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## **Federal Act on Political Rights**

of 17 December 1976 (Status as at 1 February 2010)

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*The Federal Assembly of the Swiss Confederation,  
on the basis of Articles 44, 66, 72–74, 90 and 122 of the Federal Constitution<sup>1,2</sup>  
and having considered a Federal Council Dispatch dated 9 April 1975<sup>3</sup>,  
decrees:*

### **Title 1: Right to Vote and Voting**

#### **Art. 1 and 2<sup>4</sup>**

#### **Art. 3** Political domicile

<sup>1</sup> 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.<sup>5</sup>

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

#### **Art. 4** Electoral register

<sup>1</sup> 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.

AS 1978 688

<sup>1</sup> [BS 1 3; AS 1962 1695, 1971 329, 1984 290]. The provisions mentioned now correspond to Articles 39, 136, 149 and 192 of the Federal Constitution of 18 April 1999 (BV – SR 101).

<sup>2</sup> Amended in accordance with No. I of the Ordinance of 8 Oct. 1999, in force since 1 March 2000 (AS 2000 411 413; BBl 1999 7922).

<sup>3</sup> BBl 1975 I 1317

<sup>4</sup> Repealed by No. I of the Federal Act of 21 June 2002 (AS 2002 3193; BBl 2001 6401).

<sup>5</sup> Second sentence inserted by No. I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS 1994 2414 2422; BBl 1993 III 445).

<sup>2</sup> Prior to an election or vote, entries must be made in the electoral register until the fifth day before the polling day provided the requirements for participation are fulfilled on the polling day.

<sup>3</sup> The electoral register is shall be available for inspection to those who are eligible to vote.

#### **Art. 5** Principles of voting

<sup>1</sup> 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.<sup>6</sup>

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

<sup>3</sup> Persons who are eligible to vote may vote in person or by post.<sup>7</sup> Voting in electronic voting pilot schemes is governed by Article 8a.<sup>8</sup>

<sup>4</sup> and <sup>5</sup> ...<sup>9</sup>

<sup>6</sup> Votes may be cast by proxy at the polling station provided cantonal law permits this for cantonal votes and elections. Persons who are eligible to vote but who are unable to write may have their ballot paper completed in accordance with their instructions by person of their choice who is eligible to vote.<sup>10</sup>

<sup>7</sup> 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

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

<sup>2</sup> For the purpose of 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.

<sup>6</sup> Second sentence inserted by No. I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS **1994** 2414 2422; BBl **1993** III 445).

<sup>7</sup> Amended in accordance with No. I of the Federal Act of 18 March 1994, in force since 15 Dec. 1994 (AS **1994** 2414 2422; BBl **1993** III 445).

<sup>8</sup> Second sentence inserted by No. I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS **2002** 3193 3199; BBl **2001** 6401).

<sup>9</sup> Repealed by No. I of the Federal Act of 18 March 1994 (AS **1994** 2414; BBl **1993** III 445).

<sup>10</sup> Amended in accordance with No. I of the Federal Act of 23 March 2007 on the Amendment of the Federal Legislation on Political Rights, in force since 1 Jan. 2008 (AS **2007** 4635 4637; BBl **2006** 5261).

<sup>3</sup> Where cantons provide for an extended form of advance voting, this also applies in federal votes and elections.

<sup>4</sup> 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

<sup>1</sup> The cantons shall provide a simple procedure for postal voting. In particular, they shall enact provisions to guarantee the verification of eligibility to vote, voting secrecy and the counting of all the votes cast, and to prevent abuses.

<sup>2</sup> Postal voting is permitted from the time of receipt of the documents required to cast a valid vote in accordance with cantonal law.<sup>11</sup>

**Art. 8a**<sup>12</sup> Electronic voting

<sup>1</sup> 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.

<sup>1bis</sup> It may on application authorise cantons that have conducted electronic voting pilot schemes successfully and without malfunction over a lengthy period to continue such schemes for a period that it stipulates. It may make authorisation subject to requirements or conditions or, taking account of the overall circumstances, exclude electronic voting at any time, whether in terms of its geographical scope, the subject matter to which it relates, or the date on which it is held.<sup>13</sup>

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

<sup>3</sup> ...<sup>14</sup>.

<sup>4</sup> The Federal Council shall regulate the details of such schemes.

**Art. 9**<sup>15</sup>

<sup>11</sup> Amended in accordance with No. I of the Federal Act of 18 March 1994, in force since 15 Dec. 1994 (AS **1994** 2414 2422; BBl **1993** III 445).

<sup>12</sup> Inserted by No. I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS **2002** 3193 3199; BBl **2001** 6401).

<sup>13</sup> Amended in accordance with No. I of the Federal Act of 23 March 2007 on the Amendment of the Federal Legislation on Political Rights, in force since 1 Jan. 2008 (AS **2007** 4635 4637; BBl **2006** 5261).

<sup>14</sup> Repealed by No. I of the Federal Act of 23 March 2007 on the Amendment of the Federal Legislation on Political Rights, with effect from 1 Jan. 2008 (AS **2007** 4635 4637; BBl **2006** 5261).

<sup>15</sup> Repealed by No. II 4 of the Federal Act of 20 March 2008 on the Formal Revision of Federal Legislation, with effect from 1 Aug. 2008 (AS **2008** 3437 3452; BBl **2007** 6121).

## Title 2: Votes

### Art. 10 Organisation

<sup>1</sup> The Federal Council shall determine the rules by which polling days are 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.<sup>16</sup>

<sup>1bis</sup> 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.<sup>17</sup>

<sup>2</sup> Each canton is responsible for the conduct of the vote within its own territory and issues the required regulations.

### Art. 10a<sup>18</sup> Information for persons eligible to vote

<sup>1</sup> The Federal Council shall continually inform persons eligible to vote about federal proposals to be submitted to the vote of the People.

<sup>2</sup> In doing so, it shall comply with the principles of completeness, objectivity, transparency and proportionality.

<sup>3</sup> It shall present the most important views represented in the parliamentary decision-making process.

<sup>4</sup> It shall not make a recommendation on how to vote that diverges from the position of the Federal Assembly.

### Art. 11 Proposals submitted to a vote of the People, ballot papers and explanatory statements<sup>19</sup>

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

<sup>2</sup> 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 may

<sup>16</sup> Amended in accordance with No. I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS 2002 3193 3199; BBl 2001 6401).

<sup>17</sup> Inserted by No. I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS 2002 3193 3199; BBl 2001 6401).

<sup>18</sup> Inserted by No. I of the Federal Decree of 5 Oct. 2007, in force since 15 Jan. 2009 (AS 2009 1 2; BBl 2006 9259 9279).

<sup>19</sup> Amended in accordance with No. I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS 1997 753 759; BBl 1993 III).

amend or reject defamatory, blatantly false or excessively long statements. References to electronic sources may be included in the explanatory statement only if the author of the references declares in writing that none of the content of the sources is illegal and that the sources are not linked to electronic publications with illegal content.<sup>20</sup>

<sup>3</sup> Persons eligible to vote shall receive the documents required to cast a valid vote under cantonal law (ballot paper, polling card, official voting envelope, validation stamp<sup>21</sup>, 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.<sup>22 23</sup>

<sup>4</sup> 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.<sup>24</sup>

## Art. 12 Invalid ballot papers

<sup>1</sup> Ballot papers are invalid if they

- a. are not official;
- b. have been completed other than by hand;
- c. do not permit the intention of the voter to be clearly recognised;
- d. contain defamatory remarks or obviously irrelevant markings;
- e. ...<sup>25</sup>

<sup>2</sup> Grounds for invalidity or nullity that relate to cantonal procedures (official voting envelope, validation stamp, etc.) are reserved.

