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**Federal Act
on Political Rights****161.1**of 17th December 1976 (Status on 22nd October 2002)*The Federal Assembly of the Swiss Confederation,*on the basis of Articles 44, 66, 72-74, 90 and 122 of the Federal Constitution,
and having considered a Report of the Federal Council dated 9th April 1975,*decrees***Part 1: The Right to Vote and Voting****Arts. 1 and 2** (Repealed in 2002)**Art. 3** Political domicile

¹ Votes shall be cast in the political domicile, namely the commune in which the person eligible to vote is resident and registered to vote. Persons of no-fixed residence shall vote in their commune of origin.

² Whoever deposits an identification document other than the certificate of origin (certificate of residence, provisional certificate, etc.) shall acquire political domicile only in the event that he proves that he is not registered to vote in the place where his certificate of origin is deposited.

Art. 4 Electoral Register

¹ The persons who are eligible to vote at the political domicile must be entered in the electoral register. Registrations and deletions must be carried out officially.

² Prior to an election or vote, entries may be made in the electoral register until the fifth day before the polling day provided the requirements for participation will be fulfilled on the polling day.

³ The electoral register shall be available for inspection to those who are eligible to vote.

Art. 5 Principles of Voting

¹ The official ballot papers must be used for voting. Cantonal vote recording vouchers for electronic data processing shall be regarded as equivalent to official ballot papers.

² Ballot papers that are not pre-printed must be completed by hand. Pre-printed ballot papers may be altered only by hand.

³ Persons who are eligible to vote may vote in person or by post. Voting in electronic voting pilot schemes shall be governed by Article 8a.

⁴ and ⁵ ...

⁶ Voting by proxy shall be permitted to the extent that cantonal law provides therefor for cantonal votes and elections.

⁷ Voting secrecy must be preserved.

Art. 6 Voting by Persons with Disabilities

The cantons shall ensure that anyone who, due to a disability or any other reason, is permanently incapable of carrying out the procedures required for voting is able to vote.

Art. 7 Advance Voting

¹ The cantons shall permit advance voting on a minimum of two of the four days immediately prior to the polling day.

² With regard to advance voting, cantonal law must provide for all or certain polling stations to be open for a specific time or that persons eligible to vote may hand over their ballot paper in a sealed envelope at a public office.

³ In the event that the cantons provide for an extended form of advance voting, this shall also apply to federal votes and elections.

⁴ The cantons shall enact the required provisions relating to the counting of all the votes cast, the preservation of voting secrecy and the prevention of abuses.

Art. 8 Postal Voting

¹ The cantons shall provide a simple procedure for postal voting. They shall in particular enact provisions to guarantee the verification of eligibility to vote, voting secrecy and the counting of all the votes cast, and to prevent abuses.

² Postal voting shall be permitted from the time of receipt of the documents required to cast a valid vote in accordance with cantonal law.

Art. 8a Electronic Voting

¹ The Federal Council may in consultation with interested cantons and communes permit electronic voting pilot schemes that are limited in their geographical scope, in the dates on which they are held, and in the subject matter to which they relate.

² The verification of eligibility to vote, voting secrecy and the counting of all the votes cast must be guaranteed and abuses prevented.

³ The electronic voting pilot schemes shall be scientifically evaluated and data on the sex, age and level of education of the voters shall in particular be recorded.

⁴ The Federal Council shall regulate the details of such schemes.

Art. 9 Persons performing Military Service, Civil Protection Duty and Civilian Service

Persons performing military service and persons on civil protection duty and civilian service may also vote by post in cantonal and communal elections and votes.

Part 2: Votes

Art. 10 Organisation

¹ The Federal Council shall determine the rules by which polling days are to be appointed. In doing so, it shall take account of the requirements of those eligible to vote, parliament, the cantons, the parties, and the agencies responsible for effecting service of voting documents, and shall avoid any collisions of dates that may result from differences between the calendar year and the church year.

^{1b} The Federal Council shall determine, four months prior to the polling day at the latest, which proposals are to be submitted to the vote of the People. This period of four months may be reduced in the case of federal acts that have been declared to be urgent.

² Each canton shall be responsible for the conduct of the vote within its own territory and shall enact the required regulations.

Art. 11 Proposals submitted to a Vote of the People, Ballot Papers and Explanatory Statements

¹ The Confederation shall provide the cantons with the proposals to be submitted to a vote of the People and the ballot papers.

² Each proposal shall be accompanied by a short, objective explanation from the Federal Council, which shall also take account of the opinions of significant minorities. The proposal must contain the wording of the questions on the ballot paper. In the case of popular initiatives and referendums, the initiative committee shall inform the Federal Council of their arguments and the Federal Council shall

take such arguments into account in its explanatory statement. The Federal Council shall have the right to amend or reject defamatory, blatantly false or excessively long statements.

³ Persons eligible to vote shall receive the documents required in order to cast a valid vote in accordance with cantonal law (ballot paper, polling card, official voting envelope, official mark, etc.) a minimum of three and at the earliest four weeks prior to the polling day. Proposals submitted to a vote of the People and explanatory statements may be sent at an earlier date. The Federal Chancellery shall publish the proposals and the explanatory statement electronically a minimum of six weeks prior to the polling day.

⁴ The cantons may by law authorise communes to send only one copy of the proposals and the explanatory statements to each household unless a member of the household who is eligible to vote requests that personal copies be sent.

Art. 12 Invalid Ballot Papers

¹ Ballot papers shall be declared invalid if they

- a. are not official;
- b. have not been completed by hand;
- c. do not clearly indicate the will of the voter;
- d. contain defamatory remarks or obviously irrelevant markings;
- e. ...

² Grounds for invalidity or nullity that relate to cantonal procedures (official voting envelope, official mark, validation stamp, etc.) shall be reserved.

