)** In the event that a list or election coalition has been announced in contravention of the rules laid down in sections 37 or 38, the following shall apply-

- (i) where several list coalitions have been entered into by lists of candidates which have been assigned identical letter designations none of the list coalitions shall be considered as entered into;
- (ii) where a list of candidates or list coalition has entered into several election coalitions the list of candidates or the list coalition shall be considered a participant of none of the coalitions;
- (iii) where an election coalition includes several lists of candidates which have been assigned identical letter designations none of the lists of candidates shall be considered a participant in the election coalition except where the lists of candidates are also included in one list coalition.

**43.-(1)** The approved lists of candidates, including the names of all candidates, as well as information about announced list and election coalitions are made public by the local council. This shall take place by putting up a public notice at the places in the municipality, where any voter may vote in advance, after expiry of the time-limit for announcement of list and election coalitions. The regional election committee shall inform the relevant local councils about approved lists of candidates and announced coalitions in the regional election.

*Identification of Applicants for Grants under the Grants to Political Parties Act*

**44.-(1)** A list of candidates being submitted to the chairman of the election committee may be accompanied by a report stating the association or voters in a municipality or region, respectively, which shall be entitled on behalf of the list of candidates to apply for and receive grants under the Grants to Political Parties Act. The report which must be in writing must be signed by all supporters having signed the list of candidates.

(2) In the absence of a report according to subsection (1) the rules of the Act referred to shall apply in respect of applicants who are entitled to apply for and receive grants on behalf of a list of candidates.

*Ballot Papers*

**45.-(1)** The ballot paper shall show the letter designation and list designation of all approved lists of candidates for local or regional elections, respectively. The ballot paper shall moreover show the names of all approved candidates on the lists of candidates, cf. however section 48.

**46.-(1)** Lists of candidates shall appear on the ballot paper in separate fields, cf. however subsection (3). The fields are listed in alphabetical order according to letter designation. Lists of candidates which have not been assigned any letter designation, cf. section 36, shall be stated at the bottom of the ballot paper in alphabetical order according to the list designation.

(2) Where several lists of candidates have been assigned the same letter designation the lists shall be shown in numerical order according to the digit following the letter designation.

(3) Lists of candidates who have entered into list coalitions shall appear in one field. Within this field individual lists of candidates shall appear in spaces next to each other under the joint letter and list designations.

**47.-(1)** The names of the candidates shall appear in the field or space of the ballot paper, respectively, of the list of candidates in question. The names of candidates shall appear in the order specified on the list of candidates, either in vertical order or in columns next to each other. Where candidates stand in a specific order (party list) a number shall be placed before the names of candidates reflecting such order.

**48.**-(1) Where the size and legibility of the ballot paper make such action necessary the Minister for Economic Affairs and the Interior may upon application from an election committee approve that the names of candidates do not appear on the ballot paper for local and regional elections, respectively. Where the names of candidates do not appear on the ballot paper, such ballot paper must be designed so as to leave a space open for a voter to enter a candidate's name in the field or space, respectively, of each list of candidates.

(2) An application from an election committee pursuant to subsection (1) shall be dispatched to the Minister for Economic Affairs and the Interior soonest possible after expiry of the time-limit for submission of lists of candidates, cf. section 23.

(3) In connection with granting the approval pursuant to subsection (1) the Minister for Economic Affairs and the Interior shall lay down the specific rules governing the voting on election day, cf. sections 51(3), 54(1) and (2), and 55(4) and the rules governing the counting of the votes cast, cf. section 74, which are to apply as a result of the non-appearance of the names of candidates on the ballot paper.

**49.**-(1) The Minister for Economic Affairs and the Interior shall lay down specific rules governing the content and design of the ballot paper.

**50.**-(1) The regional election committee shall arrange for the delivery of ballot papers and notices for the regional election to the relevant local councils in the requisite number not later than on the Sunday two days prior to election day.

## Part 5

### *Voting on Election Day*

**51.**-(1) Voting takes place within the same polling districts as in general elections. In each polling district voting takes place at one polling station.

(2) The local council shall provide the premises for the voting and the requisite number of voting booths and ballot boxes. The voting booths must be designed to allow the voter to cast his or her vote without being watched by others. Voting booths shall be supplied with the requisite tools for voting. Ballot boxes must be designed so as to prevent removal of ballot papers without opening of the ballot box. Ballot boxes must be lockable or sealable. Each polling station must have separate ballot boxes for local and regional elections.

(3) Notices specifying all approved lists of candidates for the local and regional elections shall be placed in the voting premises, with indication of the letter and list designations of these lists and with the names of candidates appearing in the order shown on the ballot paper. Notices shall also provide information about list and election coalitions.

(4) The local council shall ensure that the requisite preparations for the voting have been made at each polling station and that polling supervisors and appointed electors have been briefed about their duties on election day.

**52.**-(1) Voting begins at 0900 hours and proceeds until 2000 hours and for as long thereafter as voters show up to cast their vote. Voting is over when no voter expresses his or her wish to vote regardless that an invitation to vote is announced.

(2) Before the voting begins appointed electors shall show those present that the ballot boxes are empty. Immediately thereafter the boxes must be locked or sealed.

**53.**-(1) The right to vote is exercised by personal appearance at the polling station. Before voting a voter must turn over his or her poll card to the keeper of the electoral register. Where a voter has omitted to bring his or her poll card a new one shall be written out. The keeper of the electoral register shall demand that the voter states his/her date of birth. Additionally, the voter shall give his or her name and address upon request. In case of doubt about the identity of a voter, the identity must be proven, if necessary through production of documentation thereof.

