

RECHTSORDNUNGEN

in englischer Sprache

Ordnung für die Wahl von Kirchengemeinderäten und Pastoralräten

Wahlordnung/WahlO

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Rules about the Election of Parish Councils and Pastoral Councils

(Wahlordnung - Wahlo)

I SCOPE OF VALIDITY

§ 1 Validity of election regulations

II ELECTION PREPARATION

§ 2 Duties of incumbent parish council

§ 3 Election committee

§ 4 Nominations

§ 5 Final nomination

III ELECTION PROCEDURE

§ 6 Election dates, polling station, voting time, voting

§ 7 Election board

§ 8 Electoral roll

§ 9 Voting process

§ 10 Voting in person at the polling station

§ 11 General postal vote process

§ 12 Postal vote request process

IV ELECTION RESULT

§ 13 Counting of votes

§ 14 Confirmation of elected members

V FINAL PROVISIONS

§ 15 Commencement

I SCOPE OF VALIDITY

§ 1

Validity of the election regulations

These regulations apply to the election of parish councils in the diocese of Rottenburg-Stuttgart. They shall apply analogously to the election of pastoral councils for Catholic congregations of other mother tongues (§ 3 of the parish regulations (Kirchenge-meindeordnung - KGO)).

II PREPARATION FOR ELECTIONS

§ 2

Duties of the incumbent parish council

The incumbent parish council is responsible for the preparation and execution of the parish council election. This also includes informing the parish in due time and appointing the election committee.

The parish council shall decide on the following matters six months before the election:

- the number of seats on the parish council (§ 23 (1) KGO);
- the conduct of a spurious district election;
- the manner in which votes will be cast, especially whether the election will involve general postal votes or postal votes on request.

In exceptional cases, the number of seats may be corrected once by the parish council up to eight weeks before the election.

§ 3

Election committee

(1) The parish council shall appoint an election committee no later than six months before the polling day. This committee shall be in charge of the parish council election and shall be responsible for posting the nominations, appointing the election boards and confirming the election results.

When appointing the election committee, the parish council shall select the chair of the election committee, a deputy chair and three associate members.

(2) Members of the incumbent parish council may also sit on the committee. The chair shall appoint a secretary from among the associate members. Members of the election committee may not run for office.

(3) The chair or the elected chair of the parish council shall enlist the chair of the election committee, and the latter in turn shall

enlist the other members, to be conscientious in the fulfilment of their duties, offering a handshake in recognition of their binding commitment.

- (4) The parish regulations governing the work of the parish council (§§ 44 to 63 KGO) shall apply analogously to the working methods of the election committee.

§ 4

Nominations

Those parishioners who are eligible to vote must be informed at least 10 weeks before the polling day through announcements at the church services and in any other manner customary in the locality that they can submit nominations to the election committee up to seven weeks before the election (deadline for submission) under the following conditions:

1. Nominations may be submitted by parishioners who are eligible to vote.
A nomination must be signed by at least five parishioners who are eligible to vote.
In the case of spurious district elections (§ 23 (2) KGO), the districts or electoral districts may submit their own nominations; sentences 1 and 2 shall apply analogously.
2. Parishioners entitled to vote may each sign under one nomination only, adding their full address. Candidates may not sign under their own nomination.
3. A nomination may contain no more candidates than the number of elected members on the existing parish council.
4. The nomination must be accompanied by the written consent of the respective candidates. These can also be submitted at a later date until the final nomination has been published.

§ 5

Final nomination

- (1) Once the deadline for submissions referred to in § 4 sentence 1 has expired, the election committee shall compile the final nomination. It shall check eligibility to stand for election. If doubts about eligibility to stand for election cannot be resolved by the election committee, the decision shall be taken by the episcopal authority (Bischöfliche Aufsicht) (§ 26 (3) KGO).
- (2) The nominations received should contain at least two more candidates than the number of members to be elected to the parish council. If this is not the case, the election committee shall attempt to make up the numbers for the final nomination. However, the final nomination must contain at least as many candidates as there are members to be elected. Where this is not possible, the election committee shall assert that the election cannot take place.
- (3) If church congregations of up to 1,500 Catholics are unable to meet these requirements, they may hold an election without binding nominations if at least three candidates stand for election. The dean must be notified of the holding of an election without binding nominations prior to the public announcement in accordance with § 5 paragraph 9.
- (4) In addition to any amendments which may be necessary, the election committee may place further candidates on the final nomination. It shall also require the written consent of the candidates to this end.
- (5) The final nomination must list the candidates by surname and forename in alphabetical order along with their age, profession and address.
- (6) In the event of a spurious district election or the formation of electoral districts (§ 23 (2) KGO), the candidates in the districts or electoral districts must be listed in alphabetical order.