³ In the case of electronic voting pilot schemes, the law of each canton conducting such a scheme shall determine the requirements according to which votes shall be validly cast and the grounds for invalidity.

Art. 13 Determination of the Result of the Vote

¹ Blank and invalid ballot papers shall be disregarded when determining the result of the vote.

² In the event that in any canton the yes-votes are equal in number to the no-votes, the vote of that canton shall be counted towards the cantons voting no.

Art. 14 Report on the Vote

¹ In every polling station, a report shall be drawn up on the result of the vote that will state the total number of persons eligible to vote and the number of Swiss citizens resident abroad who are eligible to vote, the total number of voters, the total number of blank, invalid and valid ballot papers, and the number of votes cast in favour of and against the proposal.

² The report shall be sent to the cantonal government, which shall compile the provisional results from the entire canton, notify the Federal Chancellery of the said results and publish the same within 13 days of the polling day in the official cantonal gazette. If necessary, the cantonal government shall publish a special issue of the official cantonal gazette.

³ The cantons shall submit the reports, and also if so requested the ballot papers, to the Federal Chancellery within ten days of expiry of the period allowed for an appeal to be lodged (Art. 79 paragraph 3). Following validation of the result of the vote, the ballot papers shall be destroyed.

Art. 15 Validation and Publication of the Result of the Vote

¹ The Federal Council shall determine the result of the vote (Validation).

² The validation decree shall be published in the Official Federal Gazette.

³ Amendments to the Federal Constitution shall come into force on their adoption by the People and the cantons, unless the proposal provides otherwise.

⁴ In the event that a change in the law cannot be delayed and as soon as the result of the vote is beyond dispute, the Federal Council or the Federal Assembly may bring draft legislation or federal decrees on the adoption of international treaties provisionally into force prior to the completion of the validation procedure, or in the case of acts that have been declared to be urgent, allow such acts to continue in force or repeal the same.

Part 3: Election of the National Council

Section 1: General

Art. 16 Allocation of Seats to the Cantons

¹ The allocation of seats in the National Council shall be based on the most recent officially published census of the resident population.

² The Federal Council shall, following each national census, determine the number of seats to be allocated to each canton.

Art. 17 Allocation Procedure

The 200 seats in the National Council shall be allocated among the cantons in accordance with the following procedure:

a. Preliminary Allocation:

1. The resident population of Switzerland shall be divided by 200. To obtain the first allocation number, the result shall be rounded up to the nearest whole number, unless it is already a whole number, in which case it shall be increased to the next highest whole number. Each canton whose population is lower than this number shall be allocated one seat, and shall be excluded from the further stages of the allocation procedure.
2. The resident population of the remaining cantons shall be divided by the number of seats that have yet to be allocated. To obtain the second allocation number, the result shall be rounded up to the nearest whole number, unless it is already a whole number, in which case it shall be increased to the next highest whole number. Each canton whose population is lower than this number shall be allocated one seat, and shall be excluded from the further stages of the allocation procedure.
3. This procedure shall be repeated until the remaining cantons reach the final allocation number.

b. *Principal Allocation*: each remaining canton shall be allocated as many seats as its population divided by the final allocation number.

c. *Final Allocation*: the remaining seats shall be divided among the cantons with the highest fractions of a whole number remaining. In the event of more than one canton having the same remaining fraction, the canton or cantons with the lower or lowest remaining number that results from the division of their population by the first allocation number shall be excluded. If this also results in the same remaining number for more than one canton, the allocation of the remaining seats shall be decided by drawing lots.

Art. 18 Incompatibility

¹ Persons who hold an office that is not compatible in terms of a provision of the Federal Constitution or any other federal act with holding the mandate of a member of the National Council (Art. 144 Cst.) shall be required to decide, following their election to the National Council, which of the two offices they wish to hold.

² Persons who hold an office, the incompatibility of which with a mandate as a member of the National Council is not directly specified by the Federal Constitution shall step down from that office at the latest four months from the date on which they begin their term of office in the National Council.

Art. 19 Date of the Election

¹ Ordinary general elections to the National Council shall be held on the second last Sunday in October. The cantonal government shall fix the soonest possible date for by-elections and supplementary elections.

² The Federal Council shall fix the date for an extraordinary general election in terms of Article 193 paragraph 3 of the Federal Constitution

Art. 20 Drawing of Lots

In the event that lots have to be drawn, this shall take place in the canton subject to the orders of the cantonal government, or at a federal level subject to the orders of the Federal Council.

Art. 20a Determination of the Results of the Election

Uncompleted and invalid ballot papers shall be disregarded in determining the results of the election.

Chapter 2: Elections based on a System of Proportional Representation**Section 1: Candidature****Art. 21** Final Date for Submission of Candidate Lists

¹ Cantonal law shall specify one Monday between 1 August and 30 September in any election year as the final date for the submission of candidate lists, and it shall stipulate the cantonal authority to which the lists should be submitted.

² The lists of candidates must arrive at the cantonal authority on the final date for submission at the latest.

³ The cantons shall notify the Federal Chancellery of each candidate list without delay.

Art. 22 Number and Designation of the Candidates

¹ A candidate list may as a maximum contain as many names of persons eligible for election as the number of seats in the National Council that have been allocated to the constituency, and no name may appear more than twice on any list. In the event of a candidate list containing more than the maximum number of names, the last names on the list shall be deleted.

² The lists of candidates must provide the surnames and first names of the candidates, their sex, dates of birth, occupations, home addresses and places of origin.

³ Each candidate must confirm in writing that he accepts his nomination. In the absence of such confirmation, the name of the candidate shall be deleted from the list.

Art. 23 Designation of the Candidate List

Each candidate list must bear a designation that is sufficient to distinguish it from other lists. Groups that submit lists of candidates with identical elements in the main designation and that intend to combine such lists shall declare one of these candidate lists to be the parent list.

