

Translation from German

Englisch



**Information of the
Returning Officer for Lower Saxony**

**Essential Features of the Local Government Electoral System of
Lower Saxony**

Essential features of the Local Government Electoral System of Lower Saxony

In Lower Saxony the mandate holders for more than two thousand local government offices (regional assembly, regional administrative authorities, town councils, municipal councils, collective municipal councils, urban district councils and local district councils) are elected every five years. In towns which are not part of a district, only the town council must be elected. In Hanover and Braunschweig the composition of the urban district councils is also decided. At the same time in numerous communities the voters are called upon to elect full-time chief administrative officers, mayors and mayoresses and in the region of Hanover a regional president directly. In the administrative parts of the district, voting is required in not more than five different elections:

- In member local authorities of collective authorities for the local government elections, the collective municipal council elections, and the mayoress/mayor and chief administrative officer of a rural district;
- In the single local authorities for the local government elections, the municipal council elections and mayoress/mayor and chief administrative officer of a rural district and possibly local district council elections.

Who is allowed to vote?

Germans or European Community nationals of another member state are eligible to vote (the so-called active right to vote) if they have attained 16 years of age on polling day and

- have been resident in the respective electoral ward in which they want to vote for at least 3 months (e.g. in the rural district for the election of the regional administrative council),
- are not excluded from the right to vote as a result of a civil or criminal judgement,
- are registered in an electoral register or have a polling card.

The electoral registers are recorded by the local authorities (collective authorities). As a rule persons eligible to vote are recorded automatically in the electoral register. Of course, this only occurs provided they have not forgotten to register in their local authority (in time)!

Who can be elected?

Local government representations

A person can be elected (so-called eligibility for political office) who, on polling day

- has attained 18 years of age
- has his/her residence for at least six months in the electoral ward (e.g. in the local authority for the election of the municipal council) and
- has been a German citizen for at least one year or has been a European Community national of another member state for at least one year and
- is not excluded from eligibility for office as a result of a civil or criminal judgement.

Direct elections

A person is eligible for election as mayoress/mayor or chief administrative officer of a rural district who, on polling day

- has attained 23 years of age but not 65 years of age,
- has held German nationality for at least one year or has been a European Community national of another member state for at least one year,
- is not excluded from eligibility for office as a result of a civil or criminal judgement and provides the guarantee that he/she supports the free democratic basic order in the meaning of the constitution at all times.

Conditions of eligibility for office do not require the candidate to have his/her residence in the ward he/she is standing for.

Who can nominate election proposals?

Election proposals can be submitted by political parties, groups of electors (electoral groups) and by individuals. With regard to the objective of electoral groups, their organisational form, their size etc. no requirements are made by the conditions of electoral law. Even casual associations of groups of electors can therefore act as electoral groups and submit election proposals for local government elections.

How is an election proposal obtained?

Those persons who meet eligibility requirements can

- be nominated as a candidate on the list (= election proposal) of a political party if he/she is a member of the party or does not belong to a political party,
- form an electoral group with other citizens who pursue the same or similar interests and nominate an agreed list with these citizens, or
- stand for election as an individual candidate.

Selection of candidates and their order on the election proposal of a political party or an electoral group organised by membership (= party-like structure with statute and programme) must be carried out by ballot of the respective meeting of members or delegates of the party or electoral group.

Only eligible German nationals and European Community nationals who are members of the party or electoral group organised by membership may take part in the ballot. The ballot is only valid if at least three eligible persons take part.

As a rule three persons entitled to vote are sufficient to establish an electoral group. The nomination of candidates for the election proposal of an electoral group not organised by membership must take place at a meeting of entitled-to-vote supporters of the electoral group. No special formalities need to be observed for this type of meeting to be convened. However, all entitled-to-vote supporters of the electoral group must be given the opportunity to take part in the meeting. It applies here as well that selection of candidates for the election proposal must be by ballot.

A person wishing to be nominated as an individual candidate can put himself forward.

Parties, electoral groups and individual candidates can only submit their election proposals if they are supported by a specific number of persons eligible to vote from the respective electoral ward (explanation in section "How the votes are cast" on this page) by signature on an official form. Only those who are already represented in the representation of the electoral ward (e.g. municipal council) or Federal German parliament or Lower Saxony regional parliament are released from this obligation. The official forms for the signatures of support are issued by the returning officers responsible for the respective electoral ward. Additional information (e.g. on the number of signatures of support to be obtained) can also be obtained from here.