Then, and after the keeper of the electoral register has ticked off the voter's name in the electoral register, the voter is handed one ballot paper for the local election and one ballot paper for the regional election.

(2) Where a voter wishes to use only one of the ballot papers handed to him the unused ballot paper shall be returned to the appointed elector, who shall register the ballot paper as returned.

**53 a.**-(1) On application a voter may cast his vote on election day at a different polling station in his residential municipality from the one to which the voter is affiliated according to the electoral register, cf. section 8, if a voter's disability or poor health justifies the change in polling station.

(2) An application to cast a vote at a different polling station in the residential municipality must be submitted to the local council of a voter's residential municipality not later than by noon eight days prior to election day. An application must be submitted previous to every local or regional election and may not be submitted until four weeks prior to election day.

(3) The local council shall arrange for a voter whose application has been granted under subsection (1) to be deleted from the electoral register at the polling station to which the voter was initially affiliated and added to the electoral register at the polling station of transfer.

(4) The Minister for Economic Affairs and the Interior shall lay down the rules for the change in polling stations on application for voters with a disability or poor health.

**54.**-(1) Voting takes place in the voting booth which only the voter is allowed to enter. On the ballot paper the voter enters a cross against a list designation or the name of a candidate.

(2) A voter may have his or her ballot paper substituted if it has been incorrectly crossed off or become invalid through negligence. Substitution cannot take place once the ballot paper has been put in the ballot box.

(3) The vote cast, the voter shall fold the ballot paper so that no one can see how he has voted. Next the voter shall put the ballot paper in the designated ballot box under the supervision of an appointed elector.

**55.**-(1) Voters who on account of disability, poor health or similar are unable to walk into a polling station or voting booth or in any other way are unable to vote in the prescribed way, cf. section 54, may request the assistance needed to cast their vote, cf. however subsection (4). This may call for the necessary modifications of the prescribed procedure and may entail access to cast one's vote immediately outside the polling station.

(2) Assistance in voting is rendered by two polling supervisors or appointed electors. Instead of one of the supervisors or appointed electors the voter can demand assistance in voting by a person of his/her own choice.

(3) A candidate standing for election to the local or regional council may not render assistance in voting as polling supervisor or appointed elector.

(4) Assistance to cross off a ballot paper may be rendered only when the voter is able to indicate direct and unambiguously to those rendering assistance the list of candidates or candidate for which he or she wants to vote.

**56.**-(1) The polling supervisors may decide that in addition to the persons in charge of the voting procedure only voters who are about to vote may be allowed inside the polling station. The polling supervisors may also limit the number of persons present in the interest of public order. Polling supervisors shall make sure that voters are not subjected to electioneering or other forms of opinionative influence in the voting premises or elsewhere in the immediate vicinity. Persons present shall in all respects comply with the instructions of the polling supervisors.

**57.**-(1) Persons in charge of the voting procedure may not during the voting advise a voter or suggest a list of candidates or candidate to vote for. They shall not to unauthorised persons state whether a voter has been present to cast his or her vote or provide any other information about the vote-casting of a voter.

(2) No unauthorised person shall be allowed to check systematically that voters show up and cast their vote.

**58.**-(1) Once the voting is over, ballot papers not handed out, returned ballot papers and substituted ballot papers shall be counted and bound in separate packages for the local election and the regional election, respectively. Then votes are counted in conformity with the rules of sections 74 to 76.

## Part 6

### *Advance Voting*

#### *Advance Voting in Denmark*

**59.**-(1) Any voter may vote in advance at any municipality in Denmark.

**60.**-(1) Voters who are hospitalised may cast their votes in advance in the hospital.

(2) Voters who reside or stay in the following types of housing or accommodation facilities may cast their votes in advance in the housing or accommodation facilities, etc.:

- (i.) care homes and sheltered housing operated according to the rules of the Social Services Act;
- (ii.) temporary accommodation facilities provided according to the rules of the Social Services Act for women who have been the victims of violence, threats of violence or similar crisis in connection with family or matrimonial cohabitation relations;
- (iii.) temporary accommodation provided according to the rules of the Social Services Act for stays of a temporary nature or of longer duration for adults who on account of physical or mental impairment or particular social problems have special needs, and temporary accommodation for adults operated according to the pilot provisions of the said act. The local council may decide that advance voting in the temporary accommodation facilities stated shall take place according to the rules of subsection (4) regarding advance voting in the home instead;
- (iv.) places to stay outside their homes where, subject to the said act, the local authority offers individual assistance, care and attendance to persons who on account of temporary or permanent physical or mental impairment have special needs. The local council may decide that no advance voting shall take place in these places outside their own homes;
- (v.) social care dwellings comprised by the Social Housing etc. Act, care dwellings comprised by the Housing for Elderly and Disabled Persons Act, unsubsidised private care dwellings comprised by the Rent Act, and private care dwellings comprised by the Private Care Dwellings Act;
- (vi.) other social housing provided for the elderly comprised by the Social Housing etc. Act, other housing provided for the elderly comprised by the Housing for Elderly and Disabled Persons Act and communal shared housing arrangements, homes and dwellings for senior, sickly and infirm citizens comprised by the regulations laid down pursuant to the Housing Act and the Social Housing etc. Act. The local council may decide that advance voting for these types of housing shall take place according to the rules of subsection (4) regarding advance voting in the home instead.

(3) Voters being detained in an institution under the Prison and Probation Service or in a gaol may cast their advance vote in the institution.