Art. 24 Quorum of Signatures

¹ Each candidate list must be signed by hand by a minimum number of persons who are both eligible to vote and have their political domicile in the constituency. The minimum number shall be:

- a. 100 in cantons with 2 – 10 seats;
- b. 200 in cantons with 11 – 20 seats;
- c. 400 in cantons with more than 20 seats.

² No person eligible to vote shall have the right to sign more than one candidate list. He may not withdraw his signature following submission of the candidate list.

³ The quorums in accordance with paragraph 1 above shall not apply to any party that:

- a. was duly registered with the Federal Chancellery at the end of the year preceding the year of the election (Art. 76a),
- b. submits only one candidate list in the canton; and
- c. is represented in the National Council in the legislative period that is due to expire or achieved at least three per cent of the vote in the same canton at the previous general election.

⁴ Any party falling within the terms of paragraph 3 above must simply submit the legally valid signatures of all its candidates together with those of its president and secretary.

Art. 25 Agent for the Candidate List

¹ The signatories must appoint an agent for the candidate list and a deputy agent. If they fail to do so, then those persons whose names appear in first and second place as signatories to the list shall be deemed to be the agent and deputy agent respectively.

² The agent and, in the event of his incapacity, the deputy agent shall have the right and the obligation to make such legally-binding declarations on behalf of the signatories as may be required to obviate any objections.

Art. 26 Inspection of Candidate Lists

Those eligible to vote in a constituency shall have the right to inspect the lists of candidates and the names of the signatories at the offices of the responsible authority.

Art. 27 Multiple Candidacies

¹ In the event of the name of a candidate appearing on more than one candidate list in any constituency, the name shall be deleted immediately by the canton from all the candidate lists on which it appears.

² The Federal Chancellery shall immediately delete from the candidate list any candidate whose name already appears on an electoral list or a candidate list in another canton.

³ The Federal Chancellery shall immediately notify the cantons affected of the deletions that it has made.

Art. 28 (Repealed in 1994)

Art. 29 Rectification of Deficiencies; Replacement Candidates

¹ The canton shall examine the lists of candidates and allow the agent representing the signatories a period of time within which he may rectify deficiencies in the candidate list, alter designations that give rise to confusion, and nominate replacement candidates for candidates whose names have been officially deleted.

² The replacement candidates must confirm in writing that they accept their nomination. In the absence of such confirmation or in the event that the relevant name already appears on another candidate list or that the candidate is not eligible for election, the replacement candidate shall be deleted from the list. Unless the agent for the candidate list requests otherwise, replacement candidates shall be entered at the end of the candidate list.

³ In the event of any deficiency not being rectified within the period allowed, the candidate list shall be deemed invalid. If the deficiency relates only to one candidate, his name shall simply be deleted.

⁴ From the second Monday following the final date for submission of candidate lists, it shall not be permitted for any candidate lists to be further amended. Under cantonal law, the period allowed for rectification may be reduced to one week.

Art. 30 Electoral Lists

¹ The final candidate lists shall be known as electoral lists.

² Each list shall be provided with a reference number.

Art. 31 Combined Lists

¹ Two or more lists may at the latest by the end of the period allowed for rectification (Art. 29 paragraph 4) be combined with each other by means of a unanimous declaration of the signatories or their agents. Within a combined list only list sub-combinations are permitted.

^{1b} List sub-combinations shall be valid only in the case of lists with the same designation that differentiate themselves from each other only by an additional designation indicating a distinction that is based on sex, the wing of a political group, region, or age.

² List combinations and list sub-combinations must be indicated on pre-printed ballot papers.

³ Declarations relating to list combinations and list sub-combinations may not be revoked.

Art. 32 Publication of the Lists

The canton shall at the earliest possible opportunity publish in the official cantonal gazette the lists with their designations and their reference numbers as well as references to any list combinations or list sub-combinations.

Art. 33 Preparation and Delivery of Ballot Papers

¹ The cantons shall prepare ballot papers for all the lists, which shall each contain pre-printed details of the list designation, any list combination, the reference number and candidate information (as a minimum the surnames, first names and place of residence), as well as ballot papers that are not pre-printed.

^{1b} If the canton prepares vote recording vouchers instead of ballot papers, persons eligible to vote shall in addition receive a summary of the details of each of the candidates and of the list designations, and of any list combinations or list sub-combinations.

² The cantons shall arrange for a complete set of all ballot papers to be delivered to each person eligible to vote at the latest ten days prior to the polling day.

³ The signatories may obtain additional pre-printed ballot papers at cost price from the cantonal chancelleries.

Section 2: The Voting Procedure and Establishing the Result

Art. 34 Voting Instructions

The Federal Chancellery shall issue brief instructions on voting procedures prior to each general election that shall be delivered to the persons eligible to vote along with the ballot papers (Art. 33 paragraph 2).

Art. 35 Completing the Ballot Paper

¹ Those who use the ballot paper that is not pre-printed may enter the names of eligible candidates and add the list designation or reference number of a list.

² Those who use a pre-printed ballot paper may delete pre-printed candidate names; they may enter the names of candidates from other lists (splitting the vote). They may also delete the pre-printed reference number and list designation or replace the same with the number and designation of a different list.

³ They may enter the name of the same candidate on the ballot paper twice (accumulating).

Art. 36 Votes for deceased Candidates

Votes accorded to candidates who have died in the period since the final rectification of any deficiencies in the candidate lists (Art. 29 paragraph 4) shall be counted as personal votes for those candidates.

Art. 37 Additional Votes

¹ In the event that the ballot paper contains fewer valid votes for candidates than the number of seats in the National Council allocated to the constituency, the lines that have not been completed on the ballot paper shall count as additional votes for the list whose designation or reference number is entered on the ballot paper. In the absence of a designation or reference number, or if the ballot paper contains more than one of the eligible list designations or reference numbers, the uncompleted lines shall not be counted (blank votes).