<sup>3</sup> In the case of electronic voting pilot schemes<sup>26</sup>, the legislation of each canton conducting such a scheme shall determine the requirements according to which votes are validly cast and the grounds for invalidity.<sup>27</sup>

<sup>20</sup> Amended in accordance with No. I of the Federal Act of 23 March 2007 on the Amendment of the Federal Legislation on Political Rights, in force since 1 Jan. 2008 (AS **2007** 4635 4637; BBI **2006** 5261).

<sup>21</sup> Term in accordance with No. II 4 of the Federal Act of 20 March 2008 on the Formal Revision of Federal Legislation, with effect from 1 Aug. 2008 (AS **2008** 3437 3452; BBI **2007** 6121). This amendment has been made throughout the text.

<sup>22</sup> Third sentence inserted by No. I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS **2002** 3193 3199; BBI **2001** 6401).

<sup>23</sup> Amended in accordance with No. I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS **1994** 2414 2422; BBI **1993** III 445).

<sup>24</sup> Inserted by No. I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS **1994** 2414 2422; BBI **1993** III 445).

<sup>25</sup> Repealed by No. II of the Federal Act of 22 March 1991 (AS **1991** 2388; BBI **1990** III 445).

<sup>26</sup> Term in accordance with No. II 4 of the Federal Act of 20 March 2008 on the Formal Revision of Federal Legislation, with effect from 1 Aug. 2008 (AS **2008** 3437 3452; BBI **2007** 6121). This amendment has been made throughout the text.

**Art. 13** Determination of the result of the vote<sup>28</sup>

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

<sup>2</sup> Where the yes-votes in a canton are equal in number to the no-votes, the vote of that canton shall be counted towards the cantons voting no.<sup>29</sup>

**Art. 14** Report on the vote

<sup>1</sup> In every polling station, a report shall be drawn up on the result of the vote which states 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.<sup>30</sup>

<sup>2</sup> The report shall be sent to the cantonal government. The cantonal government shall compile the provisional results from the entire canton, notify the Federal Chancellery of the results and publish the same in the official cantonal gazette within 13 days of the polling day. If necessary, the cantonal government shall publish a special issue of the official cantonal gazette.<sup>31</sup>

<sup>3</sup> The cantons shall submit the report, 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 para. 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

<sup>1</sup> The Federal Council shall ascertain the result of the vote (validation) as soon as it is established that no appeal against the vote has been filed with the Federal Supreme Court, or as soon as a decision has been made on such an appeal.<sup>32</sup>

<sup>2</sup> The validation decree shall be published in the Federal Gazette.

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

<sup>4</sup> Where 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

<sup>27</sup> Inserted by No. I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS **2002** 3193 3199; BBl **2001** 6401).

<sup>28</sup> Amended in accordance with No. I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS **1997** 753 759; BBl **1993** III 445).

<sup>29</sup> Inserted by No. I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS **1997** 753 759; BBl **1993** III 445).

<sup>30</sup> Amended in accordance with No. I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS **1997** 753 759; BBl **1993** III 445).

<sup>31</sup> Amended in accordance with No. I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS **2002** 3193 3199; BBl **2001** 6401).

<sup>32</sup> Amended in accordance with Annex No. 2 of the Federal Supreme Court Act of 17 June 2005, in force since 1 Jan. 2007 (SR **173.110**).

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.<sup>33</sup>

### **Title 3: Election of the National Council**

#### **Chapter 1: General**

##### **Art. 16<sup>34</sup>** Allocation of seats to the cantons

<sup>1</sup> The allocation of seats in the National Council among the cantons is based on the figures for the resident population obtained from the register-related surveys carried out as part of the census in accordance with the Census Act of 22 June 2007<sup>35</sup> in the first calendar year following the previous general elections to the National Council.

<sup>2</sup> Based on the binding figures for the resident population in accordance with Article 13 of the Census Act of 22 June 2007, the Federal Council shall make a binding decision on the number of seats to be allocated to each canton in the follow general election to the National Council.

##### **Art. 17<sup>36</sup>** Allocation procedure

The 200 seats in the National Council shall be allocated among the cantons in accordance with the following procedure:<sup>37</sup>

a. Preliminary allocation:

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

<sup>33</sup> Inserted by No. I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS **2002** 3193 3199; BBl **2001** 6401).

<sup>34</sup> Amended in accordance with Art. 17 No. 1 of the Census Act of 22 June 2007, in force since 1 Jan. 2008 (SR **431.112**).

<sup>35</sup> SR **431.112**

<sup>36</sup> Amended in accordance with No. I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS **1994** 2414 2422; BBl **1993** III 445).

<sup>37</sup> Amended in accordance with No. I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS **2002** 3193 3199; BBl **2001** 6401).

3. This procedure is repeated until the remaining cantons reach the final allocation number.
  - b. *Principal allocation*: each remaining canton is allocated as many seats as its population divided by the final allocation number.
  - c. *Final allocation*: the remaining seats are divided among the cantons with the highest fractions of a whole number remaining. Where more than one canton has 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 are excluded. If this also results in the same remaining number for more than one canton, the allocation of the remaining seats is decided by drawing lots.

**Art. 18**<sup>38</sup>**Art. 19**          Date of the election

<sup>1</sup> The ordinary general election to the National Council shall be held on the second last Sunday in October. The cantonal government shall fix the earliest possible date for by-elections and supplementary elections.

<sup>2</sup> The Federal Council shall fix the date for an extraordinary general election in terms of Article 193 paragraph 3 of the Federal Constitution.<sup>39</sup>

**Art. 20**          Drawing of lots

If lots must be drawn, this takes 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**<sup>40</sup>

<sup>38</sup> Repealed by Annex No. II 1 of the Parliament Act of 13 December 2002, with effect from the first day of the winter session 2007 (SR **171.10**)

<sup>39</sup> Amended in accordance with No. I of the Ordinance of 8 Oct. 1999, in force since 1 March 2000 (AS **2000** 411 413; BBl **1999** 7922).

<sup>40</sup> Inserted by No. I of the Federal Act of 18 March 1994 (AS **1994** 2414; BBl **1993** III 445). Repealed by No. II 4 of the Federal Act of 20. March 2008 on the Formal Revision of Federal Legislation, with effect from 1 Aug. 2008 (AS **2008** 3437 3452; BBl **2007** 6121).

## Chapter 2: Elections based on a System of Proportional Representation

### Section 1: Candidature

**Art. 21<sup>41</sup>** Final date for submission of candidate lists

<sup>1</sup> Cantonal law shall specify one Monday between 1 August and 30 September in the 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.

<sup>2</sup> The candidate lists must arrive at the cantonal authority on the final date for submission at the latest.

<sup>3</sup> The cantons shall notify the Federal Chancellery of each candidate list without delay.

**Art. 22** Number and designation of the candidates

<sup>1</sup> A candidate list may contain no more names of persons eligible for election than 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. Where a candidate list contains more than the maximum number of names, the last names on the list shall be deleted.

<sup>2</sup> The candidate lists must provide the surnames and first names of the candidates, their sex, dates of birth, occupations, home addresses and places of origin.<sup>42</sup>

<sup>3</sup> 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.<sup>43</sup>

**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.<sup>44</sup>

<sup>41</sup> Amended in accordance with No. I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS **1994** 2414 2422; BBl **1993** III 445).

<sup>42</sup> Amended in accordance with No. I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS **2002** 3193 3199; BBl **2001** 6401).

<sup>43</sup> Inserted by No. I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS **1994** 2414 2422; BBl **1993** III 445).

<sup>44</sup> Second sentence inserted by No. I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS **2002** 3193 3199; BBl **2001** 6401).