(4) Voters who on account of illness or disability are unable to turn up at a polling station may vote in advance in their homes except where granted the opportunity of casting their vote in one of the institutions, housing or accommodation facilities specified in subsection (2). Requests for advance voting in the home must be submitted not later than on the Thursday at 1800 hours twelve days prior to election day. The local council can nonetheless impose a later deadline by

which requests for advance voting in the home must be submitted. Such request must be submitted to the municipality of residence. Such request must not be submitted earlier than on the Tuesday four weeks prior to election day.

(5) Voters resident in remote islands which do not constitute a separate polling district, may cast their vote in the island in advance.

**61.**-(1) Advance votes under section 60(1)(i) and (3) shall be cast to two vote receivers who are local government or institution officials.

(2) Advance votes under section 60(1)(ii) and (iv) shall be cast to two vote receivers chosen from among the appointed electors, cf. section 17(1). The local council may decide, however, that one of the vote receivers shall be a person appointed from among the local government staff.

(3) In the islands referred to in section 60(5) the local council shall appoint one or more electors to act as receivers of advance votes.

**62.**-(1) In Denmark advance voting can take place from the Tuesday three weeks prior to election day, however, not later than on the Saturday preceding election day. Advance voting may, however, take place at the designated place or places in the municipality where any voter can vote in advance from the third Tuesday in August in the election year.

*Advance Voting in the Faroe Islands, Greenland and Foreign Countries*

**63.**-(1) Voters who are staying in the Faroe Islands or Greenland may vote in advance at the Faroese or Greenland national registration offices or with a vote receiver appointed by the Minister for Economic Affairs and the Interior.

(2) Voters who are staying abroad may cast their vote in advance with a Danish diplomatic or consular representation or with a vote receiver appointed by the Minister for Economic Affairs and the Interior.

(3) Advance voting can take place from the third Tuesday in August in the election year.

(4) The Minister for Economic Affairs and the Interior shall see to it that the Danish representations and other vote receivers abroad are notified of the day of holding local and regional elections.

*Advance Voting On Board Danish Ships in Foreign Trade and Danish Off-shore Installations*

**64.**-(1) Danish sailors and passengers on board Danish ships in foreign trade and persons employed at Danish off-shore installations may vote in advance on board the ship or at the off-shore installation. The ship's master or the person appointed by the ship's master, or the chief of the off-shore installation or the person appointed by the chief, shall act as vote receiver.

(2) Advance voting can take place from the third Tuesday in August in an election year, cf. however subsection (3).

(3) At Danish off-shore installations in Danish territory advance voting can take place from the Tuesday three weeks prior to election day, however, not later than on the Saturday prior to election day.

**65.**-(1) The Minister for Economic Affairs and the Interior shall see to it that ship's masters of Danish ships in foreign trade and chiefs at Danish off-shore installations are notified of the day of holding local and regional elections.

(2) The ship's master of a Danish ship in foreign trade shall see to it that advance voting on board takes place at such time prior to election day that the advance votes will safely reach the local council before the voting procedure starts on election day, except when prevented by compelling and urgent business. Similar rules shall apply to Danish off-shore installations.

*Advance Voting Material*

**66.**-(1) The voting material for advance voting in Denmark comprises a ballot paper for the local election complete with an envelope, a ballot paper for the regional election complete with an envelope and a covering letter and a cover. The Minister for Economic Affairs and the Interior shall determine the details of content and design of the advance voting material.

(2) The Minister for Economic Affairs and the Interior shall procure the advance voting material. The advance voting material must be available at the municipalities not later than on the third Tuesday in May in the election year and with the Danish representations abroad and on board Danish ships in foreign trade and at Danish off-shore installations outside Danish territory not later than on the third Tuesday in August in the election year.

(3) The Minister for Economic Affairs and the Interior may provide that covering letters and covers procured by the local council shall be co-equal with covering letters and covers procured by the Minister for Economic Affairs and the Interior.

#### *Advance Voting Procedure*

**67.**-(1) Voters who wish to cast their vote in advance must duly prove their identity to the vote receiver. The advance voting material will hence be issued, cf. section 66.

(2) The voter indicates on the ballot paper the list or letter designation of a list of candidates standing in the municipality or region, respectively, where the voter is on the electoral register. If the voter wishes to cast his or her vote for a particular candidate standing in the appropriate municipality or region, respectively, the voter shall state the name of the candidate, with the possible addition of the list or letter designation of the list of candidates on which the candidate appears.

(3) The voter fills in the ballot paper without being watched by others and puts it into the envelope. The voter then fills in the covering letter and signs it in the presence of the vote receiver, who confirms the casting of the vote. The voter places the envelope containing the ballot paper and the covering letter in the cover and seals the latter in the presence of the vote receiver. The voter fills out the back of the cover containing the small envelope with the ballot paper and the covering letter with his/her name, date of birth and address in the presence of the vote receiver.

(4) If the voter is unable to fill in the ballot paper or to fill in and sign the covering letter, or if the voter requests other assistance with the advance voting process, the vote receiver(s) shall provide the requisite assistance, cf. however subsection (6). In addition to the vote receiver, or, in case of participation by more than one vote receiver, instead of one of these, the voter can demand assistance in voting by a person of his/her own choice. If such assistance has been rendered, it must appear from the covering letter.

(5) A candidate standing for election to the local or regional council may not render assistance in voting as a vote receiver.

(6) Assistance in filling in the ballot paper may be rendered only where the voter is able to indicate direct and unambiguously to the person providing the assistance for which list of candidates or candidate the voter wants to vote.

(7) The envelope together with the ballot paper and the covering letter shall be sent to the local council of the municipality where the voter is registered on the electoral register.

(8) The vote receiver shall ensure that voters who wish to vote in advance are not subjected to electioneering or other forms of opinionative influence in the immediate proximity of the place where the advance voting is taking place.