² In the event that more than one regional list with the same designation has been submitted in any canton, additional votes on a ballot paper that does not designate the region shall be counted towards the list relating to the region in which the ballot paper is handed in.

^{2b} In the case of the other possible applications of Article 31 paragraph 1^b, the additional votes shall be counted towards the list whose designation is entered on the ballot paper. The additional votes on insufficiently designated ballot papers shall be counted towards the list that has been declared to be the parent list by the group.

³ Names that do not appear on any list pertaining to the constituency shall be deleted. The votes allocated to such names shall, however, count as additional votes, provided the ballot paper bears a list designation or a reference number. In the absence of a designation or number, these additional votes shall not be counted (blank votes).

⁴ In the event of any contradiction between the list designation and the reference number, the list designation shall take precedence.

Art. 38 Invalid Ballot Papers and Candidate Votes

¹ Ballot papers shall be deemed invalid if they

- a. do not contain the name of a candidate standing in the constituency;
- b. are not official;
- c. have not been completed or altered by hand;
- d. contain defamatory remarks or obviously irrelevant markings;
- e. ...

² If the name of a candidate appears more than twice on a ballot paper, the superfluous repetitions of that candidate's name shall be deleted.

³ If the ballot paper contains more names than there are seats to be allocated, the last names on the list in excess of the number of seats shall be deleted.

⁴ Grounds for invalidity or nullity that arise from the cantonal procedure (official voting envelope, official mark or validation stamp, etc.) shall remain reserved.

⁵ In the case of electronic voting pilot schemes, the law of each canton conducting such a scheme shall determine the requirements according to which votes shall be validly cast and the grounds for invalidity.

Art. 39 Collating the Results

Following the close of voting, the cantons shall establish the following on the basis of the reports from the polling stations:

- a. the number of persons eligible to vote and the number of persons who voted;
- b. the number of valid, invalid, and blank ballot papers;
- c. the number of votes that the individual candidates on each list have received (candidate votes);
- d. the number of additional votes for each list (Art. 37);
- e. the sum of the candidate votes and additional votes for the individual lists (party votes);
- f. in respect of combined lists, the total of the votes cast in favour of the group on the lists;
- g. the number of blank votes.

Art. 40 Initial Allocation of Mandates to the Lists

¹ The number of valid party votes for all the lists shall be divided by a number equivalent to the number of mandates to be allocated plus one. To obtain the allocation number, the result shall be rounded up to the nearest whole number, unless it is already a whole number, in which case it shall be increased to the next highest whole number.

² Each list shall be allocated as many mandates as the number obtained by dividing the number of votes cast in favour of the list by the allocation number.

³ ...

Art. 41 Additional Allocations

¹ In the event that not all of the mandates have been allocated, the mandates remaining shall be allocated individually and one after the other according to the following rules:

- a. The number of votes cast in favour of each list shall be divided by a number equivalent to the number of mandates already allocated to that list plus one.
 - b. The next mandate shall be allocated to the list that has the largest quotient.
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- c. If more than one list is entitled to the next mandate as they have the same quotient, then the next mandate shall be allocated to the list that achieved the highest remainder in the calculation in Article 40 paragraph 2.
 - d. In the event that there are still two or more lists with the same right to the mandate, the mandate shall go to the list that has obtained the highest number of party votes.
 - e. If more than one list still has the same right to the mandate, the first mandate shall be allocated to the list whose candidate for the mandate has obtained the highest number of votes.
 - f. If more than one candidate has obtained the same highest number of votes, the mandate shall be allocated by drawing lots.

² This procedure shall be repeated until all the mandates have been allocated.

Art. 42 Allocation of Mandates to Combined Lists

¹ Each group of combined lists shall initially be treated as a single list for the purposes of allocating mandates.

² Mandates shall be allocated to the individual lists within a group according to Articles 40 and 41. Article 37 paragraphs 2 and 2^b shall remain reserved.

Art. 43 Determining the Elected Members and their Replacements

¹ On the basis of the number of mandates obtained, those candidates from each list that have received the highest number of votes shall be elected.

² The candidates that are not elected shall act as replacement candidates in the order of the number of votes that they have obtained.

³ Where two or more candidates have received the same number of votes, their order of precedence shall be decided by drawing lots.

Art. 44 Excess of Seats

In the event of a list being allocated more mandates than it has candidates, a supplementary election shall be held in accordance with Article 56 in respect of the mandates that cannot be allocated.

Art. 45 Tacit Election

¹ In the event that all the lists when taken together do not contain more candidates than there are mandates to be allocated, the cantonal government shall declare all the candidates on the lists to be elected.

² In the event that all the lists when taken together contain fewer candidates than there are mandates to be allocated, supplementary elections shall be held in accordance with Article 56 paragraph 3 in respect of the mandates that cannot be allocated.

Art. 46 Election without Lists

¹ If there are no lists, persons eligible to vote may cast their vote for any person who is eligible for election. The persons who have obtained the highest numbers of votes shall be elected.

² In the event that a ballot paper contains more names than there are mandates to be allocated, the last names on the paper shall be deleted.

³ The provisions that apply to constituencies that return only one member shall also apply by analogy.

Part 3: Simple Majority System

Art. 47 Procedure

¹ In cantons in which only one member of the National Council is to be elected, votes may be cast for any person who is eligible for election. The person who receives the highest number of votes shall be elected. In the event of a tie, the result shall be decided by drawing lots.

² Cantonal law may however provide for a tacit election in the event that only one valid nomination is submitted to the responsible cantonal authority by the thirtieth day prior to the election.