**Art. 24** Quorum of signatures<sup>45</sup>

<sup>1</sup> 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 is:

- 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.<sup>46</sup>

<sup>2</sup> No person eligible to vote has the right to sign more than one candidate list. He may not withdraw his signature following submission of the candidate list.

<sup>3</sup> The quorums in accordance with paragraph 1 above do 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.<sup>47</sup>

<sup>4</sup> 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.<sup>48</sup>

**Art. 25** Agent for the candidate list

<sup>1</sup> 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 are deemed to be the agent and deputy agent respectively.

<sup>2</sup> The agent and, in the event of his incapacity, the deputy agent 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 may inspect the lists of candidates and the names of the signatories at the offices of the competent authority.

<sup>45</sup> Amended in accordance with No. I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS **1994** 2414 2422; BBl **1993** III 445).

<sup>46</sup> Amended in accordance with No. I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS **1994** 2414 2422; BBl **1993** III 445).

<sup>47</sup> Inserted by No. I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS **2002** 3193 3199; BBl **2001** 6401).

<sup>48</sup> Inserted by No. I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS **2002** 3193 3199; BBl **2001** 6401).

**Art. 27**<sup>49</sup> Multiple candidacies

<sup>1</sup> If the name of a candidate appears 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.

<sup>2</sup> 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.

<sup>3</sup> The Federal Chancellery shall immediately notify the cantons concerned of the deletions that it has made.

**Art. 28**<sup>50</sup>**Art. 29** Rectification of deficiencies; Replacement candidates

<sup>1</sup> The canton shall examine the candidate lists 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.<sup>51</sup>

<sup>2</sup> The replacement candidates must confirm in writing that they accept their nomination. In the absence of such confirmation or where the relevant name already appears on another candidate list or the candidate is not eligible for election, the replacement candidate is deleted from the list.<sup>52</sup> Unless the agent for the candidate list requests otherwise, replacement candidates are entered at the end of the candidate list.

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

<sup>4</sup> No candidate list may be further amended from the second Monday following the final date for submission of candidate lists. Cantonal legislation may reduce to one week the period allowed for rectification.<sup>53</sup>

**Art. 30** Electoral lists

<sup>1</sup> The final candidate lists are known as electoral lists.

<sup>2</sup> Each list shall be provided with a reference number.

<sup>49</sup> Amended in accordance with No. I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS **1994** 2414 2422; BBl **1993** III 445).

<sup>50</sup> Repealed by No. I of the Federal Act of 18 March 1994 (AS **1994** 2414; BBl **1993** III 445).

<sup>51</sup> Amended in accordance with No. I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS **1997** 753 759; BBl **1993** III 445).

<sup>52</sup> Wording of the first two sentences according to No. I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS **1994** 2414 2422; BBl **1993** III 445).

<sup>53</sup> Amended in accordance with No. I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS **1994** 2414 2422; BBl **1993** III 445).

**Art. 31**<sup>54</sup> Combined electoral lists

<sup>1</sup> Two or more electoral 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 electoral list, only electoral list sub-combinations are permitted.

<sup>1bis</sup> List sub-combinations are valid only in the case of electoral lists with the same designation that differentiate themselves from each other solely by an additional designation indicating a distinction that is based on sex, the wing of a political group, region, or age.

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

<sup>3</sup> Declarations relating to electoral list combinations and electoral list sub-combinations may not be revoked.

**Art. 32**<sup>55</sup> Publication of the electoral lists

<sup>1</sup> At the earliest possible opportunity, the canton shall publish in the official cantonal gazette the electoral lists with their designations and their reference numbers as well as references to any list combinations or list sub-combinations.

<sup>2</sup> The Federal Chancellery shall publish the electoral lists in electronic form indicating the surnames and first names, year of birth, occupation, place of origin and place of residence of the candidates.<sup>56</sup>

**Art. 33** Preparation and delivery of ballot papers

<sup>1</sup> The cantons shall prepare ballot papers for all the electoral lists, which each contain pre-printed details of the list designation, any electoral 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.

<sup>1bis</sup> If the canton prepares vote recording vouchers instead of ballot papers, persons eligible to vote shall also receive a summary of the details of each of the candidates and of the electoral list designations, and of any list combinations and list sub-combinations.<sup>57</sup>

<sup>2</sup> 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.

<sup>54</sup> Amended in accordance with No. I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS **1994** 2414 2422; BBl **1993** III 445).

<sup>55</sup> Amended in accordance with No. I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS **1994** 2414 2422; BBl **1993** III 445).

<sup>56</sup> Inserted by Art. 21 No. 1 of the Publication Act of 18 June 2004, in force since 1 Jan. 2005 (SR **170.512**); Amended in accordance with No. II 4 of the Federal Act of 20 March 2008 on the Formal Revision of Federal Legislation (AS **2008** 3437 3440, BBl **2007** 6121).

<sup>57</sup> Inserted by No. I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS **1994** 2414 2422; BBl **1993** III 445).

<sup>3</sup> 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<sup>58</sup>**      Voting instructions

The Federal Chancellery shall issue brief instructions on voting procedures prior to each general election, which are delivered along with the ballot papers to the persons eligible to vote in cantons with a system of proportional representation (Art. 33 paragraph 2).

### **Art. 35**            Completing the ballot paper

<sup>1</sup> Anyone who uses the ballot paper that is not pre-printed may enter the names of eligible candidates and add the list designation or reference number of an electoral list.

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

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

### **Art. 36**            Votes for deceased candidates

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

### **Art. 37**            Additional votes

<sup>1</sup> Where a 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 count as additional votes for the electoral 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 are not counted (blank votes).

<sup>2</sup> Where 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 are

<sup>58</sup> Amended in accordance with No. I 1 of the Federal Act of 23 March 2007 on the Amendment of the Federal Legislation on Political Rights, in force since 1 Jan. 2008 (AS 2007 4635 4637; BBl 2006 5261).

counted towards the list relating to the region in which the ballot paper is handed in.<sup>59</sup>

<sup>2bis</sup> In the case of the other possible applications of Article 31 paragraph 1<sup>bis</sup>, the additional votes are counted towards the list whose designation is entered on the ballot paper. The additional votes on insufficiently designated ballot papers are counted towards the electoral list that has been declared to be the parent list by the group.<sup>60 61</sup>

<sup>3</sup> Names that do not appear on any electoral list pertaining to the constituency are deleted. ...<sup>62</sup>

<sup>4</sup> Where there is a contradiction between the electoral list designation and the reference number, the electoral list designation shall take precedence.

### **Art. 38** Invalid ballot papers and candidate votes

<sup>1</sup> Ballot papers are invalid if they

- a. do not contain the name of a candidate standing in the constituency;
- b. are not official;
- c. have been completed or altered other than by hand;;
- d. contain defamatory remarks or obviously irrelevant markings;
- e. ...<sup>63</sup>

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> Grounds for invalidity or nullity that relate to the cantonal procedure (official voting envelope or validation stamp, etc.) remain reserved.<sup>64</sup>

<sup>5</sup> In the case of electronic voting pilot schemes, the legislation of each canton conducting such a scheme determines the requirements according to which votes are validly cast and the grounds for invalidity.<sup>65</sup>

<sup>59</sup> Amended in accordance with No. I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS **1994** 2414 2422; BBl **1993** III 445).

<sup>60</sup> Second sentence inserted by No. I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS **2002** 3193 3199; BBl **2001** 6401).

<sup>61</sup> Inserted by No. I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS **1994** 2414 2422; BBl **1993** III 445).

<sup>62</sup> Second and third sentences repealed by No. II 4 of the Federal Act of 20 March 2008 on Formal Revision of Federal Legislation, with effect from 1 Aug. 2008 (AS **2008** 3437 3440, BBl **2007** 6121).

<sup>63</sup> Repealed by No. II of the Federal Act of 22 March 1991 (AS **1991** 2388; BBl **1990** III 445).