- (7) Candidates from other parishes must be identified as such by a note to this effect.
- (8) The final nomination must be confirmed by the election committee and displayed on the relevant notice board no later than four weeks before the election. It should also be published in the church newsletter or parish bulletin. The notice must contain the information referred to in paragraph 5.
- (9) If an election without binding nominations is held, a note must be added to the effect that people eligible to stand for election whose names are not already printed on the ballot paper may also be elected.
- (10) Attention must be drawn to the public announcement one week before the polling day in the customary manner in the locality.

III ELECTION PROCEDURE

§ 6

Election dates, polling station, voting time, voting

- (1) The same polling day is fixed by the episcopal authority for all congregations in the diocese (§§ 1 and 3 KGO).
- (2) The episcopal authority may exclude a congregation from the general election or declare the relevant votes void if this is necessary for pastoral or legal reasons.
- (3) The election committee shall decide the place of voting (polling station) in the parish or in the districts or electoral districts and shall decide the election period. The election committee shall be entitled to set the beginning of the election on the day before the Sunday fixed by the episcopal authority. Polling stations in the parish must be open for at least two hours.
- (4) Those entitled to vote must cast their votes in person or by postal vote.
- (5) The casting and counting of votes shall be done in public.

§ 7

Election board

- (1) The election committee shall appoint an election board for each polling station to direct the voting process and confirm the election result. The election board shall consist of the chair, a deputy chair and at least two other associate members.
- (2) The election board may also include the church workers in the congregation who are not entitled to vote. The chair shall appoint the secretary from among the associate members. Candidates cannot be members of the election board.
- (3) In parishes with several polling stations, the same election board may direct all the electoral processes if the opening hours of the polling stations do not overlap.

- (4) If there are several election boards, one of them shall be selected by the election committee to take charge of the process of establishing the result of the postal vote.
- (5) The election committee may also perform the duties of an election board.
- (6) Before the start of the voting procedure, the chair of the election committee shall enlist the chair of the election board and all of its members to perform their duties conscientiously.
- (7) The election board shall ensure that the election runs smoothly. As a rule, three members of the election board, or two at the very least, must be present at the polling station during the election. The chair or deputy chair may also appoint another member of the election board to direct the voting process.
- (8) Before the start of the election, the election board shall seal the ballot box after ascertaining that the box is empty. The boxes may not be opened until all the polling stations have closed and then the counting of votes may begin.
- (9) During the voting process, the election board shall register the names of the voters and monitor the casting of votes in the ballot box. If doubts arise as to certain matters, such as the eligibility to vote, the head of the election board shall decide (cf. paragraph 1 in conjunction with paragraph 4).
- (10) The election board shall issue a written record of the voting procedure and the result of the count. This must be signed by all the members who were involved in the voting process.
- (11) The parish regulations (§§ 44 to 63 KGO) shall apply to the working methods of the election board.

§ 8

Electoral roll

All the eligible voters shall be entered on the electoral roll. Pa-

risioners who are entitled to vote shall each be sent a polling card notifying them of their entry on the electoral roll. Every eligible voter (§ 25 KGO) can ask to be entered on the roll. Copies of the original electoral roll may be made where further copies are required in case of several polling stations. The correlation of the documents must be confirmed by an annotation and parish seal.

§ 9

Voting process

- (1) The election committee shall draw up the ballot paper in accordance with the mandatory templates. Candidates from other parishes must be identified as such by a note to this effect. In case of an election without a binding nomination, the ballot paper shall also contain as many lines as there are members to be elected to the parish council.
- (2) Only this ballot paper may be used in the election.
- (3) Those entitled to vote shall place a cross on the ballot paper against the names of the candidates to whom they wish to give their vote or clearly indicate their names in another way. They shall have as many votes as there are members to be elected to the parish council. They need not use all the votes. A candidate may not be given more than one vote, however. If a candidate is given more than one vote, this shall be counted as one vote.
- (4) In the event of a spurious district election (§ 23 (2) KGO), the votes must be distributed according to the proportion of seats in the districts or electoral districts on the parish council.
- (5) In the event of an election without a binding final nomination (§ 5 paragraph 3), the voters may vote for a candidate named on the ballot paper or for another person not named on the ballot paper who is eligible for election to the parish council. They must clearly identify this person on the ballot paper to this end,

entering at least their surname and forename on the ballot paper. Further distinguishing features must be added where people share the same name.