Art. 48 Ballot Papers

The cantons shall arrange for a ballot paper to be delivered to each person eligible to vote at the latest thirty days prior to the polling day.

Art. 49 Invalid Ballot Papers

¹ Ballot papers shall be deemed invalid if they

- a. contain the names of more than one person
- b. are not official;
- c. have not been completed by hand
- d. contain defamatory remarks or obviously irrelevant markings;
- e. ...

² Grounds for invalidity or nullity that arise from the cantonal procedure (official voting envelope, official mark or validation stamp etc.) shall remain reserved.

³ In the case of electronic voting pilot schemes, the law of each canton conducting such a scheme shall determine the requirements according to which votes shall be validly cast, and the grounds for invalidity.

Art. 50 (Repealed in 1994)

Art. 51 By-Elections

Articles 47- 49 shall also apply to by-elections.

Chapter 4: Publication and Validation of Election Results**Art. 52** Notice of Election; Publication of the Election Results

¹ After the results have been established, the cantonal government shall immediately inform those elected of their election in writing and advise the Federal Council of the names of those elected.

² The canton shall publish the results obtained by each candidate and, where applicable, each list in the official cantonal gazette within eight days of the polling day at the latest, making reference to the right to contest the result.

³ The results of general, supplementary and by-elections shall be published in the Official Federal Gazette.

⁴ The canton shall send the election report to the Federal Chancellery immediately following the expiry of the period allowed for lodging an appeal contesting the election (Art. 77 paragraph 2). The ballot papers shall be delivered to the location appointed by the Federal Chancellery within ten days of the expiry of the period allowed for lodging an appeal contesting the election.

Art. 53 Validation of the Election Results

¹ The constituent sitting of the newly elected National Council shall take place on the seventh Monday following the election. On this day, the primary task shall be the validation of the results of the election. The National Council shall be held to be constituted as soon as the election has been declared valid by a majority of its members. The National Council shall determine the procedural rules in its regulations.

² Anyone bearing an election certificate from his or her cantonal government shall have the right to a seat and to a vote at this sitting, but not to vote on the validity of his or her own election.

³ In the event of substitution or of by-elections or supplementary elections, a newly elected member may participate in the sitting only if his or her election has been declared to be valid.

Chapter 5: Changes during the Term of Office**Art. 54** Resignation

Notice of resignation from the National Council must be given in writing to the President of the National Council.

Art. 55 Substitution

¹ In the event that a member of the National Council resigns before the expiry of his term of office, the cantonal government shall declare the first substitute from the same list to be elected.

² If a substitute cannot or does not wish to assume office, the next substitute on the electoral list shall be invited to assume office in his place.

Art. 56 Supplementary Election

¹ In the event that a seat cannot be filled by substitution, then three-fifths of the signatories to the list (Art. 24 paragraph 1) on which the member of the National Council who has resigned is entered, or the committee of the cantonal party (Art. 24 paragraph 3) that submitted the said list shall have the right to submit a further nomination.

² The candidate who is nominated in the foregoing manner shall, following the rectification of any deficiencies in the candidate list (Art. 22 and Art. 29) and without a ballot being held, be declared by the cantonal government to be elected in accordance with Article 45.

³ In the event that the right to nominate a candidate is not exercised, a popular election shall be held. This election shall be based on the majority election system unless more than one seat has to be filled, in which case the provisions on the system of proportional representation shall apply.

Art. 57 End of Legislative Period

The legislative period of the National Council shall end on the constitution of the newly elected National Council.

Part 4: The Referendum

Chapter 1: The Mandatory Referendum

Art. 58 Publication

Enactments that are subject to a mandatory referendum shall be published following their adoption by the Federal Assembly. The Federal Council shall order that a popular vote be held.

Chapter 2: The Optional Referendum

Section 1: General

Art. 59 Period allowed for Collection of Signatures

In the case of enactments that are subject to an optional referendum, the period allowed for the collection of signatures including the issuing of the certificates of eligibility to vote shall be 100 days from the date of the final official publication of the enactment.

Art. 59a Significance of the Period

The request for a referendum must be submitted to the Federal Chancellery before expiry of the referendum period, either with the support of the number of cantons required by the Constitution or furnished with the required number of signatures and the certificates of eligibility to vote.

Art. 59b Prohibition of Withdrawal

A request for a referendum may not be withdrawn.

Art. 59c Popular Vote

In the event that the request for a referendum is successful, the Federal Council shall order the organisation of a popular vote.

Section 2: The Popular Referendum

Art. 60 Signature Lists

¹ The signature list (on forms, sheets of paper or cards) used by those requesting a referendum for the purpose of collecting signatures must contain the following information:

- a. the canton and the political commune in which the signatory is eligible to vote;
 - b. the title of the enactment with the date of its adoption by the Federal Assembly;
 - c. reference to the fact that anyone who falsifies the result of a signature list for a referendum (Art. 282 SPC) or who offers or accepts bribes in connection with a signature list (Art. 281 SPC) shall be liable to prosecution.
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² In the event that more than one request for a referendum is submitted for signature, each request shall be the subject of a separate signature list. Signature lists for more than one request for a referendum may appear on the same page provided that it is possible to separate each signature list for the purpose of its submission.

Art. 60a Downloading of Signature Lists in Electronic Form

Whoever with a view to requesting a referendum downloads a signature list that has been made available in electronic form shall be responsible for ensuring that the signature list satisfies all the formal legal requirements.

Art. 61 Signature

¹ The person eligible to vote must write his name by hand and legibly on the signature list and add his handwritten signature.

^{1b} Persons eligible to vote who are unable to write may have their name entered on a signature list by a person eligible to vote of their choice. This person shall add his signature to the name of the person who is unable to write and shall preserve secrecy as to the content of the instructions he has received.

² The person eligible to vote must provide any further details that are required to establish his identity, such as his first names, date of birth and address.

