

Canton of St. Gallen

sGS 125.31 Decree on the ballots of August 17, 1971

The premier and the government of the canton of St. Gallen decree in application of Article 65 of the law on the ballots of Juli 4th, 1971 in appropriate application of the Federal Law on the Political Rights of 17 December 1976 (BPR) and the federal regulation of Mai 24th, 1978 (VPR) as a regulation:

I. Facilitated vote

Types

(Articles 13 and 16 of the law on the ballots)

Art. 1

1 facilitated voting means:

- a) early voting;
- b) postal voting.

Art. 2

Art. 3 bis 8. 10 Articles 3 to 8 10

I bis. Nominations

Nominations

(Art. 20bis UAG)

Art. 8bis

¹ In the nominations shall be included:

- a) designation of the ballot;
- b) surnames and first names, dates of birth, occupations and residential addresses of the applicant and the signatories;
- c) the declarations of consent of the candidates to run for office.

² Candidates and signatories cannot withdraw their signatures after filing of the nominations.

³ The Department of Home Affairs, in municipal elections the competent body of the municipality, sets the deadline for the representative of the nomination to correct deficiencies.

Art. 8ter

Inspection

Art. 8quater

¹ The nominations and the names of signatories may be viewed at the Department of Home Affairs, in municipal elections with the competent authority of the community.

II. Voting papers

Ballot cards

Art. 9

¹ Ballot cards for cantonal ballots bear the information according to Art. 23 UAG and the cantonal coat of arms. Ballot cards for municipal ballots may bear the coat of arms or logo of the municipality.

² The ballot may contain for each question, a checkbox labeled "yes" and one labeled "no".

³ The municipalities may list the voting issues of local, cantonal and federal referendi well separated on the same ballot card. Such ballots shall be produced by the municipalities at their own expense and submitted to the relevant department for approval, before delivery to the voters.

Art. 10

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Missing voting cards**Art. 11**

¹ If a voter has not received his voting card until the fifth day before the voting Sunday, he can request it at the voting registrar until the last office hour before the voting Sunday.

² At the polling station, no voting cards may be issued.

III. Proportional elections**A. General****Nominations****(Art. 21 und 26 BPR)****Art. 11bis**

¹ Nominations must be submitted latest on the ninth last Monday before the election day to the Department of Home Affairs.

² The nominations for the National and Cantonal Council elections and the names of the signatories may be viewed at the Department of Home Affairs, for municipal elections at the relevant authority of the community.

Lists**(Art. 30 BPR)****Art. 11ter.**

¹ The regularized nominations are called lists.

² The lists are numbered sequentially in the order received.

Art. 11quater

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Additional official electoral lists**Art. 12**

(Art. 33 par. 3 BPR, Art. 50 par. 2 UAG)

¹ Additional officially published electoral lists for proportional representation elections must be ordered by the seventh last Monday before the elections at the Department of Home Affairs, in municipal elections at the relevant authority of the community.

B. Election of the Cantonal Council**Number and names of nominees****(Art. 22 BPR)****Art. 13**

¹ The nominations shall contain a maximum number of nominees as representatives are to be elected in the constituency, and no name more than twice.

² If a nomination contains more names, than representatives are to be elected in the constituency, the last names will be deleted.

³ In the nominations, the surname, first name, date of birth, occupation, home address and place of origin of the nominees shall be stated.

⁴ The nominee confirms in writing that he accepts his nomination. Unconfirmed nominations will be deleted.

Signing of the nominations

(Art. 24 Par. 2 and Art. 25 BPR)

Art. 14

¹ Each nomination must be personally signed by at least 15 voters residing in the constituency and bear a headline with a designation distinctive from other nominations.

² A voter may not sign more than one nomination. He may not withdraw his signature after submission of the nomination.

³ The signatories of the nomination have to appoint a representative and a deputy for dealing with the authorities. Else the person whose name is in the first place in the list of the signatories, is considered to be the representative and the person whose name is in second place, as his deputy.