<sup>64</sup> Inserted by No. I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS **1994** 2414 2422; BBl **1993** III 445).

<sup>65</sup> Inserted by No. I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS **2002** 3193 3199; BBl **2001** 6401).

**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.<sup>66</sup> the number of additional votes for each list (Art. 37);
- e.<sup>67</sup> 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 electoral lists<sup>68</sup>

<sup>1</sup> The number of valid party votes for all the electoral lists is divided by a number equivalent to the number of mandates to be allocated plus one. To obtain the allocation number, the result is rounded up to the nearest whole number, unless it is already a whole number, in which case it is increased to the next highest whole number.<sup>69</sup>

<sup>2</sup> Each electoral 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.

<sup>3</sup> ...<sup>70</sup>

**Art. 41**<sup>71</sup> Additional allocations

<sup>1</sup> Where 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 electoral list is divided by a number equivalent to the number of mandates already allocated to that list plus one.

<sup>66</sup> Amended in accordance with No. I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS **2002** 3193 3199; BBl **2001** 6401).

<sup>67</sup> Amended in accordance with No. I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS **2002** 3193 3199; BBl **2001** 6401).

<sup>68</sup> Amended in accordance with No. I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS **1994** 2414 2422; BBl **1993** III 445).

<sup>69</sup> Amended in accordance with No. I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS **1994** 2414 2422; BBl **1993** III 445).

<sup>70</sup> Repealed by No. I of the Federal Act of 18 March 1994 (AS **1994** 2414; BBl **1993** III 445).

<sup>71</sup> Amended in accordance with No. I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS **1994** 2414 2422; BBl **1993** III 445).

- b. the next mandate is allocated to the electoral list that has the largest quotient.
  - c. if more than one list is entitled to the next mandate as they have the same quotient, then the next mandate is allocated to the list that achieved the highest remainder in the division according to Article 40 paragraph 2.
  - d. if there are still two or more lists with the same right to the mandate, the mandate goes 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 is 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 is allocated by drawing lots.
- <sup>2</sup> This procedure is repeated until all the mandates have been allocated.

**Art. 42** Allocation of mandates to combined lists

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

<sup>2</sup> Mandates shall be allocated to the individual lists within a group according to Articles 40 and 41. Article 37 paragraphs 2 and 2<sup>bis</sup> remain reserved.<sup>72</sup>

**Art. 43** Determining the elected members and their replacements

<sup>1</sup> 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.

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

<sup>3</sup> 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

Where any list is 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**<sup>73</sup> Tacit election

<sup>1</sup> Where 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.

<sup>72</sup> Amended in accordance with No. I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS 1994 2414 2422; BBl 1993 III 445).

<sup>73</sup> Amended in accordance with No. I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS 1994 2414 2422; BBl 1993 III 445).

<sup>2</sup> Where 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

<sup>1</sup> 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.

<sup>2</sup> Where a ballot paper contains more names than there are mandates to be allocated, the last names on the paper shall be deleted.<sup>74</sup>

<sup>3</sup> The provisions that apply to constituencies that return only one member also apply by analogy.

### Chapter 3: Simple Majority System

**Art. 47** Procedure

<sup>1</sup> In constituencies where 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.

<sup>2</sup> Cantonal legislation may provide for a tacit election where only one valid nomination has been submitted to the responsible cantonal authority by 12.00 noon on the forty-eighth day (seventh Monday) prior to the election.<sup>75</sup>

**Art. 48** Ballot papers

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

**Art. 49** Invalid ballot papers

<sup>1</sup> Ballot papers are deemed invalid if they

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

<sup>74</sup> Amended in accordance with No. I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS **1994** 2414 2422; BBl **1993** III 445).

<sup>75</sup> Inserted by No. I of the Federal Act of 18 March 1994 (AS **1994** 2414; BBl **1993** III 445). Amended in accordance with No. I 1 of the Federal Act of 23 March 2007 on the Amendment of the Federal Legislation on Political Rights, in force since 1 Jan. 2008 (AS **2007** 4635 4637; BBl **2006** 5261).

e. ...<sup>76</sup>

<sup>2</sup> Grounds for invalidity or nullity that relate to the cantonal procedure (official voting envelope, validation stamp, etc.) remain reserved.<sup>77</sup>

<sup>3</sup> In the case of electronic voting pilot schemes, the legislation of each canton conducting such a scheme determines the requirements according to which votes are validly cast and the grounds for invalidity.<sup>78</sup>

**Art. 50<sup>79</sup>** Cantons with the possibility of a tacit election

<sup>1</sup> If the possibility of a tacit election is recognised under cantonal law, then the names of all candidates nominated within the period allowed must appear on a pre-printed list on the ballot paper.

<sup>2</sup> In order to vote, the voter shall personally place a cross in the field next to the name of the candidate.

<sup>3</sup> The following are invalid:

- a. votes for candidates whose names do not appear on the pre-printed list;
- b. ballot papers on which a cross appears next to more than one candidate.

**Art. 51<sup>80</sup>** By-elections

Articles 47–49 also apply to by-elections.

## Chapter 4: Publication and Validation of Election Results

**Art. 52** Notice of election; Publication of the election results

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

<sup>2</sup> 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.<sup>81</sup>

<sup>76</sup> Repealed by No. II of the Federal Act of 22 March 1991 (AS **1991** 2388; BBl **1990** III 445).

<sup>77</sup> Inserted by No. I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS **1994** 2414 2422; BBl **1993** III 445).

<sup>78</sup> Inserted by No. I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS **2002** 3193 3199; BBl **2001** 6401).

<sup>79</sup> Repealed by No. I of the Federal Act of 18 March 1994 (AS **1994** 2414; BBl **1993** III 445). Amended in accordance with No. I 1 of the Federal Act of 23 March 2007 on the Amendment of the Federal Legislation on Political Rights, in force since 1 Jan. 2008 (AS **2007** 4635 4637; BBl **2006** 5261).

<sup>80</sup> Amended in accordance with No. I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS **1994** 2414 2422; BBl **1993** III 445).

<sup>81</sup> Amended in accordance with No. I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS **2002** 3193 3199; BBl **2001** 6401).

<sup>3</sup> The results of general, supplementary and by-elections shall be published in the Federal Gazette. They shall also be published in full in the online version of the Federal Gazette.<sup>82 83</sup>

<sup>4</sup> 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 para. 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.<sup>84</sup>

#### **Art. 53** Validation of the election results

<sup>1</sup> The constituent sitting of the newly elected National Council shall take place on the seventh Monday following the election. At this sitting, the first 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 of at least a majority of its members has been declared valid. The National Council shall determine the procedural rules in its regulations.<sup>85</sup>

<sup>2</sup> 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.

<sup>3</sup> 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.<sup>86</sup>

### **Chapter 5: Changes during the Legislative Period**

#### **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

<sup>1</sup> Where a member of the National Council resigns before the expiry of the legislative period, the cantonal government shall declare the first substitute from the same list to be elected.

<sup>82</sup> Second sentence inserted by Art. 21 No. 1 of the Publication Act of 18 June 2004, in force since 1 Jan. 2005 (SR **170.512**).

<sup>83</sup> Inserted by Art. 17 No. 1 of the Federal Act of 21 March 1986 on the Compilations of Legislation and the Official Federal Gazette, in force since 15 May 1987 [AS **1987 600**].

<sup>84</sup> Inserted by No. I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS **1994 2414 2422**; BBl **1993 III 445**).

<sup>85</sup> Amended in accordance with No. I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS **2002 3193 3199**; BBl **2001 6401**).

<sup>86</sup> Amended in accordance with No. I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS **1994 2414 2422**; BBl **1993 III 445**).

<sup>2</sup> 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 or her place.