³ He may only sign the same request for a referendum once.

Art. 62 Certificate of Eligibility to Vote

¹ The signature lists must be sent in good time prior to the expiry of the referendum period to the office that is responsible under cantonal law for the issuing of certificates of eligibility to vote.

² The office shall certify that the signatories in the communes stated in the signature list are eligible to vote on federal matters, and shall return the signature lists to their senders without delay.

³ The certificate must state in words or in figures the number of certified signatures; it must be dated, bear the handwritten signature of the public official and indicate his official capacity by means of a stamp or addendum.

⁴ The eligibility to vote of the signatories may be certified collectively for more than one signature list.

Art. 63 Refusal of the Certificate of Eligibility to Vote

¹ The certificate of eligibility to vote shall be refused if the requirements of Article 61 are not fulfilled.

² In the event that a person eligible to vote has signed more than one signature list, only one signature shall be certified.

³ The grounds for refusal must be stated on the signature list.

Art. 64 Prohibition of Inspection

¹ ...

² Signature lists that have been submitted shall not be returned and may not be inspected.

Art. 65 (Repealed in 1996)**Art. 66** Successful Request

¹ After expiry of the referendum period, the Federal Chancellery shall establish whether the signature list contains the required number of valid signatures. If less than half of the quorum required under the Constitution has been achieved, a notice shall be published in the Official Federal Gazette stating simply that the period allowed for the collection of signatures has expired. If half or more of the required quorum has been achieved, the Federal Chancellery shall issue a ruling confirming whether or not the request for a referendum has been successful.

² The following shall be invalid:

- a. Signatures on lists that do not fulfil the requirements of Article 60;
- b. Signatures of those whose eligibility to vote is not certified;
- c. Signatures on lists that have been submitted after expiry of the referendum period.

³ The Federal Chancellery shall count the valid signatures only until it establishes that the constitutionally required quorum has been reached and shall publish the ruling on the success of the request in the Official Federal Gazette.

Section 3: Referendum requested by the Cantons**Art. 67** Competence

Unless cantonal law provides otherwise, the cantonal parliament shall decide whether a referendum should be requested by a canton.

Art. 67a Form

The communication from the cantonal government to the Federal Chancellery shall indicate:

-
- a. the title of the enactment with the date of adoption by the Federal Assembly;
 - b. the public body that is requesting the popular vote on behalf of the canton;
 - c. the provisions under cantonal law that regulate the rights to request a referendum;
 - d. the date and result of the vote on the decision to request a referendum.

Art. 67b Successful Request

¹ After expiry of the referendum period, the Federal Chancellery shall establish whether the request for the referendum has been submitted by the required number of cantons.

² A request for a referendum shall be declared invalid if:

- a. it has not been decided on and submitted to the Federal Chancellery within the referendum period;
- b. it has been decided on by a public body that is not competent to do so;
- c. it is impossible to identify with any certainty the federal enactment in respect of which the popular vote is being requested.

³ The Federal Chancellery shall give written notice of the ruling on the success or failure of the request for a referendum by the cantons to the governments of all those cantons that have requested the referendum, and shall publish the ruling in the Official Federal Gazette, giving details of the number of valid and invalid cantonal requests for a referendum.

Part 5: The Popular Initiative

Art. 68 Signature Lists

¹ The signature list (on forms, sheets of paper or cards) that is used to collect signatures for a popular initiative must contain the following information:

- a. the canton and the political commune in which the signatory is eligible to vote;
- b. the title and text of the initiative, together with the date of its publication in the Official Federal Gazette;
- c. an unconditional withdrawal clause;
- d. reference to the fact that anyone who falsifies the result of a signature list for a popular initiative (Art. 282 SPC) or who offers or accepts bribes in connection with a signature list (Art. 281 SPC) shall be liable to prosecution;
- e. the names and addresses of a minimum of seven and a maximum of 27 authors of the initiative, all of whom must be eligible to vote (the initiative committee).

² Article 60 paragraph 2 shall also apply to popular initiatives.

Art. 69 Preliminary Examination

¹ The Federal Chancellery shall declare in a ruling prior to the start of the collection of signatures whether the signature list corresponds to the form prescribed by law.

² In the event that the title of an initiative is misleading, or if it contains commercial advertising or personal publicity or gives rise to confusion, it shall be amended by the Federal Chancellery.

³ The Federal Chancellery shall examine the texts of the initiative in the required languages to ensure that they correspond and shall undertake any translation work thereon that is required.

⁴ The title and text of the initiative, together with the names of the authors shall be published in the Official Federal Gazette.

Art. 69a Downloading of Signature Lists in Electronic Form

Whoever downloads a signature list for a popular initiative that has been made available in electronic form shall be responsible for ensuring that the signature list satisfies all the formal legal requirements.

Art. 70 Further Provisions

The provisions laid down for referendums relating to signatures (Art. 61), the certificate of eligibility to vote (Art. 62) and the refusal of a certificate of eligibility to vote (Art. 63) shall apply by analogy to popular initiatives.

Art. 71 Submission

¹ The signature lists for a popular initiative must be submitted together at the latest 18 months from the date of publication of the text of the initiative in the Official Federal Gazette.

² Signature lists that have been submitted may not be returned and may not be inspected.

Art. 72 Successful Request for a Popular Initiative

¹ After expiry of the period allowed for the collection of signatures, the Federal Chancellery shall establish whether the popular initiative contains the required number of valid signatures. If less than half of the quorum required under the Constitution has been achieved, a notice shall be published in the Official Federal Gazette stating simply that the period allowed for the collection of signatures has expired. If half or more of the required quorum has been achieved, the Federal Council shall issue a ruling confirming whether or not the popular initiative has been successful.