⁴ The representative is entitled and obliged, to make the legally binding statements on behalf of the signatories and required for the elimination of objections.

Multiple Nominated Candidates

(Art. 27 BPR)

Art. 15

¹ The Department of Home Affairs is canceling on all nominations those nominees whose name is appearing on more than one nomination.

Art. 16

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Regularization of the nominations

(Art. 29 BPR)

Art. 17

¹ The Department of Home Affairs shall examine each nomination, removing the names of non-eligible candidates and if necessary, sets the representative of the signatories a deadline, to supplement subsequently missing signatures, submit proposals for replacement of officially canceled nominees, improve the designation of nominees for the purpose of better distinction from other nominees.

² The replacement proposals shall be supplemented by a written statement by the nominees that they accept the candidacy.

In the absence of such a statement or if the name in question appears already on another nomination or if the candidate is not eligible, the replacement proposal is deleted.

³ Unless the representative of the signatories requests otherwise, the replacement proposals will be appended at the end of the nomination proposals.

⁴ If a deficiency is not remedied within the prescribed period, the nomination is invalid. If the deficiency concerns only one nominee, his name will be deleted.

⁵ After the eighth Monday before election day, the nominations may not be changed anymore.

Compound Lists

(Art. 31 BPR)

Art. 18

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³ Declarations on the combination of lists shall be submitted not later than the eighth Monday before Election Day.

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Election rules

(Art. 35 BPR)

Art. 19

¹ The voter may exercise his right to vote by a pre-printed ballot card or by fully or partially filling in of an empty ballot card with the names of nominees, who are on any of the published lists of nominations of the constituency. He can make manual alterations, deletions, changes or additions to the printed ballot cards.

² It is not allowed to put the name of a candidate more than twice on a ballot card.

Repeat symbols or expressions which suggest a repetition (as quotation marks, "ditto," "idem") are not permissible for the purpose of dual registration of a candidate's name. Any lines containing these characters or expressions are treated as empty.

Counting

a) Sorting

Art. 20

¹ After opening of the ballot box in attendance of the election office, the ballot cards shall be separated in invalid, completely empty and valid ballot cards. The valid ballot cards shall be separated into unchanged list of each list and altered ballot cards.

The altered ballot cards for each list and the ballot cards without designation of the list or respective reference number shall be separated and its content regularized.

b) Regularization

(Art. 37 and 38 Par. 3 BPR)

Art. 21

¹ If a ballot card contains less candidates' names, than members of the cantonal council shall be elected in the constituency, the missing votes count as additional votes for the list whose name or serial number is printed or written on the ballot card.

If description and serial number do not match, the list name prevails.

If the list name does not match any of the officially published lists of candidates, it is only valid if the will of the voter may clearly be determined.

If neither list name nor serial number are present or if the ballot card contains more than one designation or serial number of a list, any missing votes shall be considered as empty lines.

² If a ballot card contains more names than representatives shall be elected in the constituency, the last name in accordance with article 35 lit. c UAG will be deleted.

³ Names that do not appear on any list, will also be deleted. Their votes shall be counted as additional votes, if the ballot card bears a list name or a serial number and contains at least one valid candidate name.

Compiling the votes

(Art. 39 BPR)

Art. 22

¹ The cantonal election office verifies according to the protocols of the election offices:

- a) the number of voters;
- b) the number of valid, invalid and blank ballots;
- c) the number of votes, which the candidates of each list have achieved (candidates votes);
- d) the number of votes which each list has received by empty lines (additional votes);
- e) the totals of candidates' and additional votes, which the individual lists have achieved (party votes);
- f) for compound lists the total number of votes for the combined group of lists.

Allocation of seats

a) Full mandates

(Art. 40 Par. 1 und 2 BPR)

Art. 23

¹ The total number of valid votes (the party votes) is divided by the number of members to be elected in the constituency increased by one. The next higher whole number following the resulting quotient is the provisional allocation number.