**68.**-(1) Vote receivers may not during the advance voting procedure advise a voter or suggest to him which list of candidates or candidate to vote for. They shall not to unauthorised persons state whether a voter has voted in advance or provide any other information about the voting of a voter.

(2) No unauthorised person shall be allowed to check systematically whether voters cast their vote in advance.

**69.**-(1) The Minister for Economic Affairs and the Interior shall lay down detailed rules governing the organisation and undertaking of advance voting and procedures in connection with votes cast in advance.

*Receiving and Checking Advance Votes*

**70.**-(1) The local council shall note the reception time for an advance vote on the cover. The number of advance votes received, the receiving dates, and the number of advance votes which are being forwarded to other municipalities, cf. subsection (2), and the forwarding date shall be entered in a logbook. The local council may decide that the logbook shall be kept electronically. The Minister for Economic Affairs and the Interior shall lay down the rules for the content and design of the logbook.

(2) If, according to the address stated on the cover, the sender is the resident of another municipality, the local council shall forward the advance vote to the latter without delay.

(3) The local council shall collect and count the number of advance votes for each polling district of the municipality, in whose electoral register the senders are listed according to their address on the cover. The local council shall see to it that the advance votes are delivered to the polling supervisors at the polling stations within the appropriate polling districts before voting starts, cf. however subsection (4).

(4) If less than five advance votes have been received within a polling district, the local council can decide that the advance votes be transferred to a polling district which has received a minimum of five advance votes and be handed over to the polling supervisors of that polling district, who shall examine whether the advance votes qualify for consideration, cf. section 71. If a transferred advance vote is to be considered, the polling supervisors shall enter the voter in question in the electoral register, make a note on the electoral register about the cause for inclusion in the electoral register and otherwise follow the procedure specified in section 72(1) regarding advance votes qualifying for consideration. The polling supervisors shall furthermore instruct the polling supervisors of the original polling district that the voter concerned is to be deleted from the electoral register of that polling district before commencement of the vote. The cause for which the voter is deleted from the electoral register shall be stated in the electoral register of the original polling district, while noting in which polling district the voter has been included in the electoral register instead. If a transferred advance vote is not to be considered, the polling supervisors shall follow the procedure specified in section 72(2), and no corrections shall be made to the electoral registers in the two polling districts concerned.

(5) If based on the information about the sender on the cover, it cannot be decided in which polling district the sender is included in the electoral register, the local council shall decide to which polling district the advance vote shall belong with a view to having the polling supervisors check out the advance vote for its claim to being considered, cf. section 71.

**71.**-(1) The polling supervisors shall examine the advance votes, if necessary on the day before election day. The covers shall be opened and the advance votes shall be checked for their claim to being considered. At least two polling supervisors must participate in the examination, including the checking and deciding processes, whether an advance vote qualifies for consideration.

(2) An advance vote shall not be considered if-

- (i) the sender is not on the electoral register or he is no longer permanently resident in the municipality or the region, respectively;
- (ii) the sender died before election day;
- (iii) the cover contains more than one covering letter and one envelope for each respective election;
- (iv) the advance voting material used is not identical with the material procured by the Minister for Economic Affairs and the Interior;
- (v) the prescribed procedure for advance voting has not been complied with; or,
- (vi) the advance vote has not been cast within the closing dates specified in sections 62, 63(3) and 64(2) and (3).



(3) If more than one advance vote for either election has been received and qualifies for consideration from the same voter, only the most recently cast advance vote shall be considered.

72.-(1) Where an advance vote qualifies for consideration a mark is put down against the name of the voter in the electoral register to indicate that the voter has cast an advance vote. If, besides the covering letter, the cover contains only one envelope for either election, an additional mark shall be put down to indicate for which election the voter has cast his or her advance vote. The unopened envelope and the covering letter are replaced under the cover and retained until the voting is over. The covers are then removed from the envelopes and put into one of the ballot boxes designated for ballot papers in the appropriate election. The envelopes shall not be opened until the votes are counted.

(2) Where an advance vote does not qualify for consideration, the cause must be written on the cover and the unopened envelope and the covering letter be replaced under the cover.

(3) Advance votes received by the polling supervisors after the voting starts shall be marked by the time of their reception and shall not be considered.

73.-(1) A voter having cast an advance vote which has already been considered shall be prevented from casting his or her vote at the appropriate election(s) in the polls on election day.

## Part 7

### *Computation of the Poll*

#### *Counting of the Votes Cast at the Polling Station*

74.-(1) When the voting is over, the polling supervisors and the appointed electors, cf. however section 78a, shall count the votes cast at the polling station. The counting is public. Separate counts shall be performed for the local election and the regional election by number of votes cast in the voting for each list of candidates. The number of votes considered as cast for any list coalition shall be counted in respect of each list coalition. These totals shall then be added to the number of votes cast for individual lists of candidates in the list coalition.

(2) A vote is cast for the list of candidates within the field or space of which the voter has put his or her cross on the ballot paper. If the voter has put a cross against the joint list designation of lists of candidates having entered into a list coalition, and a cross in the space of one of the lists of candidates participating in the list coalition, the ballot paper shall be deemed to have been cast for the appropriate list of candidates. If the voter has only put a cross against the joint list designation of the lists of candidates having entered into a list coalition, the vote shall be deemed to have been cast for the list coalition and shall not be referred to any of the lists of candidates participating in the list coalition. Similar rules shall apply if the voter has put a cross in the space available for two or more of the lists of candidates participating in the list coalition.