**Art. 56** Supplementary election

<sup>1</sup> Where a seat cannot be filled by substitution, 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.<sup>87</sup>

<sup>2</sup> The candidate who is nominated in the foregoing manner shall be declared by the cantonal government to be elected in accordance with Article 45, following the rectification of any deficiencies in the candidate list (Art. 22 and Art. 29) and without a ballot being held.<sup>88</sup>

<sup>3</sup> Where the right to nominate a candidate is not exercised, a popular election shall be held.<sup>89</sup> This election is based on the simple majority election system unless more than one seat has to be filled, in which case the provisions on the system of proportional representation apply.

**Art. 57<sup>90</sup>** End of the legislative period

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

**Title 4:<sup>91</sup> The Referendum**

**Chapter 1: 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.

<sup>87</sup> Amended in accordance with No. I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS **2002** 3193 3199; BBl **2001** 6401).

<sup>88</sup> Amended in accordance with No. I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS **1994** 2414 2422; BBl **1993** III 445).

<sup>89</sup> Amended in accordance with No. I of Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS **2002** 3193 3199; BBl **2001** 6401).

<sup>90</sup> Amended in accordance with No. I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS **1994** 2414 2422; BBl **1993** III 445).

<sup>91</sup> The provisions of the 4th Title (Art. 59–67) of the Act revised by the Federal Act of 21 June 1996 (AS **1997** 753) apply only to legislation passed by the Federal Assembly after 31 March 1997 (AS **1997** 760 Art. 2 para. 1).

## Chapter 2: The Optional Referendum

### Section 1: General<sup>92</sup>

#### Art. 59<sup>93</sup>

#### Art. 59a<sup>94</sup> 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<sup>95</sup> Prohibition of withdrawal

A request for a referendum may not be withdrawn.

#### Art. 59c<sup>96</sup> Popular vote

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

### Section 2: The Popular Referendum<sup>97</sup>

#### Art. 60 Signature lists

<sup>1</sup> 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:<sup>98</sup>

- 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.<sup>99</sup> reference to the fact that anyone who falsifies the result of a signature list for a referendum (Art. 282 of the Swiss Criminal Code, SCC<sup>100</sup>) or who offers

<sup>92</sup> Inserted by No. I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS 1997 753 759; BBl 1993 III 445).

<sup>93</sup> Repealed by No. II 4 of the Federal Act of 20 March 2008 on Formal Revision of Federal Legislation (AS 2008 3437 3440, BBl 2007 6121).

<sup>94</sup> Inserted by No. I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS 1997 753 759; BBl 1993 III 445).

<sup>95</sup> Inserted by No. I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS 1997 753 759; BBl 1993 III 445).

<sup>96</sup> Inserted by No. I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS 1997 753 759; BBl 1993 III 445).

<sup>97</sup> Inserted by No. I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS 1997 753 759; BBl 1993 III 445).

<sup>98</sup> Amended in accordance with No. I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS 1997 753 759; BBl 1993 III 445).

or accepts bribes in connection with a signature list (Art. 281 SCC) commits an offence.

<sup>2</sup> Where 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.<sup>101</sup>

**Art. 60a**<sup>102</sup> Downloading of signature lists in electronic form

Anyone who downloads a signature list for requesting a referendum that has been made available online is responsible for ensuring that the signature list satisfies all the formal legal requirements.

**Art. 61** Signature

<sup>1</sup> The person eligible to vote must write his name by hand and legibly on the signature list and add his handwritten signature.<sup>103</sup>

<sup>1bis</sup> 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 preserves secrecy as to the content of the instructions he has received.<sup>104</sup>

<sup>2</sup> 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.<sup>105</sup>

<sup>3</sup> He may only sign the same request for a referendum once.

**Art. 62** Certificate of eligibility to vote

<sup>1</sup> 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.

<sup>2</sup> The office certifies that the signatories in the communes stated in the signature list are eligible to vote on federal matters, and returns the signature lists to their senders without delay.

<sup>99</sup> Amended in accordance with No. I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS 1997 753 759; BBl 1993 III 445).

<sup>100</sup> SR 311.0

<sup>101</sup> Inserted by No. I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS 1997 753 759; BBl 1993 III 445).

<sup>102</sup> Inserted by No. I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS 2002 3193 3199; BBl 2001 6401).

<sup>103</sup> Amended in accordance with No. I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS 1997 753 759; BBl 1993 III 445).

<sup>104</sup> Inserted by No. I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS 1997 753 759; BBl 1993 III 445).

<sup>105</sup> Amended in accordance with No. I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS 1997 753 759; BBl 1993 III 445).

<sup>3</sup> 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.

<sup>4</sup> 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

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

<sup>2</sup> If a person eligible to vote has signed more than one signature list, only one signature is certified.

<sup>3</sup> The grounds for refusal must be stated on the signature list.

**Art. 64** Prohibition of inspection<sup>106</sup>

<sup>1</sup> ...<sup>107</sup>

<sup>2</sup> Signature lists that have been submitted are not returned and may not be inspected.

**Art. 65**<sup>108</sup>

**Art. 66** Successful request

<sup>1</sup> After expiry of the referendum period, the Federal Chancellery shall establish whether the referendum request lists contain 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 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.<sup>109</sup>

<sup>2</sup> The following are invalid:

- a.<sup>110</sup> signatures on lists that do not fulfil the requirements of Article 60;
- b.<sup>111</sup> signatures by persons whose eligibility to vote is not certified;
- c. signatures on lists that have been submitted after expiry of the referendum period.

<sup>106</sup> Amended in accordance with No. I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS 1997 753 759; BBl 1993 III 445).

<sup>107</sup> Repealed by No. I of the Federal Act of 21 June 1996 (AS 1997 753; BBl 1993 III 445).

<sup>108</sup> Repealed by No. I of the Federal Act of 21 June 1996 (AS 1997 753; BBl 1993 III 445).

<sup>109</sup> Amended in accordance with No. I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS 1997 753 759; BBl 1993 III 445).

<sup>110</sup> Amended in accordance with No. I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS 2002 3193 3199; BBl 2001 6401).

<sup>111</sup> Amended in accordance with No. I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS 2002 3193 3199; BBl 2001 6401).

<sup>3</sup> The Federal Chancellery shall publish the ruling on the success of the referendum request in the Federal Gazette together with details of the numbers of valid and invalid signatures for each canton.<sup>112</sup>

### Section 3: Referendum requested by the Cantons<sup>113</sup>

#### Art. 67<sup>114</sup> Competence

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

#### Art. 67a<sup>115</sup> 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<sup>116</sup> Successful request

<sup>1</sup> 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.<sup>117</sup>

<sup>2</sup> A request for a referendum is 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.

<sup>112</sup> Amended in accordance with No. II 4 of the Federal Act of 20 March 2008 on Formal Revision of Federal Legislation (AS 2008 3437 3440, BBl 2007 6121).

<sup>113</sup> Inserted by No. I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS 1997 753 759; BBl 1993 III 445).

<sup>114</sup> Amended in accordance with No. I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS 1997 753 759; BBl 1993 III 445).

<sup>115</sup> Inserted by No. I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS 1997 753 759; BBl 1993 III 445).

<sup>116</sup> Inserted by No. I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS 1997 753 759; BBl 1993 III 445).

<sup>117</sup> Amended in accordance with No. I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS 2002 3193 3199; BBl 2001 6401).

<sup>3</sup> The Federal Chancellery shall provide written notification 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 Federal Gazette, giving details of the number of valid and invalid cantonal requests for a referendum.