² Each list is allocated as many seats of the Cantonal Council, as the provisional allocation number is included in its number of votes.

b) Excess mandates**(Art. 40 Par. 3 and Art. 41 BPR)****Art. 24**

¹ If after this distribution not all the seats in the constituency have been allocated, the number of votes of each list is divided by the number of its members already assigned increased by one. The first available seat is allocated to the list achieving the largest quotient.

² The same procedure is repeated while more vacant seats are left to be assigned.

³ If the division results in two or more equal quotients, preference is given to the list which has the largest rest when divided by the provisional allocation number.

⁴ If these numbers are also equal, preference is given to the list which attracted the largest number of party votes.

⁵ If still several lists are on par, the mandate is given to the list whose respective candidate attracted the greater number of votes.

⁶ If the candidate numbers are also equal, the lot decides.

Ascertainment of elected members and deputies**a) general****(Art. 43 and 44 BPR)****Art. 25**

¹ Of each list, according to the respective allocation, the candidates who have received the most votes are elected.

² The candidates not elected are deputies in order of the votes obtained.

³ In a tie, the order is determined by the lot.

⁴ If one or more lists are allocated more seats than they contain names, all candidates are deemed elected. For the surplus seats, by-election takes place.

b) for related lists**(Art. 42 BPR)****Art. 26**

¹ Each group of compound lists is treated as a single list.

² The total number of seats will be allocated to the individual lists of the group with appropriate application of the allocation rules of Art. 23 to 25 of this decree.

Drawing lots**(Art. 20 BPR)****Art. 26bis**

¹ If a decision is precipitated by the lot, this shall be effected by the chairman of the cantonal election office in the presence of at least three other members.

Voidness**(Art. 38 Abs. 1 BPR)****Art. 27**

¹ In addition to Art. 32 paragraph 2 UAG are invalid:

a) unofficial ballot cards;

b) ballot cards with or without a list designation and serial number, if no candidate name is listed, which appears on an officially published list of the constituency;

c) ballot cards that are filled in or changed otherwise than by hand.

Votes for the deceased**(Art. 36 BPR)****Art. 27bis**

¹ votes for candidates who have deceased since the regularization of the nominations, will be counted as candidates votes.

Silent election**(Art. 45 Abs. 1 BPR)****Art. 28**

¹ If only one list is present or the total number of nominees of all lists does not exceed the number of representatives to be elected, the cantonal executive declares all the candidates elected.

Vacant seats during the term of office**(Art. 55 BPR)****Art. 29**

¹ If a seat of the Cantonal Council is vacated during the term of office, the cantonal executive declares the the first substitute member on the list, on which the resigning member was elected, as elected.

² If a substitute member has died or lost eligibility or rejects the election, the next following member moves in its place.

If there is no eligible substitute member, a by-election will take place.

By-elections**Art. 30**

¹ The signatories of the list, which the departed members of the Cantonal Council were members of have the first right to submit a proposal for the by-election.

They are authorized to replace signatories of the original list, whose signature is not available, with other eligible candidates.

² The cantonal executive declares the nominees elected.

³ If the signatories of the original list make no use of their right of proposal or if they can not agree on a proposal, a by-election takes place according to the provisions of Articles 13 to 28 of this decree.

In the by-election for one single vacated seat, the relative majority applies.

IV Final Provisions**Art. 31**

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Minutes**(Art. 4 Par. 1 VPR and Art. 40 Par. 1 UAG)****Art. 31bis**

¹ For federal and cantonal ballots, the software provided by the Department of Home Affairs and the thus generated protocol forms shall be used.

Repeal of former laws**Art. 32**

¹ The decree on facilitated voting of 19 December 1966 is repealed.

Date of implementation**Art. 33**

This decree shall be effective from 1 October 1971.