(3) An advance vote is cast for the list of candidates whose list or letter designation a voter has indicated on the ballot paper. If, in the advance ballot paper, the voter has stated the name of a candidate, the vote shall be deemed to have been cast for the appropriate list of candidates. If, in the advance ballot paper, a voter has indicated the joint list designation for lists of candidates having entered into a list coalition and the name of a candidate appearing on one of the lists of candidates participating in the list coalition, the advance ballot paper shall equally be deemed to have been cast for the appropriate list of candidates. If, in the advance ballot paper, the voter has indicated only the joint list or letter designation of lists of candidates having entered into a list coalition, the vote is deemed to have been cast for the list coalition and shall not be referred to any of the lists of candidates participating in the list coalition. Similar rules shall apply if, in the advance ballot paper, a voter has indicated the list or letter designation of a list of candidates having entered into a list coalition, together with the name of a candidate appearing on one of the other lists of candidates participating in the list coalition.

- 75.**-(1) A ballot paper cast at the polling station shall be invalid if-
- (i) it is blank;
  - (ii) the voter's vote has not been marked with a cross in the ballot paper, cf. the second sentence of section 54(1);
  - (iii) it cannot be definitely decided which list of candidates or which list coalition the voter intended to favour with his or her vote;
  - (iv) the ballot paper is assumed not to have been handed out at the polling station; or,
  - (v) the ballot paper has been given a special mark of identification.
- (2) An advance ballot paper shall be invalid if-
- (i) it is blank;
  - (ii) it cannot be definitely decided which list of candidates or which list coalition the voter intended to favour with his or her vote;
  - (iii) the ballot paper carries only the name of a person who does not appear on any list of candidates in the appropriate local or regional elections, respectively;
  - (iv) an envelope contains something else or more than one ballot paper;
  - (v) the ballot paper is assumed not to have been procured by the Minister for Economic Affairs and the Interior; or,
  - (vi) the ballot paper has been given a special mark of identification.
- (3) The polling supervisors shall record in the appropriate poll book how many ballot papers they considered invalid and the reasons for their judgment.
- (4) The Minister for Economic Affairs and the Interior may lay down detailed rules for assessment of ballot papers, including advance ballot papers.

**76.**-(1) When the counting of votes in local and regional elections, respectively, is over, the results of the counts shall be recorded in the appropriate poll books, which shall be signed by the polling supervisors and the results shall be announced to those present. The chairman of the polling supervisors shall immediately notify the chairman of the local election committee who shall immediately notify the chairman of the regional election committee of the result of the voting in the regional election.

(2) The voting material shall be packaged and handed over to the local council.

### *Recount*

**77.**-(1) Not later than on the day after the voting shall the local election committee in the municipality undertake the final counts of the results of the voting (recounts) both in the local election and the regional election. The recounts are public.

(2) The local council shall see to it that the poll books, ballot papers, advance voting material and the used electoral registers and poll cards are present at the recounts.

**78.**-(1) Recounts are made separately for the local election and the regional election according to the rules of subsections (2) to (6).

(2) For each polling district the election committee shall recount and reassess the used ballot papers according to the rules in sections 74, 75 and 78a. The results of the counts shall be entered in the appropriate election records. Then the number of votes won by each list of candidates shall be counted for the municipality as a whole. The number of votes considered to have been cast for a list coalition shall be counted for the municipality as a whole for each list coalition. The number of these votes shall be added to the number of votes for the individual lists of candidates in the list coalition. The results shall be entered in the election records and announced to those present.

(3) The number of personal votes for each candidate and the number of list votes for each list of candidates for the municipality as a whole shall also be counted.

(4) If a voter has put a cross against the name of a candidate, or against both the name of a candidate and the designation of the list of candidates on which the candidate appears, the ballot paper shall be deemed as cast in favour of such candidate (personal vote). If a voter has put a

cross against both the joint list designation of lists of candidates having entered into a list coalition and against the name of a candidate appearing on one of the lists of candidates participating in the list coalition, the ballot paper shall equally be deemed a personal vote for the appropriate candidate. Similar rules shall apply if, in the advance ballot paper, a voter has indicated the name of a candidate or both the name of a candidate and the list or letter designation of the list of candidates on which the candidate appears. If, in the advance ballot paper, a voter has indicated both the joint list and letter designation of lists of candidates having entered into a list coalition and the name of a candidate appearing on one of the lists of candidates participating in the list coalition, the advance ballot paper shall be deemed a personal vote for the appropriate candidate.

(5) If a voter has put a cross against the designation of a list of candidates or within the field or space, respectively, of the list of candidates in such a way that there is doubt as to which of the candidates on the list of candidates the voter intended to give his or her vote, the ballot paper shall be deemed to have been cast in favour of the list of candidates (list vote). Similar rules shall apply if, in the advance ballot paper, a voter has indicated the list or letter designation of a list of candidates or the names of several candidates appearing on the same list of candidates. If, in the advance ballot paper, a voter has indicated the joint list designation or letter designation of lists of candidates having entered into a list coalition and the names of several candidates appearing on one of the lists of candidates participating in the list coalition, the advance ballot paper shall equally be deemed a list vote for the appropriate list of candidates.

(6) The result of the counting of the votes cast shall be entered in the appropriate election records. The election records for the regional election shall be sent to the chairman of the regional election committee without delay.

#### *Candidates' Participation in the Counting of Votes*

**78a.**-(1) No candidate standing for a list of candidates is allowed to participate in counting the number of votes cast for the list of candidates concerned. No candidate standing for a list of candidates is allowed to participate in the tabulation of votes cast for the list of candidates concerned reflecting the distribution between personal votes for each individual candidate and list coalition votes, cf. section 78(4) and (5).