§ 10

Voting in person at the polling station

- (1) Eligible voters shall be issued with the ballot paper at the polling station unless they have already received the ballot paper with the documents for the postal vote. They shall then go to the place prepared for them to vote in secret, fill in the ballot paper and fold it in such a way that the vote cannot be seen. Voters shall then proceed to the table manned by the election board and submit their polling card. Voters who have no polling card must provide appropriate identification. Once their eligibility has been established, the voters shall place their folded ballot paper in the ballot box. The casting of the vote shall be recorded in the electoral roll by a member of the election board.
- (2) In parishes with several polling stations, voters may decide for themselves where to go to cast their vote. Voters in any such parish who are unable to submit a polling card must issue a declaration based on the relevant template that they have only exercised their right to vote once.
- (3) Voters who are unable to attend the polling station may enlist the help of a trusted third party. In this case, the third party may only mark the ballot paper according to the stated wishes of the voter.

§ 11

General postal vote process

- (1) If a general postal vote is held, the following documents shall be sent to the eligible voters:
 - polling card and postal vote declaration
 - ballot paper

- ballot paper envelope
- postal vote envelope

(2) The voter shall proceed as follows in order to cast a postal vote:

- fill in the ballot paper in person;
- put the completed ballot paper into the envelope and seal it;
- sign the postal vote declaration, stating the place and date of signing;
- put the ballot paper envelope into the postal vote envelope together with the signed postal vote declaration on the back of the polling card;
- seal the postal vote envelope;
- send the letter by post or by some other means to the chair of the election committee via the relevant parish office, the address of which is indicated on the postal vote envelope, or
- have the letter submitted to the chair of the election committee on the election day by the end of the election period at the latest.

(3) § 10 paragraph 3 shall apply analogously. In this case, the trusted third party shall sign the postal vote declaration.

(4) The postal votes received by the end of the election period shall be kept unopened under lock and key by the chair of the election committee. The chair of the election committee shall note the date and time of receipt of the postal votes arriving after the end of the election period. These shall be stored unopened and kept by the parish office until they are destroyed (§ 14 paragraph 6).

(5) The result of the postal vote shall be established together with the result of the ballot where the votes were cast in person. The chair of the election committee shall promptly forward the postal votes received by the end of the election period to the relevant election board. A start may be made on the process of

approving the postal votes in a public meeting of the election board before the beginning of the election period. The procedure shall be as follows:

- open the incoming postal votes;
- take out the polling card with the postal vote declaration;
- insofar as there are no reservations, record the voters on the electoral roll and place the unopened ballot paper envelope into the ballot box.

If the process of approving the postal votes follows after the end of the election period, it will be necessary to check in the first instance whether a comment has already been entered in the electoral roll against the voter named on the polling card ruling out the approval of the postal vote.

(6) Postal votes must be rejected in the following cases:

- no polling card is enclosed;
- the postal vote declaration is missing;
- there is no ballot paper envelope in the postal vote envelope;
- a vote has already been cast in person according to the register.

The senders of rejected postal votes shall not be counted in the voter numbers; their votes shall be deemed not to have been cast. Rejected postal votes must be sealed and enclosed with the election documents.

§ 12

Postal vote request process

- (1) If a general postal vote is not held, those entitled to vote may request a postal ballot paper. This request may be submitted in writing or in person at the parish office by 12:00 hours on the last Friday before the election. The polling card must be used for the request.
- (2) After the eligibility checks have been completed, the following documents shall be sent or handed to the applicant:

- postal ballot paper
- ballot paper
- ballot paper envelope
- postal vote envelope

- (3) A note must be entered on the electoral roll to indicate that a postal ballot paper has been issued. The vote may then only be cast by means of the postal ballot paper.
- (4) The provisions set out in § 11 paragraphs 2 to 5 shall apply in other respects. The postal ballot paper shall take the place of the polling card with the postal vote declaration on the back.
- (5) Voters who change their mind and wish to vote in person at the polling station instead of submitting the postal vote must submit the postal ballot paper instead of the polling card.

IV ELECTION RESULT

§ 13

Counting of votes

- (1) Once the election period has expired and the process of approving the postal votes has been completed (§ 11 paragraph 5), the election board shall establish the result of the election. If different opening hours were arranged in parishes with several polling stations, the process of counting the votes may not start until all the polling stations have closed.

