

Act on National Referenda (SFS 1979:369)

[SFS = Swedish Code of Statutes]

Section 1

This act applies to referenda that are referred to in Chapter 8, Section 4 of the Swedish Instrument of Government.

Section 2

The Central Election Authority referred to in Chapter 1, Section 15 of the Swedish Elections Act (1997:157) is also the central authority for referenda.

Section 3

For referendum purposes, Sweden is divided into voting districts. That part of the municipality that, in the event of elections in accordance with the Elections Act (1997:157), constitutes an electoral district also comprises a voting district.

Section 4

For the realisation of the referendum, an electoral committee is responsible in each municipality, as referred to in Chapter 1, Section 17 of the Elections Act.

When the referendum is conducted in connection with an election to the Riksdag (Swedish Parliament) those electoral officers appointed, in accordance with Chapter 4, Section 6 of the Elections Act, also serve as electoral officers for the purposes of the referendum. In the case of other referendum the electoral committee appoints for each voting district at least four people to serve as electoral officers for the referendum in that district. The stipulations in Chapter 4 of the Elections Act regarding the electoral officers apply also to the specially appointed electoral officers.

Section 5

Voting rights in referenda are granted to those who are entitled to vote in elections to the Riksdag. The question as to whether a person has the right to vote is determined on the basis of an electoral roll drawn up prior to the referendum. If the referendum is not held at the same time as another election in accordance with the Elections Act (1997:157), the electoral roll for the referendum should be drawn up with application of Chapter 7, Sections 1, 4, 10, 11 and 13 of the Elections Act. The provisions contained in Chapter 7, Section 14 of that Act on the right of appeal against decisions amending the electoral roll, shall be applicable also in the case of appeal in connection with a referendum.

Section 6

When a referendum is to be conducted, and to the extent that the Central Election Authority does not determine otherwise, a voting card is produced for everybody entitled to vote according to the electoral roll, with information on the person entitled to vote. The voting card shall, moreover, contain information on the referendum as guidance for the individual entitled to vote. For a referendum and an election to the Riksdag that take place at the same time, a joint voting card is created. As regards the voting card, Chapter 7, Sections 7-9 of the Elections Act (1997:157) are otherwise applied.

The Central Election Authority shall, in an appropriate way, inform the general public on the time and method of voting and the conditions that otherwise apply to the referendum. In addition, the authority shall, in the case of a referendum on a constitutional question, inform in an appropriate way the general public on the wording of the proposal that the referendum relates to.

Section 7

On the occasion of the referendum, only ballot papers may be used that have been supplied by the Central Election Authority. For each proposal that is the subject of the referendum ballot papers are produced that are furnished with printed expression of opinion. Moreover, blank ballot papers shall also be available. Ballot papers for one and the same referendum shall be of the same size, colour and material.

Section 8

The public administration pays the production costs for however many ballot papers may be required. In the premises where the referendum takes place the voters shall have access to

1. ballot papers for each proposal that is the subject of the referendum and
2. blank ballot papers.

In respect of envelopes, the regulations in Chapter 8, Section 1 second paragraph, and Sections 2 and 3 of the Elections Act (1997:157) relating to ballot envelopes are applicable.

Section 9

Nobody may vote for more than one proposal in a referendum. The person who does not wish to vote for any of the proposals may hand in a blank ballot paper.

Section 10

Voting takes place on the day of the referendum at the voting premises for the referendum district where the voter is included on the electoral roll. Those persons entitled to vote, who on account of residence outside Sweden or in another locality within Sweden or for other reasons find themselves prevented from voting at the time and place referred to above, may vote at Posten Aktiebolag's post offices within Sweden, at a special voting place in Sweden or at a Swedish foreign mission.

If several referenda take place simultaneously, the persons who vote at a post office, at a special voting place within the country or at a foreign mission, shall exercise their right to vote at one and the same time in all referenda that they wish to participate in. If the referendum takes place in connection with an election to the Riksdag, those voters referred to who wish to participate both in the referendum and in the election must cast their votes in the referendum at the same time as they vote in the election.

In respect of voting and the further processing of the votes that have been cast either at a post office, at a special voting place within the country or at a foreign mission, the stipulations relating to ordinary elections to the Riksdag in Chapters 11-15 of the Elections Act (1997:157) shall otherwise be applied. If the referendum takes place in connection with a special Parliamentary election, or if it does not cover the entire country, then the stipulations on special elections in Chapters 11-15 of the Elections Act are applicable instead.