### Part 8

#### *Tabulation of the Election*

**79.**-(1) The election committee shall tabulate the election not later than on the day after recount, cf. however section 80(4). Tabulation of the regional election shall be based upon the election records for the regional election which the regional election committee has received from the local election committees, cf. however subsection (2).

(2) If the regional election committee has undertaken a renewed recount, cf. section 80, the result of this recount shall constitute the tabulation basis of the regional election.

**80.**-(1) The regional election council may decide to undertake a renewed recount of the ballot papers cast in the regional election. The renewed recount may involve all ballot papers or certain ballot paper groups. Sections 78 and 78a shall equally apply to the renewed recount.

(2) If, prior to election day, the regional election committee has decided to undertake a renewed recount, the appropriate local election committees shall see to it that the ballot papers in the regional election are sent to the regional election committee on the day after the recount at the latest. If, after the election, the regional election committee decides to undertake a renewed recount, the ballot papers in the regional election shall be sent to the regional election committee on the day after the local council has received notice about the decision of the regional election committee at the latest.

(3) Before forwarding to the regional election committee the ballot papers must be bound and packaged as specified in section 88(1)(ii) to (vi).

(4) The regional election committee shall undertake the final tabulation of the election not later than on the day after receiving the ballot papers from the municipalities, cf. subsection (2).

#### *Allocation of Seats by Lists of Candidates*

**81.**-(1) The votes cast for the lists of candidates and list coalitions having entered into an election coalition shall be computed for each election coalition.

(2) The total number of votes cast for each election coalition, the total number of votes cast for each list coalition not having entered into an election coalition, and the votes cast for each list of candidates neither having entered into a list nor an election coalition shall be divided by 1, 2, 3 etc. until such number of divisions equivalent to the maximum number of seats expected to be won by the election coalition, the list coalition or the list of candidates has been undertaken. The election coalition, the list coalition or the list of candidates which has the highest resulting quotient shall be allocated the first seat in the local council or the regional council, respectively. The second highest quotient authorises the second seat and so on and so forth, until all seats in the local council or the regional council, respectively, have been distributed. If quotients are of equal size, lots shall be drawn.

(3) If more seats than the total number of candidates appearing in the lists of candidates and list coalitions in the election coalition, the list coalition or the list of candidates, respectively, are allocated to an election coalition, a list coalition or a list of candidates, the extra seats shall be transferred to the election coalition, list coalition or list of candidates subsequently qualifying for more seats according to the computations of subsection (2).

**82.**-(1) The number of seats allocated to an election coalition shall be distributed among the lists of candidates and list coalitions constituting the election coalition, cf. section 81(1) according to procedures as specified in section 81(2).

(2) If a list of candidates or a list coalition having entered into a election coalition has been allocated more seats than the number of candidates in the list of candidates or the total number of candidates in the list coalition, respectively, the extra seat(s) shall be transferred to the list of candidates or the list coalition in the election coalition subsequently qualifying for more seats according to the computations of subsection (1).

**83.**-(1) The number of seats allocated to a list coalition, cf. section 81(2) and (3) and section 82 shall be distributed among the lists of candidates in the list coalition according to procedures as specified in section 81(2).

(2) If a list of candidates in the list coalition has been allocated more seats than the number of candidates in the list of candidates, the extra seat(s) shall be transferred to the such other list(s) of candidates in the list coalition subsequently qualifying for more seats according to the computations of subsection (1).

#### *Selection of Candidates*

**84.**-(1) The count of the personal votes of each candidate and the number of list votes, cf. section 78(2) to (5) shall establish which candidates on a list of candidates are elected.

**85.**-(1) If the candidates stand in parallel, cf. section 24(2), the seats of the list of candidates shall be allocated to each candidate by order of size of their personal votes. In case of an equality of votes, the election committee shall draw lots.

**86.**-(1) If the candidates stand in a specific order (party list), cf. section 24(2), the candidates who are elected shall be determined as follows-

- (i) the total number of votes of the list of candidates, cf. section 78(2), shall be divided by a figure which is the number of seats allocated to the list of candidates increased by

- one. The resulting figure shall be increased, even if an integer, to the nearest integer. This figure is hence the distribution figure of the list of candidates;
- (ii) candidates having received personal votes equivalent to or higher than the distribution figure are elected;
  - (iii) for candidates having received fewer personal votes than the distribution figure, allocation is by order of their number on the party list and, for as long as the list votes go, a sufficient number of votes to obtain the distribution figure, by adding the totals of the personal votes and the list votes. Candidates who by this method receive votes equivalent to the distribution figure are elected;
  - (iv) if, by this computation, the seats allocated to the list of candidates are not filled, the other candidates are elected by order of size of their votes (personal votes and list votes combined). If two or more candidates have received an equal number of votes, the candidate or candidates first to appear on the party list is/are the one(s) elected.
- (2) Candidates elected according to subsection (1)(ii) and (iii) are elected by order of the party list.

**87.**-(1) The result of the tabulation of the election is entered in the election records.

**88.**-(1) The local election committee shall sign and hand over the election records to the local council immediately upon tabulation of the election. The following items shall be bound in separate packages

- (i) the poll cards;
- (ii) the ballot papers not handed out;
- (iii) the returned ballot papers;
- (iv) the substituted ballot papers;
- (v) the used blanks and other invalid ballot papers
- (vi) the valid ballot papers, with the personal votes for each candidate, the list votes for each list of candidates and the votes for each list coalition to be separately packaged; and
- (vii) the advance voting material.

(2) Each package shall be marked with its contents and be sealed. The packages and the other voting material shall be preserved and destroyed according to the rules of section 106.

(3) The election committee shall send a copy of the election records to the Minister for Economic Affairs and the Interior not later than on the day after tabulation of the election.