## **Title 5:**<sup>118</sup> **The Popular Initiative**

### **Art. 68** Signature lists

<sup>1</sup> 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:<sup>119</sup>

- a. the canton and the political commune in which the signatory is eligible to vote;
- b.<sup>120</sup> the title and text of the initiative, together with the date of its publication in the Federal Gazette;
- c.<sup>121</sup> a withdrawal clause within the meaning of Article 73;
- d.<sup>122</sup> reference to the fact that anyone who falsifies the result of a signature collection for a popular initiative (Art. 282 SCC<sup>123</sup>) or who offers or accepts bribes in connection with a signature collection (Art. 281 SCC) commits an offence;
- e.<sup>124</sup> 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).

<sup>2</sup> Article 60 paragraph 2 also applies to popular initiatives.<sup>125</sup>

<sup>118</sup> The provisions of the 5th Title (Art. 68–74) of the Act revised by the Federal Act of 21 June 1996 (AS **1997** 753) apply only to popular initiatives where the collection of signatures began after 31 March 1997 (AS **1997** 760 Art. 2 para. 2).

<sup>119</sup> Amended in accordance with No. I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS **1997** 753 759; BBl **1993** III 445).

<sup>120</sup> Amended in accordance with No. I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS **1997** 753 759; BBl **1993** III 445).

<sup>121</sup> Amended in accordance with No. I of the Federal Act of 25 Sept. 2009 (Conditional Withdrawal of a Popular Initiative), in force since 1 Feb. 2010 (AS **2010** 271; BBl **2009** 3591 3609).

<sup>122</sup> Amended in accordance with No. I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS **1997** 753 759; BBl **1993** III 445).

<sup>123</sup> SR **311.0**

<sup>124</sup> Amended in accordance with No. I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS **1997** 753 759; BBl **1993** III 445).

<sup>125</sup> Inserted by No. I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS **1997** 753 759; BBl **1993** III 445).

**Art. 69** Preliminary examination

<sup>1</sup> The Federal Chancellery shall declare in a ruling before the collection of signatures is begun whether the signature list corresponds to the form prescribed by law.

<sup>2</sup> Where 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.<sup>126</sup>

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

<sup>4</sup> The title and text of the initiative, together with the names of the authors shall be published in the Federal Gazette.<sup>127</sup>

**Art. 69a**<sup>128</sup> Online signature lists

Anyone who downloads a signature list for a popular initiative that has been made available online is responsible for ensuring that the signature list satisfies all the formal legal requirements.

**Art. 70**<sup>129</sup> 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) apply by analogy to popular initiatives.

**Art. 71** Submission

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

<sup>2</sup> Signature lists that have been submitted are not returned and may not be inspected.

**Art. 72** Successful request for a popular initiative

<sup>1</sup> After expiry of the period allowed for the collection of signatures, the Federal Chancellery shall establish whether the popular initiative has obtained 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 Federal Gazette stating simply that the period allowed for the collection of signatures has expired. If half or

<sup>126</sup> Amended in accordance with No. I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS 1997 753 759; BBl 1993 III 445).

<sup>127</sup> Amended in accordance with No. I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS 1997 753 759; BBl 1993 III 445).

<sup>128</sup> Inserted by No. I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS 2002 3193 3199; BBl 2001 6401).

<sup>129</sup> Amended in accordance with No. I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS 1997 753 759; BBl 1993 III 445).

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.<sup>130</sup>

<sup>2</sup> The following are 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.<sup>131</sup>

<sup>3</sup> The Federal Chancellery shall publishes the ruling on the success of the initiative in the Federal Gazette together with details of the numbers of valid and invalid signatures for each canton.

#### **Art. 73**<sup>132</sup>      Withdrawal

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

<sup>2</sup> The withdrawal of a popular initiative is permitted up to 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 specify a short period of time within which the committee must do so.

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

#### **Art. 73a**<sup>133</sup>      Unconditional and conditional withdrawal

<sup>1</sup> The withdrawal of a popular initiative is normally unconditional.

<sup>2</sup> However, if Federal Assembly has approved an indirect counter-proposal in the form of a federal act at the latest at the same time as the final vote on the popular initiative, the initiative committee may withdraw its popular initiative under the express condition that the indirect counter-proposal is not rejected in a popular vote.

<sup>3</sup> The conditional withdrawal becomes effective as soon as:

- a. the deadline for requesting a referendum against the indirect counter-proposal has expired without a request being filed;
- b. a legally binding declaration has been made that the request for a referendum against the indirect counter-proposal has failed; or

<sup>130</sup> Amended in accordance with No. I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS 1997 753 759; BBl 1993 III 445).

<sup>131</sup> Amended in accordance with No. I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS 2002 3193 3199; BBl 2001 6401).

<sup>132</sup> Amended in accordance with No. I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS 1997 753 759; BBl 1993 III 445).

<sup>133</sup> Inserted by No. I of the Federal Act of 25 Sept. 2009 (Conditional Withdrawal of a Popular Initiative), in force since 1 Feb. 2010 (AS 2010 271; BBl 2009 3591 3609).

- c. the Federal Council has, in accordance with Article 15 paragraph 1, validated the result of the popular vote where a request for a referendum has succeeded and the People have voted for the indirect counter-proposal.

**Art. 74**<sup>134</sup>

**Art. 75** Examination of validity <sup>135</sup>

<sup>1</sup> If the text of a popular initiative fails to comply with the principles of cohesion of subject matter (Art. 139 para. 3 and Art. 194 para. 2 Federal Constitution) or consistency of form (Art. 139 para. 3 and Art. 194 para. 3 Federal Constitution), or if the popular initiative violates mandatory provisions of international law (Art. 139 para. 3, Art. 193 para. 4 and Art. 194 para. 2 Federal Constitution), the Federal Assembly shall declare the initiative to be invalid as a whole or in part, to the extent that this is required.<sup>136</sup>

<sup>2</sup> There is cohesion of subject matter in a popular initiative when there is an intrinsic connection between the individual parts of the initiative.

<sup>3</sup> There is consistency 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. 75a**<sup>137</sup> Vote

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

<sup>2</sup> In the event of a conditional withdrawal in favour of an indirect counter-proposal, the Federal Council shall submit the popular initiative to the vote of the People and the cantons within ten months of its validating in accordance with Article 15 paragraph 1 the result of the popular vote rejecting the indirect counter-proposal.

<sup>3</sup> If a popular 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 ten months of the final vote in the Federal Assembly

<sup>4</sup> The procedure for dealing with a popular initiative to be followed by the Federal Council and the Federal Assembly and the deadlines that must be observed are governed by the provisions of the Parliament Act of 13 December 2002<sup>138</sup>.

<sup>134</sup> Repealed by No. I of the Federal Act of 25. Sept. 2009 (Conditional Withdrawal of a Popular Initiative), with effect from 1 Feb. 2010 (AS **2010** 271; BBl **2009** 3591 3609).

<sup>135</sup> Amended in accordance with No. I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS **2002** 3193 3199; BBl **2001** 6401).

<sup>136</sup> Amended in accordance with No. I of the Ordinance of 8 Oct. 1999, in force since 1 March 2000 (AS **2000** 411 413; BBl **1999** 7922).

<sup>137</sup> Inserted by No. I of the Federal Act of 25. Sept. 2009 (Conditional Withdrawal of a Popular Initiative), in force since 1 Feb. 2010 (AS **2010** 271; BBl **2009** 3591 3609).

<sup>138</sup> SR **171.10**

**Art. 76**<sup>139</sup> Direct counter-proposal<sup>140</sup>

<sup>1</sup> Where the Federal Assembly decides to submit a counter-proposal, three questions are put to the voters on the same ballot paper. Each person who is eligible to vote may state, without reservation:

- a. whether they prefer the popular initiative to the law currently applicable;
- b. whether they prefer the counter-proposal to the law currently applicable;
- c. which of the two proposals should become law where both the People and the cantons prefer both proposals to the law currently applicable.