For candidature on an election proposal for the election of a (full-time) mayoress/mayor or chief administrative officer of a rural district the above regulations apply accordingly.

How the votes are cast?

Voters are given one ballot paper for each election they take part in (e.g. one for the election of the regional administrative authority and one for the election of the council of their local authority, possibly also one ballot paper for the election of a chief administrative officer of a rural district or mayoress/mayor).

For the election of representations (e.g. regional administrative authorities, council of the local authority) voting right of three votes applies with the possibility of accumulation and vote splitting. Unlike in German Federal parliamentary elections and state parliamentary elections, voters can mark three crosses on the ballot paper. They can give all three votes to one election proposal in its entirety (total list) or to one single candidate on an election proposal (accumulation). However, the votes can also be allocated to several total lists and/or several candidates of the same election proposal or different election proposals (vote splitting).

The electoral system assumes that all candidates are listed on the ballot paper. Since a single list of candidates would comprise too great a number of candidates for the entire ward (e.g. local authority, rural district) there is division of the ward into roughly similar size electoral districts, each with different lists of candidate.

Insofar as there is election of a mayoress/mayor or a chief administrative officer of a rural district in a ward this is carried out in accordance with the principles of the system of majority vote. For each of these direct elections electors have only one vote they can give a candidate by putting a cross on the ballot paper.

How is the counting carried out?

Local government representations

The mandates for local government representations are issued in accordance with the principles of proportional representation linked with election of candidates.

For the allocation of seats the process of proportional representation designated in accordance with the Englishman, Thomas Hare, and the German Mathematics Professor, Horst Niemeyer, is applied. Here the proportion of votes is assigned proportionally to the proportion of seats. At the same time the total number of the seats to be allocated in the respective representation is multiplied with the number of votes cast for an election proposal

and divided by the total number of all votes cast. This calculation produces proportional numbers. In the first place each election proposal representation is awarded as many seats as there are whole seats in accordance with the proportional number. The seats still to be allocated after this are allotted to the parties or voter groups with the highest number of fractional parts. Within the election proposals of parties and electoral groups, candidates get a look-in partly in accordance with the principles of election of candidates (order according to number of personally obtained votes) partly in accordance with the principle of the vote being cast for the party rather than the specific candidate (order according to nomination on election proposal). There is no minimum share of votes in the local government elections for participation in the distribution procedure ("restrictive clause").

Direct elections

Direct elections of mayoress/mayor, chief administrative officer of a rural district, are carried out in accordance with the principles of majority vote. The candidate who has received more than half the valid votes or as candidate of the only permitted election proposal has been elected by at least 25 per cent of the persons entitled to vote and has received the majority of valid votes cast is elected. If several candidates stand and no-one obtains the required number of votes, on the second Sunday after the election, a final ballot takes place between the two candidates with the highest number of votes; if there are equal numbers of votes, lots are drawn to decide who takes part in the final ballot.

Where does the election take place?

Election wards are formed for the election. Smaller local authorities (no more than 2,500 inhabitants) form an election ward, larger local authorities are subdivided into several election wards. The local authorities decide the number of election wards and polling stations for each election ward.

Those persons who are registered on an electoral register receive automatic notification of an election. The notification states in which polling station the elector can exercise his right to vote. Anyone who is prevented from going to the polling station for an important reason (e.g. holiday, illness) or is not registered in the electoral register without fault on his part can apply for a polling card and makes use of postal vote.

Who is responsible for the election?

Preparation and implementation of local government elections falls first of all under the area of responsibility of the local authorities, the election offices of which have to carry out important organisational tasks. These include for instance

- setting up and managing electoral registers
- informing the people entitled to vote of their right to vote
- issuing polling cards and postal vote documents
- selecting and setting up polling stations
- appointing and training election officers
- obtaining ballot papers

- compiling election results from the different wards
- safe storage of election documents.

However, important measures and decisions must not be taken by the administrative authorities but by independent election organs. These are the returning officers in the rural districts, local authorities and collective authorities, the election committees, which must be formed for each ward (e.g. rural district, local authority) and the election management teams to be appointed for polling day.

The task of the election committees above all is the inspection and approval of the submitted election proposals and establishing the final results of the election.

The election management teams are responsible for the proper running of the election and determining the results of the election in the polling stations of the separate wards.

The members of the election committee and election management teams are appointed from the persons entitled to vote in the respective ward; they are employed on an honorary basis. Each person entitled to vote is obliged to accept such an office. In the whole of Lower Saxony about 75,000 persons employed on an honorary basis are required for the local government elections.