**89.**-(1) The regional election committee shall sign and hand over the election records to the regional council immediately upon tabulation of the election.

(2) If the regional election committee has made a renewed recount, cf. section 80, the ballot papers for the regional election shall be bound and packaged as specified in section 88(1) and (2), and be preserved and destroyed by the regional council according to the rules of section 106.

(3) The regional election committee shall send a copy of the election records to the Minister for Economic Affairs and the Interior not later than on the day after tabulation of the election.

**90.**-(1) The election committee shall notify the elected candidates of their election.

**91.**-(1) Non-elected candidates shall be substitutes for elected candidates from the same list. In the cases specified in subsection (3) the non-elected candidates shall also be considered substitutes for the elected candidates of a different list.

(2) A substitute shall join the local council or the regional council, respectively, in such circumstances as specified in sections 92(5), 96 and 104. The substitutes shall enter by order of the size of the number of their votes, cf. sections 85 and 86(1)(iv).

(3) If the appropriate list of candidates does not provide a substitute, the seat shall be transferred to the list of candidates subsequently qualifying for more seats under the rules of sections 81(3), 82(2), or 83(2).

(4) The election committee shall notify the non-elected candidates that they are substitutes, with indication of their rank in the list of substitutes, cf. the second sentence of subsection (2).

## Part 9

### *Release from Election Election Complaints*

**92.**-(1) Any eligible person shall accept his or her election, cf. however subsection (2).

(2) Upon request from the elected candidate, the local council or regional council, respectively, shall grant him release from the election if on account of poor health, performance of other public functions, business or similar, the elected candidate's request for being released from the election is reasonably founded.

(3) A request for release from election shall be submitted in writing to the local council or the regional council, respectively, by the Friday ten days after election day at the latest. The local council or the regional council, respectively, shall consider the request at a meeting to be held as soon as possible after expiry of the time-limit.

(4) Rejection of a request for release from election may be brought before the Minister for Economic Affairs and the Interior by the elected candidate within 14 days of the rejection.

(5) If an elected candidate is released from accepting his or her election, the substitute shall replace the appropriate candidate according to the rules in section 91.

**93.**-(1) Any voter in the municipality or the region, respectively, may complain of the election. Complaints must be submitted in writing to the local council or the regional council, respectively, by the weekday after election day at the latest. Complaints are decided at a meeting to be held as soon as possible after expiry of the time-limit for the filing of complaints.

(2) Issues in relation to whether an elected candidate may have forfeited his or her eligibility on account of punishment, cf. section 4, shall be decided according to the rules in section 101.

**94.**-(1) Decisions made in pursuance of section 93(1) may be brought before the Minister for Economic Affairs and the Interior by any municipal or regional voter, respectively, within 14 days of the person filing the complaint being notified of the decision.

**95.**-(1) If a complaint regarding the election is finally decided to the effect that the election is declared invalid, a second ballot shall be held as soon as possible.

(2) In a second ballot only the persons who were accorded a franchise and included in the electoral register on the ordinary election day may cast their vote. A second ballot shall be held according to similar rules as the election on the ordinary election day.

**96.**-(1) If a complaint of the election is finally decided to the effect that the election of one or more members is declared invalid, the appropriate substitute(s) shall replace them according to the rules of section 91.

## Part 10

### *The Newly Elected Local Council and the Newly Elected Regional Council*

**97.**-(1) When local and regional elections have been held, the newly elected local council or the newly elected regional council, respectively, shall take office on January 1st of the year following the election year, and the previous members shall resign on December 31st in the election year, cf. however subsection (2).

(2) If, prior to December 31st in the election year, a second ballot has been finally decided to take place, cf. section 95(1), the newly elected local council or the regional council, respectively, shall not take office and the previous members shall not resign until a second ballot has been held and a third ballot has been finally ruled out.

**98.**-(1) If, after December 31st in the election year, the Minister for Economic Affairs and the Interior decides that the election shall be declared invalid, the newly elected local council or the newly elected regional council, respectively, shall remain in office until a second ballot has been held and a third ballot has been finally ruled out.

**99.**-(1) In the cases specified in section 98, the newly elected local council or the newly elected regional council, respectively, shall not defray any expenses other than those warranted by the budget which the resigning local council or the resigning regional council, respectively, has adopted, without the consent of the supervising authority, and it shall not enter into any commitments unless authorised by the said budget, cf. however subsection (2).

(2) Measures prescribed by statute or other legally binding precept shall not be comprised by subsection (1).

(3) The provision under subsection (1) shall become effective from the time when the local council or the regional council, respectively, has been notified of the decision of the Minister for Economic Affairs and the Interior.

(4) Subsections (1) and (2) shall apply correspondingly in cases where the previous local council or the previous regional council, respectively, has not resigned on December 31st of the election year pursuant to the provisions of section 97(2).

## Part 11

### *Members' Retirement and Substitutes' Entry during the Election Period*

**100.**-(1) If a member forfeits his or her eligibility, the member must retire from the local council or the regional council, respectively, cf. however section 102.

(2) The issue in relation to a member's forfeiture of eligibility shall be decided by the local council or the regional council, respectively, cf. however section 101.

**101.**-(1) If a member of the newly elected local council or the newly elected regional council, respectively, claims ineligibility in a candidate on account of a punishment, the local council or the regional council, respectively, shall refer the issue to the Eligibility Board, cf. section 105, for a decision on whether the member shall have forfeited his or her eligibility on that ground.

(2) An objection to the eligibility of an elected candidate on account of punishment must be filed within three months of election day.

(3) An objection to the eligibility of a substitute on account of punishment must be filed within two months of the first meeting of the local council or regional council, respectively, for which the substitute is summoned.