² The following shall be invalid:

- a. Signatures on lists that do not fulfil the requirements of Article 68;
 - b. Signatures of signatories whose eligibility to vote is not certified;
-

- c. Signatures on lists that have been submitted after the period allowed for the collection of signatures.

³ The Federal Chancellery shall publish in the Official Federal Gazette the ruling on the success of the signature list together with details of the numbers of valid and invalid signatures for each canton.

Art. 73 Withdrawal

¹ Any popular initiative may be withdrawn by its initiative committee. The declaration of withdrawal shall be binding provided it has been signed by an absolute majority of the members of the initiative committee who are still eligible to vote.

² The withdrawal of a popular initiative is permitted up until the day on which the Federal Council fixes a date for a popular vote. The Federal Chancellery shall invite the initiative committee to give notice of its decision and shall fix a short period of time within which the committee must do so.

³ An initiative in the form of a general proposal may not be withdrawn after its approval by the Federal Assembly.

Art. 74 Procedure

¹ The Federal Council shall submit the popular initiative to a popular vote within ten months of the final vote thereon in the Federal Chambers, but at the latest ten months after expiry of the period allowed for Parliament to consider a popular initiative.

² Where a counter-proposal is made in the form of a legislative bill (indirect counter-proposal), the Federal Assembly may extend the period within which the popular vote must take place.

³ In the event that an initiative in the form of a general proposal is approved, the draft amendment to the Constitution shall be submitted to a vote of the People and the cantons within 30 months.

⁴ The procedure to be followed by the Federal Council and the Federal Assembly and the deadlines that must be observed shall be governed by the provisions of the Federal Act on Parliamentary Procedure of 23 March 1962.

Art. 75 Examination of Validity

¹ In the event that the text of a popular initiative fails to comply with the principles of unity of subject matter (Art. 139 paragraph 3 and Art. 194 paragraph 2 Cst.) or unity of form (Art. 139 paragraph 3 and Art. 194 paragraph 3 Cst.), or if the popular initiative violates mandatory provisions of international law (Art. 139 paragraph 3, Art. 193 paragraph 4 and Art. 194 paragraph 2 Cst.), the Federal Assembly shall declare the initiative to be invalid as a whole or in part, to the extent that this is required.

² There is unity of subject matter in a popular initiative when there is an intrinsic connection between the individual parts of the initiative.

³ There is unity of form in a popular initiative when the initiative is couched exclusively in the form of a general proposal or of a specific draft provision.

Art. 76

¹ In the event that the Federal Assembly decides to submit a counter-proposal, three questions shall be put to the voters on the same ballot paper. Each person who is eligible to vote may state, without reservation:

- a. whether he prefers the popular initiative to the law currently applicable;
- b. whether he prefers the counter-proposal to the law currently applicable;
- c. which of the two proposals should become law in the event that both the People and the cantons prefer both proposals to the law currently applicable.

² The absolute majority shall be established for each question separately. Questions that have not been answered shall be disregarded.

³ In the event of both the popular initiative and the counter-proposal being accepted, the result of the third question shall be decisive. The proposal that secures a higher number of popular votes and a higher number of cantonal votes shall become law.

Part 5a: Register of Political Parties

Art. 76a

¹ A political party may be officially registered with the Federal Chancellery:

- a. if it has the legal form of an association in terms of Articles 60-79 of the Swiss Civil Code; and
- b. if it is represented in the same name by a minimum of one member in the National Council or with a minimum of three members in each of any three cantonal parliaments.

² For entry in the Register of Political Parties, the association must file the following documents and information with the Federal Chancellery:

- a. a copy of its legally valid constitution;
- b. the name and headquarters of the party in accordance with the constitution;
- c. the names and addresses of the president and secretary of the national party.

³ The Federal Chancellery shall maintain a register of the information filed by political parties. This shall be a public register. The Federal Assembly shall enact an ordinance to regulate the details of the register.

Part 6: Rights of Appeal**Art. 77 Appeals**

¹ An appeal may be filed with the cantonal government:

- a. in respect of a violation of the provisions on voting rights in terms of Articles 2-4, Article 5 paragraphs 3 and 6 and Articles 62 and 63 (appeal on a matter related to voting rights);
- b. in respect of irregularities at popular votes (appeal on a matter related to popular votes);
- c. in respect of irregularities in the preparation for and conduct of elections to the National Council (appeal on a matter related to elections).

² The appeal must be filed by registered mail within three days of the grounds for appeal being ascertained, and at the latest on the third day following publication of the results in the official cantonal gazette.

Art. 78 Appeal Petition

¹ The appeal petition must contain a brief summary of the facts of the case in justification of the appeal.

² ...

Art. 79 Appeal Decisions and Orders

¹ The cantonal government shall issue a decision on an appeal within ten days of receipt of the appeal petition.

² In the event that the cantonal government establishes that there have been irregularities, whether on the basis of the appeal or in the course of its own duties, it shall issue the orders required to remedy the deficiencies established, if possible prior to the conclusion of the election or popular vote procedure.

^{2b} The cantonal government shall reject any appeals on matters relating to popular votes or elections without conducting a detailed investigation provided the irregularities complained of are not sufficient either in their nature or in their extent to have a material influence on the result of the vote as a whole.

³ The cantonal government shall give notice of its decision and any orders issued in accordance with Articles 34-38 and 61 paragraph 2 of the Administrative Procedure Act, and shall also notify the Federal Chancellery.

Art. 80 Administrative Law Appeal

¹ In derogation from the terms of Article 98a of the Federal Act on the Administration of Justice, an administrative law appeal may be filed with the Federal Supreme Court against decisions of a cantonal government in respect of appeals on matters relating to voting rights (Art. 77 paragraph 1 let. a) within 30 days of notification of the decision.