The election board shall open the ballot box. It shall count the ballot papers submitted and the unopened ballot paper envelopes sent in the postal vote and shall compare the number with the number of vote confirmations noted in the electoral roll for the election at the polling station and for the general postal vote or with the number of postal ballot papers received where postal votes are issued on request.

The ballot paper envelopes shall then be opened, the ballot papers removed and mixed with the ballot papers submitted in person.

- (2) Ballot papers shall be invalid in the following cases:
- votes have been cast for more persons than there are candidates to be elected;
 - they contain insulting additional remarks or additional remarks referring to the person voting or a proviso directed not only against individual candidates, or there is another such statement in the ballot paper envelope;
 - they are submitted unchanged.

An empty ballot paper envelope shall also be considered an invalid ballot paper.

- (3) In the case of an election without a binding final nomination (§ 5 paragraph 3), votes shall be invalid if the name of the person voted for on the ballot paper is illegible or if the person voted for cannot be clearly identified.

- (4) If, in the case of a spurious district election (§ 23 (2) KGO), votes are cast on a ballot paper for more candidates of a residential district than are to be elected, the votes shall be invalid for all the candidates in this residential district, but not the entire ballot paper.
- (5) Ballot papers containing votes for fewer persons than are to be elected as members of the parish council shall be valid.
- (6) If a candidate has been given more than one vote, this shall count as only one vote (cf. § 9 paragraph 3).
- (7) The number of invalid ballot papers must be noted in the record.
- (8) Ballot papers lacking any clear identification of the candidates shall be rejected in the first instance. The election board shall decide on their validity before the votes have been counted. These ballot papers must be numbered consecutively and appended to the election record.
- (9) The election board shall pass resolutions by a majority of votes involving at least three members. In the event of a tie, the chair or deputy chair shall have the casting vote.
- (10) If the process of checking and counting the ballot papers cannot be carried out immediately after the election and without interruption, all the election documents must be kept under lock and key. The chair shall announce when the count will be continued.
- (11) The election board shall establish the provisional election result for its polling station.
- (12) The course of the election, the result of the vote count and the resolutions of the election board shall be written down in the election record. The election record must be signed by all the members of the election board. The election board shall then pack each of the following separately:
 - the valid ballot papers;

- the invalid ballot papers;
- the ballot papers collected.

It shall seal the individual packages, add a summary of their contents, and hand them to the election committee together with the written record.

§ 14

Confirmation of elected members

- (1) The election committee shall review the vote count and the decisions of the election board on the basis of the election records and shall establish the final election result.
As many candidates as there are seats on the parish council shall be elected in the order of the number of votes received. If the number of votes is the same, it shall be decided by lot. In the case of a spurious district election, the seats shall be allocated to the candidates in the order of the number of votes separately for each district or electoral district.
- (2) In the case of an election without binding nominations (§ 5 paragraph 3), persons added by the voters shall be taken into account if they have received more than five votes.
- (3) The public announcement of the election results shall follow immediately in a notice displayed on the relevant notice board and in the customary manner in the locality.
- (4) The public announcement of the election results must contain the following information:
 - the number of persons entitled to vote;
 - the number of persons who voted;
 - the number of valid and invalid ballot papers;
 - the total number of valid votes cast;
 - the names of those elected and the number of votes they received;
 - the names of the substitute members in the order of the number of votes achieved;

- where and within what time frame objections to the election may be filed.

Once the election results have been established, the information from the initial election analysis (election statistics) required by the deanery and the diocesan authority (Bischöfliches Ordinariat) must be forwarded to the deanery office by 24:00 hours on the evening of the election at the latest.

In the case of an election without binding nominations (§ 23 (2) KGO), the result cannot be published until consent has been obtained from those elected.

- (5) The election record must be forwarded to the deanery office after expiry of the deadline for filing an objection. The dean shall return the original to the parish office after checking and signing it.
- (6) All the election documents must be kept under lock and key until such time as the dean has examined them and the deadline for filing an objection under § 28 KGO has expired. If this deadline has expired and the election has not been contested, they shall be destroyed with the exception of the election record. If the election is contested, they shall be kept under lock and key until a decision is made and then destroyed.

V FINAL PROVISIONS

§ 15

Entry into force

These rules shall enter into force with effect from 1 March 2019, replacing the previous rules for the election of the parish councils dated 1 March 2014 (official church gazette reference: BO-Nr. 1149 - 12.03.14, KAbI. 58 [2014] 291).

Rottenburg, 22 January 2019

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