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

<sup>3</sup> Where both the popular initiative and the counter-proposal are 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.

**Title 5a:**<sup>141</sup> **Register of Political Parties****Art. 76a**

<sup>1</sup> 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<sup>142</sup>; and
- b. if it is represented in the same name by a minimum of one member in the National Council or by a minimum of three members in each of any three cantonal parliaments.

<sup>2</sup> For entry in the Register of Political Parties, the association shall 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.

<sup>3</sup> 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.

<sup>139</sup> Repealed by No. II of the Federal Act of 7 Oct. 1988 (AS **1989** 260; BBl **1987** III 377 388). Amended in accordance with No. I of the Ordinance of 8 Oct. 1999, in force since 1 March 2000 (AS **2000** 411 413; BBl **1999** 7922).

<sup>140</sup> Inserted by No. I of the Federal Act of 25 Sept. 2009 (Conditional Withdrawal of a Popular Initiative), in force since 1 Feb. 2010 (AS **2010** 271; BBl **2009** 3591 3609).

<sup>141</sup> Inserted by No. I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS **2002** 3193 3199; BBl **2001** 6401).

<sup>142</sup> SR **210**

## Title 6: Rights of Appeal

### Art. 77 Appeals

<sup>1</sup> An appeal may be filed with the cantonal government:

- a.<sup>143</sup> 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.<sup>144</sup> 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).

<sup>2</sup> 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.<sup>145</sup>

### Art. 78 Appeal petition

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

<sup>2</sup> ...<sup>146</sup>

### Art. 79 Appeal decisions and rulings

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

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

<sup>2bis</sup> The cantonal government shall reject any appeals on matters relating to popular votes or elections without conducting a detailed investigation if 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.<sup>147</sup>

<sup>143</sup> Amended in accordance with No. I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS 1994 2414 2422; BBl 1993 III 445).

<sup>144</sup> Amended in accordance with No. I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS 1994 2414 2422; BBl 1993 III 445).

<sup>145</sup> Amended in accordance with No. I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS 2002 3193 3199; BBl 2001 6401).

<sup>146</sup> Repealed by No. I of the Federal Act of 18 March 1994 (AS 1994 2414; BBl 1993 III 4 5).

<sup>147</sup> Inserted by No. I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS 1994 2414 2422; BBl 1993 III 445).

<sup>3</sup> The cantonal government shall give notice of its decision and any rulings issued in accordance with Articles 34-38 and 61 paragraph 2 of the Administrative Procedure Act <sup>148</sup> and shall notify the Federal Chancellery.<sup>149</sup>

**Art. 80**<sup>150</sup> Appeal to the Federal Supreme Court

<sup>1</sup> An appeal may be filed with the Federal Supreme Court against appeal decisions of the cantonal government (Art. 77) in accordance with the Federal Supreme Court Act of 17 June 2005<sup>151</sup>.

<sup>2</sup> An appeal to the Swiss Federal Supreme Court shall also be permitted against rulings issued by the Federal Chancellery on the refusal to make an entry in the Register of Political Parties or on the failure of a popular initiative or of a request for a referendum. No appeal shall be permitted against a simple notice in the Federal Gazette relating to a clear failure to achieve a quorum in respect of a popular initiative or request for a referendum at federal level (Art. 66 para. 1 and Art. 72 para. 1).<sup>152</sup>

<sup>3</sup> The members of the initiative committee are also entitled to appeal against rulings issued by the Federal Chancellery relating to the formal validity of a signature list (Art. 69 para. 1) and relating to the title of an initiative (Art. 69 para. 2).

**Art. 81 and 82**<sup>153</sup>

**Title 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 applies. The provisions of the Federal Act of 16 December 1943 on the Administration of Federal Justice are reserved<sup>154</sup>.

<sup>148</sup> SR **172.021**

<sup>149</sup> Amended in accordance with No. I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS **1994** 2414 2422; BBl **1993** III 445).

<sup>150</sup> Amended in accordance with Annex No. 2 of the Federal Supreme Court Act of 17 June 2005, in force since 1 Jan. 2007 (SR **173.110**).

<sup>151</sup> SR **173.110**

<sup>152</sup> Amended in accordance with No. I 1 of the Federal Act of 23 March 2007 on the Amendment of the Federal Legislation on Political Rights, in force since 1 Jan. 2008 (AS **2007** 4635 4637; BBl **2006** 5261).

<sup>153</sup> Repealed by Annex No. 2 of the Federal Supreme Court Act of 17 June 2005, with effect from 1 Jan. 2007 (SR **173.110**).

<sup>154</sup> [BS 3 531; AS **1948** 485 Art. 86, **1955** 871 Art. 118, **1959** 902, **1969** 737 Art. 80 let. b 767, **1977** 237 No. II 3 862 Art. 52 No. 2 1323 No. III, **1978** 688 Art. 88 No. 3 1450, **1979** 42, **1980** 31 No. IV 1718 Art. 52 No. 2 1819 Art. 12 para. 1, **1982** 1676 Annex No. 13, **1983** 1886 Art. 36 No. 1, **1986** 926 Art. 59 No. 1, **1987** 226 No. II 1 1665 No. II, **1988** 1776 Annex No. II 1, **1989** 504 Art. 33 let. a, **1990** 938 No. III para. 5, **1992** 288, **1993** 274 Art. 75 No. 1 1945 Annex No. 1, **1995** 1227 Annex No. 3 4093 Annex No. 4, **1996** 508 Art. 36 750 Art. 17 1445 Annex No. 2 1498 Annex No. 2, **1997** 1155 Annex No. 6 2465 Annex No. 5, **1998** 2847 Annex No. 3 3033 Annex No. 2, **1999** 1118 Annex

**Art. 84** Use of technical aids

<sup>1</sup> 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.<sup>155</sup>

<sup>2</sup> Election and popular vote procedures that use technical aids shall require the approval of the Federal Council.<sup>156</sup>

**Art. 85**<sup>157</sup>**Art. 86**<sup>158</sup> Administrative procedures: no fees or costs

<sup>1</sup> 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.

<sup>2</sup> In proceedings before the Federal Supreme Court, the obligation to pay fees or costs is governed by the Federal Supreme Court Act of 17 June 2005<sup>159</sup>.

**Art. 87** Statistical surveys

<sup>1</sup> The Federal Council may order that statistical surveys be carried out in respect of elections to the National Council or popular votes.

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

<sup>3</sup> No breach of voting secrecy in connection with a statistical surveys shall be permitted.

No. 1 3071 No. 12, **2000** 273 Annex No. 6 416 No. 12 505 No. 11 2355 Annex No. 1 2719, **2001** 114 No. 14 894 Art. 40 No. 3 1029 Art. 11 para. 2, **2002** 863 Art. 35 1904 Art. 36 No. 1 2767 No. 11 3988 Annex No. 1, **2003** 2133 Annex No. 7 3543 Annex No. 11 4 let. a 4557 Annex No. 11 1, **2004** 1985 Annex No. 11 1 4719 Annex No. 11 1, **2005** 5685 Annex No. 7. AS **2006** 1205 Art. 131 para. 1]. See now the Federal Supreme Court Act of 17 June 2005 (SR **173.110**).

<sup>155</sup> Amended in accordance with No. 1 of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS **1994** 2414 2422; BBl **1993** III 445).

<sup>156</sup> Inserted by No. 1 of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS **1994** 2414 2422; BBl **1993** III 445).

<sup>157</sup> Repealed by Annex No. 2 of the Federal Supreme Court Act of 17 June 2005, with effect from 1 Jan. 2007 (SR **173.110**).

<sup>158</sup> Amended in accordance with Annex No. 2 of the Federal Supreme Court Act of 17 June 2005, in force since 1 Jan. 2007 (SR **173.110**).