² An administrative law appeal shall also be permitted in respect of orders issued by the Federal Chancellery in relation to the success of a popular initiative or request for a referendum. There shall be no right of appeal against the simple mention in the Official Federal Gazette that a popular initiative or a request for a referendum clearly failed to achieve the required quorum (Art. 66 paragraph 1 and Art. 72 paragraph 1).

³ The members of the initiative committee shall also have the right to file an administrative law appeal against rulings issued by the Federal Chancellery relating to the formal validity of the initiative signature list (Art. 69 paragraph 1) and relating to the title of the initiative (Art. 69 paragraph 2).

⁴ The Federal Chancellery shall have a right of appeal in accordance with Article 103 let. b of the Federal Act on the Administration of Justice.

Art. 81 Appeal to the Federal Council

In respect of decisions of the cantonal government on matters relating to popular votes (Art. 77 paragraph 1 let. b), an appeal may be filed with the Federal Council within five days of notification of the decision. The Federal Council shall reach its decision on such appeals prior to validation of the final result of the vote (Art. 15 paragraph 1).

Art. 82 Appeal to the National Council

In respect of decisions of the cantonal government on matters relating to elections (Art. 77 paragraph 1 let. c), an appeal may be filed with the National Council within five days of notification of the decision. The National Council shall reach its decision on such appeals prior to validation of the results of the election (Art. 53 paragraph 1).

Part 7: General Provisions

Art. 83 Cantonal Law

In the absence of any provisions in this Act and the implementing ordinances issued by the Confederation, cantonal law shall apply. The provisions of the Federal Act on the Administration of Justice shall be reserved.

Art. 84 Use of Technical Aids

¹ The Federal Council may authorise cantonal governments to enact provisions that derogate from this Act for the purposes of ascertaining the results of elections and popular votes by using technical aids.

² Election and popular vote procedures that use technical aids shall require the approval of the Federal Council.

Art. 85 Appeal Notice Periods

With regard to the calculation of the appeal notice periods, the following shall apply where this Act does not provide otherwise:

- a. in proceedings before the Federal Chancellery and before the Federal Council: Articles 20-24 of the Federal Act on Administrative Procedure;
- b. in proceedings before the Federal Supreme Court: Articles 32-35 of the Federal Act on the Administration of Justice.

Art. 86 Administrative Procedures: No Fees or Costs

No fees or costs may be charged for any administrative procedures carried out on the basis of this Act. In the case of appeals lodged that are dilatory in their nature or that violate the principles of good faith, the costs may be imposed on the appellant.

Art. 87 Statistical Survey

¹ The Federal Council may order that a statistical survey be carried out in respect of elections to the National Council or popular votes.

² It may, after consulting the relevant cantonal government, provide for the votes in selected communes to be separated according to sex and age groups.

³ No breach of voting secrecy in connection with a statistical survey shall be permitted.

Part 8: Final Provisions

Chapter I: Amendment and Repeal of Current Legislation

Art. 88 Amendment of Federal Acts

¹ The Penal Code shall be amended as follows:

Art. 282^b

...

2. The Parliamentary Procedure Act shall be amended as follows:

Art. 22

...

Art. 23

...

Art. 26 paragraph 1

...

Art. 27 paragraph 1

...

Art. 28 paragraph 1

...

Art. 29 paragraphs 2 and 3

Repealed

Art. 29 paragraph 4

...

Art. 30

...

Art. 67 paragraphs 2 and 3

...

3. The Federal Act on the Administration of Justice shall be amended as follows:

Art. 100 let. p

...

Art. 106 paragraph 1

...

4. The Federal Act on the Administration of Criminal Justice shall be amended as follows:

Art. 4 paragraph 1, 5 and 6

...

Art. 5

Repealed

5. The Federal Act of 12 March 1948 on the Legal Validity of the Revised Compilation of Federal Acts and Ordinances for the Years 1848-1947 and on the new series of the Compilation shall be amended as follows:

Art. 4 let. a

...

Art. 89 Repeal of Acts

The following Acts shall be repealed:

- a. The Federal Act of 19 July 1872 on Federal Elections and Popular Votes;
- b. The Federal Act of 17 June 1874 on Popular Votes on Federal Acts and Federal Decrees;
- c. The Federal Act of 23 March 1962 on the Procedure for a Request for a Popular Initiative on the Revision of the Federal Constitution (Initiative Act);
- d. The Federal Act of 25 June 1965 on the Introduction of Simplified Voting in Federal Elections and Popular Votes;
- e. The Federal Act of 8 March 1963 on the Distribution of Seats in the National Council among the Cantons;
- f. The Federal Act of 14 February 1919 on the Election of the National Council.

Chapter 2: Transitional Provisions, Implementation and Commencement

Art. 90 Transitional Provisions

¹ This Act shall not apply to any matters or appeals that relate to elections or popular votes that have taken place prior to its coming into force. The foregoing shall also apply to referendums and popular initiatives that have been submitted prior to its coming into force. In such cases, the previous law shall apply.

² On expiry of 18 months from the date on which this Act comes into force, signature lists shall be accepted only if they comply with the provisions of this Act.

³ The popular initiative submitted by the Swiss Social Democratic Party on 31 May 1935 relating to the guarantee of press freedom shall with the consent of its authors be permanently shelved.

⁴ For the general elections to the National Council in 1979, the Federal Council shall determine the allocation of seats following the establishment of the Canton of Jura (derogation from Art. 16 paragraph 2).

Art. 91 Implementation

¹ The Federal Council shall enact the implementing legislation.

² The cantonal implementing legislation shall require the consent of the Confederation in order to be valid. The cantonal legislation must be enacted within 18 months of the adoption of this Act by the Federal Assembly.

Art. 92 Referendum and Commencement

¹ This Act shall be subject to an optional referendum.

² The Federal Council shall determine the date of commencement hereof.

Commencement Date: 1 July 1978