(4) If a member is punished, the local council or the regional council, respectively, shall refer this issue to the Eligibility Board for decision on whether the member shall have forfeited his or her eligibility on that ground.

**102.**-(1) A member who retires on account of temporary relocation out of the municipality or the region, respectively, may re-enter the local council or the regional council, respectively, when returning as permanently resident of the municipality or the region, respectively, and provided he does so within six months of relocation.

(2) If a member wishes to re-enter according to the rules of subsection (1), he shall notify the local council or the regional council, respectively, accordingly before his or her temporary relocation.

**103.**-(1) Upon request a member shall be released from his or her membership if on account of poor health, performance of other public functions, business or similar his or her request for being released from membership is reasonably founded.

(2) A decision as to whether to meet such request pursuant to subsection (1) shall be made by the local council or the regional council, respectively.

(3) A rejection of a request to be released pursuant to subsection (1) may be brought before the Minister for Economic Affairs and the Interior by the appropriate member within 14 days of the rejection.

**104.**-(1) If a member retires or dies during the election period, the appropriate substitute shall take over according to the rules of section 91 and replace such member.

**105.**-(1) The Minister for Economic Affairs and the Interior shall set up an Eligibility Board to decide issues regarding forfeiture of eligibility on account of punishment, cf. section 4, with regard to membership of local or regional councils and other public functions conditional upon eligibility for a local or regional council.

(2) The Eligibility Board shall decide cases of removal or suspension of a mayor or similar holder of a municipal office, or a regional council chairman according to the rules of sections 66a to 66c of the Local Government Act, cf., as regards regional council chairmen, also section 38 of the Regional Government Act.

(3) The Eligibility Board comprises a chairman and a vice-chairman assigned by the Minister for Economic Affairs and the Interior and three other members, of which Danish Regions and Local Government Denmark shall each appoint one member and the Minister for Economic Affairs and the Interior shall appoint one member who is an expert in administrative law. Danish Regions and Local Government Denmark shall furthermore appoint a substitute for each of the two members appointed by their associations. The Minister for Economic Affairs and the Interior shall appoint a substitute for the member who is an expert in administrative law.

(4) The decisions of the Board cannot be appealed to any other administrative authority.

## Part 12

### *Other Provisions*

**106.**-(1) The local council shall retain the local election records, poll books, electoral registers, poll cards, ballot papers and other voting material which the local council or the election committee has received in connection with the local election, cf. however the second sentence of subsection (2).

(2) The regional council shall retain the election records for the regional election and any other voting material which the regional council or the election committee has received in connection with the regional election. If the regional election committee has undertaken a renewed recount, the regional council shall keep the ballot papers for the regional election, cf. section 89(2).

(3) The electoral registers, poll cards and ballot papers, including any advance voting material, shall be destructed at the expiry of the time allowed for complaints, cf. section 93, and any complaints regarding the election have been finally decided. Other voting materials shall be preserved as specified in the Act on Public Access to Documents in Public Files.

**107.**-(1) Expenses in connection with local and regional elections shall be defrayed by the municipalities, cf. however subsections (2) to (4).

(2) The counties shall defray the expenses of measures for which the regional council or the regional election committee is responsible under this act. If a regional council second ballot is held, all expenses in connection with the second ballot shall be defrayed by the region, cf. however subsections (3) and (4).

(3) Expenses for the advance voting material shall be defrayed by the Treasury. The municipality shall refund the expenses defrayed by the Treasury for the advance voting material that the municipalities order for the advance voting in the municipalities, cf. section 59 and section 60, subsections (2), (4) and (5).



(4) Stamp expenses for forwarding of advance votes shall be defrayed by the authority, institution, ship or off-shore installation which the vote receiver represents.

**108.**-(1) Unless liable to more serious punishment by other statutes, the person who commits an offence under sections 57, 65(2) or 68 shall be subject to a fine or simple detention not exceeding four months.

(2) Rules issued by statutory order may provide for punishment by a fine in respect of offences against the regulatory provisions.

**108a.**-(1) A request for issuing a certificate of eligibility in respect of a Danish citizen wishing to stand as a candidate in local and regional elections in another member state of the European Union must be submitted to the Minister for Economic Affairs and the Interior.

(2) A certificate eligibility cannot be issued in respect of a Danish citizen having been deprived of his or her legal capacity under a guardianship order, cf. section 6 of the Guardianship Act.

(3) A certificate of eligibility can be issued in respect of a Danish citizen who has not been deprived of his or her legal capacity under a guardianship order, cf. section 6 of the Guardianship Act, with the content that the Minister for Economic Affairs and the Interior has no knowledge that he or she should have been deprived of his or her eligibility for local and regional councils in Denmark. If, in the current election period, the Eligibility Board has decided that the relevant person is not eligible for local or regional councils, cf. section 4, the certificate of non-eligibility shall carry a note to this effect as well as the limitation date for the relevant criminal offence implying a forfeiture of eligibility for local and regional councils, cf. section 4(2).

**109.**-(1) The Minister for Justice may lay down rules preventing electioneering from taking place in or fronting public roads or open spaces in disturbance of the peace. The rules may specify punishment by a fine in respect of a violation of the regulatory provisions.

### Part 13

#### *Commencement and Transitional Provisions*

**110.**-(1) This Act shall take effect as from April 1st 1989.

(2) This Act concurrently repeals the Local Government Elections Act, cf. Consolidated Act No. 139 of March 26th 1985.

(2) (Omitted)

(3) (Omitted)

*Ministry for Economic Affairs and the Interior, 2 April 2014*

By order

HANS B. THOMSEN

/Nicoline Nyholm Miller