<sup>159</sup> SR **173.110**

**Title 8: Final Provisions****Chapter 1: Amendment and Repeal of Current Legislation****Art. 88** Amendment of federal acts

1. *The Swiss Criminal Code*<sup>160</sup> is amended as follows:

*Art. 282<sup>bis</sup>*

...

2. *The Parliamentary Procedure Act of 23 March 1962*<sup>161</sup> is amended as follows: In Section III/3, the term “popular request” is replaced by “popular initiative”, and the term “application” by “initiative”.

*Art. 22*

*Repealed*

*Art. 23*

...

*Art. 26 para. 1*

...

*Art. 27 para. 1*

...

*Art. 28 para. 1*

...

*Art. 29 para. 2 and 3*

*Repealed*

*Art. 29 para. 4*

...

*Art. 30*

...

*Art. 67 para. 2 and 3*

...

<sup>160</sup> SR 311.0. The amendment listed below is inserted in the said enactment.

<sup>161</sup> [AS 1962 773, 1966 1325, 1970 1253, 1972 241 1486, 1974 1051 No. I, II 1, 1978 688 Art. 88 No. 2, 1979 114 Art. 66 679 1318, 1984 768, 1985 452, 1986 1712, 1987 600 Art. 16 No. 3, 1989 257 260, 1990 1530 1642, 1991 857 Annex No. I, 1992 641 2344, 1994 360 2147, 1995 4840, 1996 1725 Annex No. I 2868, 1997 753 No. II 760 Art. I 2022 Annex No. 4, 1998 646 No. I, II, 1418 2847 Annex No. 8, 1999 468, 2000 273 2093, 2001 114 No. I 1, 2002 3371 Annex No. I, 2003 2119. AS 2003 3543 Annex No. I 3].

3. *The Federal Act of 16 December 1943*<sup>162</sup> on the Administration of Federal Justice is amended as follows:

*Art. 100 let. p*

...

*Art. 106 para. 1*

...

4. *The Federal Act of 15 June 1934*<sup>163</sup> on the Administration of Federal Criminal Justice is amended as follows:

*Art. 4 para. 1, 5 and 6*<sup>164</sup>

...

*Art. 5*

*Repealed*

5. *The Federal Act of 12 March 1948*<sup>165</sup> on the Legal Validity of the Revised Compilation of Federal Acts and Ordinances for the Years 1848–1947 and on the new Edition of the Compilation is amended as follows:

*Art. 4 let. a*

...

#### **Art. 89** Repeal of federal acts

The following acts are repealed:

- a. The Federal Act of 19 July 1872<sup>166</sup> on Federal Elections and Popular Votes;
- b. the Federal Act of 17 June 1874<sup>167</sup> on Popular Votes on Federal Acts and Federal Decrees;

<sup>162</sup> [BS 3 531; AS 1948 485 Art. 86, 1955 871 Art. 118, 1959 902, 1969 737 Art. 80 let. b 767, 1977 237 No. II 3 862 Art. 52 No. 2 1323 No. III, 1978 1450, 1979 42, 1980 31 No. IV 1718 Art. 52 No. 2 1819 Art. 12 para. 1, 1982 1676 Annex No. 13, 1983 1886 Art. 36 No. 1, 1986 926 Art. 59 No. 1, 1987 226 No. II 1 1665 No. II, 1988 1776 Annex No. II 1, 1989 504 Art. 33 let. a, 1990 938 No. III para. 5, 1992 288, 1993 274 Art. 75 No. 1 1945 Annex No. 1, 1995 1227 Annex No. 3 4093 Annex No. 4, 1996 508 Art. 36 750 Art. 17 1445 Annex No. 2 1498 Annex No. 2, 1997 1155 Annex No. 6 2465 Annex No. 5, 1998 2847 Annex No. 3 3033 Annex No. 2, 1999 1118 Annex No. 1 3071 No. I 2, 2000 273 Annex No. 6 416 No. I 2 505 No. I 1 2355 Annex No. 1 2719, 2001 114 No. I 4 894 Art. 40 No. 3 1029 Art. 11 para. 2, 2002 863 Art. 35 1904 Art. 36 No. 1 2767 No. II 3988 Annex No. 1, 2003 2133 Annex No. 7 3543 Annex No. II 4 let. a 4557 Annex No. II 1, 2004 1985 Annex No. II 1 4719 Annex No. II 1, 2005 5685 Annex No. 7. AS 2006 1205 Art. 131 para. 1]

<sup>163</sup> SR 312.0.

<sup>164</sup> This Art. has now been repealed.

<sup>165</sup> [AS 1949 1523 1650, 1967 17 Art. 4 para. 2, 1979 114 Art. 72 let. 1. AS 1987 600 Art. 16 No. 1]

<sup>166</sup> [BS 1 157; AS 1952 69, 1966 849 Art. 9, 1971 1365]

<sup>167</sup> [BS 1 173; AS 1962 789 Art. 11 para. 3]

- c. the Federal Act of 23 March 1962<sup>168</sup> 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<sup>169</sup> on the Introduction of Simplified Voting in Federal Elections and Popular Votes;
- e. the Federal Act of 8 March 1963<sup>170</sup> on the Distribution of Seats in the National Council among the Cantons;
- f. the Federal Act of 14 February 1919<sup>171</sup> on the Election of the National Council.

## Chapter 2: Transitional Provisions, Implementation and Commencement

### Art. 90 Transitional provisions

<sup>1</sup> This Act does 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 also applies to referendums and popular initiatives that have been submitted prior to its coming into force. In such cases, the previous law applies.

<sup>2</sup> 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.

<sup>3</sup> ... 172

<sup>4</sup> ... 173

### Art. 90a<sup>174</sup> Transitional provision on the Amendment of 25 September 2009

The new law applies to federal popular initiatives that are pending on commencement of the Amendment of 25 September 2009 to this Act.

### Art. 91 Implementation

<sup>1</sup> The Federal Council shall issue the implementing provisions.

<sup>2</sup> The cantonal implementing legislation shall require the approval of the Confederation in order to be valid<sup>175</sup>. The cantonal legislation must be enacted within 18 months of the adoption of this Act by the Federal Assembly.

<sup>168</sup> [AS 1962 789]

<sup>169</sup> [AS 1966 849]

<sup>170</sup> [AS 1963 419]

<sup>171</sup> [BS 1 180; AS 1975 601 710]

<sup>172</sup> Repealed by No. II 4 of the Federal Act of 20 March 2008 on the Formal Revision of Federal Legislation, with effect from 1 Aug. 2008 (AS 2008 3437 3440, BBl 2007 6121).  
<sup>173</sup> Inserted by No. III of the Federal Act of 9 March 1978 (AS 1978 1694 1695; BBl 1977 III 819). Repealed by No. II 4 of the Federal Act of 20 March 2008 on the Formal Revision of Federal Legislation (AS 2008 3437 3440, BBl 2007 6121).

<sup>174</sup> Inserted by No. I of the Federal Act of 25. Sept. 2009 (Conditional Withdrawal of a Popular Initiative), in force since 1 Feb. 2010 (AS 2010 271; BBl 2009 3591 3609).

**Art. 92** Referendum and commencement

<sup>1</sup> This Act is subject to an optional referendum.

<sup>2</sup> The Federal Council determines the date on which this Act comes into force.

Commencement Date: 1 July 1978<sup>176</sup>

<sup>175</sup> Term according to No. III of the Federal Act of 15 Dec. 1989 on the Approval of Cantonal Legislation by the Confederation, in force since 1 Feb. 1991 (AS **1991** 362 369; BBl **1988** II 1333).

<sup>176</sup> Federal Council Decree of 24 May 1978 (AS **1978** 711)