At the premises where the voting takes place, a copy of this Act, of the special Act for the referendum in question, where this is the case, and of the Elections Act shall be available. Where the referendum concerns a constitutional issue, the text of the proposal that the referendum relates to, shall also be available.

Section 11

The votes are counted provisionally at the voting premises and at the Election Committee. In this connection, the stipulations in Chapters 16 and 17 of the Elections Act are applicable. Where the referendum is carried out at the same time as an election to the Riksdag, the scrutiny of the votes cast in advance is carried out in accordance with Chapter 15, Sections 7-13 and Chapter 17, Sections 3-7 jointly for the referendum and the election.

In the counting of the votes the ballot papers are arranged in groups according to expression of opinion. Blank ballot papers form one separate group. The number of ballot papers within each group is counted and the number is noted in the minutes. Subsequently, the ballot papers are placed by group in a special cover. A note is made on the cover concerning which group of ballot papers the special cover contains and the number of these ballot papers.

On the counting of the ballot papers at the election committee, a ballot box is used for each type of election and for each area that forms a constituency for purposes of elections to the municipal assembly.

Section 12

Finally, the ballot papers are counted by the County Administrative Board. On that occasion the votes must be accounted for separately for each area that forms a constituency on elections to the municipal assembly. On the counting of the ballot papers Chapter 18, Section 1 and Sections 3-9 of the Elections Act (1997:157) are applicable.

Section 13

A ballot paper is invalid if it

1. has not been supplied for the referendum by the Central Election Authority or
2. bears marks that have obviously been applied to the ballot paper deliberately

Where there are several identical papers in a ballot envelope then only one ballot paper shall be counted. If, in another case, there is more than one ballot paper in one ballot envelope then the ballot papers are invalid.

Section 14

After the counting of the ballot papers has been conducted by the County Administrative Board, all ballot papers are placed in a special cover with the approved ballot papers being kept separate from the invalid ones. The special cover is then sealed. The ballot papers are kept at least one year after the count proceedings have been finalised.

The proceedings are concluded through the minutes being submitted for scrutiny. The minutes are sent immediately to the Central Election Authority.

Section 15

The Central Election Authority counts the votes cast for the entire country on the basis of the minutes from the County Administrative Board and declares the result of the referendum through a public notice in the Post-och Inrikes Tidningar [Official Gazette]. The referendum is thereby concluded. The documents that relate to the referendum are placed in safe keeping and are retained for at least a year after the conclusion of the vote.

Section 16

Appeals against decisions, whereby the Central Election Authority has established the outcome of the referendum, are lodged with the Election Review Board. In respect of such proceedings, the provisions in Chapter 1, Section 19, Chapter 19, Section 3 first paragraph, Sections 4 and 5-8 of the Elections Act (1997:157) relating to appeals against Riksdag elections, as well as Sections 16 and 17 of the same chapter, are applicable.

Appeals may be lodged by those who, according to the electoral roll, were entitled to vote in the referendum as well as by those who according to the decision stated in Chapter 7, Section 11 of the Elections Act were excluded from the right to vote. Appeals may also be lodged by a party or a campaign committee that have worked on behalf of any of the proposals that the referendum relates to.

Section 17

Where, in the act of preparation and implementation of the referendum for which the authority is responsible, deviations from the prescribed plan have occurred, or if someone has impeded the referendum, misrepresented the votes cast or inappropriately acted in the voting procedure in any other way, the Election Review Board shall, if it may reasonably be assumed that what has occurred has affected the outcome of the referendum, on investigation of the vote, declare this null and void to the extent necessary, and order a new referendum regarding one or several areas that

form a constituency on election to the municipal assembly or, where a correction may be achieved through renewed counting of ballot papers, enjoin the Central Election Authority to adopt such a rectification. The ordering of a new vote, however, may only be granted if what has occurred may have led to the result of the referendum being misleading in respect of the purpose of the referendum in question.

If a particular decision may not be appealed against according to law or if it must be appealed against in a special order, a circumstance that is referred to in the decision may not be adduced in connection with an appeal that is referred to in this section.

Section 18

In the case of a consultative referendum the question that is to be asked to the people, as well as the timing of the referendum vote, are specified in a special Act.