

Swiss Federation (SR 161.1, BPR)

Federal Law on Political Rights of 17 December 1976 (as of 15 January 2009)

The Federal Assembly of the Swiss Confederation,
based on Articles 44, 66, 72-74, 90 and 122 of the Federal Constitution,
considering the communication of the federal council of 9 April 1975,
enacts:

1st Title: Voting rights and ballots

Art. 1 and 2

Art. 3 Political residence

¹ The ballots are cast at the place of political residence, namely in the municipality, where the voter resides and is registered. Vagrant peoples cast their ballot at their home municipality.

² Whoever deposits instead of a citizenship certificate another official document (certificate of origin, interim certificate, etc.) only acquires political residence, if he proves that he is not registered on the voter's roll in the place, where the citizenship certificate is deposited.

Art. 4 Voter's roll

¹ The voters are registered in the voting register at the place of political residence. Registrations and cancellations must be made ex officio.

² Before an election or referendum, the voting registrations shall be completed by the fifth day before the ballot if it is clear that the conditions to participate in the ballot are met.

³ The voting register shall be open for inspection to the voters.

Political rights

Art. 5 Principles of voting

¹ For the ballot, the official ballot cards must be used.

² Cantonal electronic data processing forms are deemed equal [to official ballot cards]. Blank ballot cards shall be filled in by hand. Pre-printed ballot cards may only be altered by hand.

³ The voters may cast their ballot in person at the ballot box or by letter.

The voting for tests on electronic voting shall be effected according to Art. 8a.

⁴ and ⁵ ...

⁶ The ballot may be brought to the ballot box by third parties, as far as cantonal law permits this for the cantonal ballots. Voters unable to write may have their ballot card filled in by a voter of their choice and according to their instructions.

⁷ The secrecy of the vote must be maintained.

Art. 6 Voting of disabled persons

The cantons ensure that those, who are because of a disability or for another reason permanently unable to effect the necessary actions, can cast their ballot.

Art. 7 Early Voting

¹ The cantons shall make provisions for early voting on at least two of the four last days before the ballot.

² For early voting, the cantonal law shall provide that all or individual ballot boxes are open during a certain time or that the voter may cast the ballot in a sealed envelope at an office of the public administration.

³ If the cantons provide for early voting on a wider scale, this also applies to the federal votes and elections.

⁴ The cantons shall provide the legislation necessary for recording all votes, to ensure the secrecy of the vote and to prevent abuses.

Art. 8 Postal voting

¹ The cantons provide a simple method of voting by mail. In particular, they adopt regulations to control the voting rights, the secrecy of the vote and the registration of all ballots and to prevent abuses.

² Postal voting is permissible from receipt of voting papers required by cantonal law.

Art. 8a Electronic voting

¹ The federal council may allow, in consultation with the interested cantons and municipalities, locally, temporally and materially limited tests for electronic voting.

^{1bis} He may authorize cantons, which have performed the tests for electronic voting over a longer period of time successfully and without failures, on application, to continue these experiments for a specified duration. He can make the authorization subject to conditions or requirements or at any time exclude electronic voting in consideration of all the circumstances locally, materially or temporally.

² The control of voting rights, the secrecy of the vote and the acquisition of all ballots must be ensured and abuses prevented.

³ ...

⁴ The federal council shall make provisions for the details.

Art. 9

...

2nd Title: Ballots

Art. 10 Scheduling

¹ The federal council sets the rules for determining the voting days. Thereby he is to meet the needs of the voters, of parliament, cantons, parties and delivery organizations and avoids scheduling conflicts, arising from differences between calendar and liturgical year.

^{1bis} The federal council shall determine, at least four months before the scheduled vote, which bills are put to the ballot. Federal statutes declared urgent can be brought to the ballot within a shorter period of time.

² Each canton conducts the ballots on its territory and makes the thus necessary arrangements.

Art. 10a Information of the voters

¹ The federal council shall inform the voters about the ongoing federal ballots.

² He shall abide by the principles of integrity, objectivity, transparency and proportionality.

³ He bears account of the most important positions represented in the parliamentary decision-making process.

⁴ He shall not make voting recommendations which differ from the position of the federal assembly.

Art. 11 Draft bills, ballot cards and explanations

¹ The federation supplies the cantons with the ballot papers, draft bills and ballot cards.

² The draft bills shall be supplemented by a brief, factual explanation by the federal council which shall bear account of substantial minority opinions. The proposals must contain the wording of the questions on the ballot card. For popular initiatives and referenda the committees responsible for the contents shall submit their arguments to the federal council who shall include them in his explanations. The federal council may amend or reject defamatory, grossly untruthful or too wordy comments. References to electronic sources may only be included in the voting explanations, if the author of the references confirms in writing that they do not include unlawful contents and do not lead to electronic publications of unlawful contents.

³ The voters shall receive the documents required by cantonal law for casting a valid ballot (ballot cards, voting card, voting envelope, control stamp and the like) at least three and not less than four weeks before the voting day. Proposed bills and explanations may also be delivered earlier. The federal chancellery makes proposed bills and explanations at least six weeks before the voting day electronically accessible to the public.

⁴ The cantons may authorize the municipalities by law to deliver draft bills and explanations to each household only once, unless an eligible voter in the household requires personal documents.

Art. 12 Void ballot cards

¹ Ballots are invalid if they

- a) were not officially issued;
- b) are not filled in by hand;
- c) do not allow to identify the will of the voter beyond doubt;
- d) contain defamatory statements or obvious markings;
- e) ...

² This is subject to the grounds for invalidity or revocation arising from the cantonal procedures (voting envelopes, control stamps, etc.).

³ For experiments with electronic voting, the requirements for valid ballots and the grounds for revocation shall be defined by the law of the respective canton.

Art. 13 Determining the results of the ballot

¹ When determining the results of the ballot, the blank and invalid ballots shall not be considered.

² In the case of a cantonal result consisting of an equal number of yes and no ballots, the canton is counted as having turned down the bill.

Art. 14 Voting Protocol

¹ Every election office creates a protocol on the outcome of every ballot, which records the total number of registered voters and the number of the registered Swiss voters abroad, the voters, the blank, invalid and valid ballot cards and the affirmative and negative votes.

² The protocol shall be forwarded to the cantonal government. It compiles the provisional results from all over the canton and forwards them to the federal chancellery which publishes them within 13 days after the voting day in the cantonal government gazette. If necessary, it publishes a special issue of the government gazette.

³ The cantons shall forward the protocols, on request also the ballot cards, within ten days after the appeal period (Art. 79 par. 3) to the Federal Chancellery. After verification of the outcome of the ballot, the ballot cards shall be destroyed.

Art. 15 Certification and publication of the results of the ballot

¹ The federal council shall certify the outcome of the ballot (verification), once it is established that no complaints were received in federal court or after they have been settled.

² The certification shall be published in the federal government gazette.

³ Constitutional amendments take effect from the adoption by the voters and the cantons unless the submission makes different provisions.¹

⁴ If a change of law does not tolerate any delay and the outcome of the ballot is beyond doubt, the federal council or the federal assembly may provisionally implement laws or federal decisions on the approval of international treaties before the expiry of verification period or provisionally implement or repeal laws declared urgent.

¹ Meant is: Amendments to the constitution require the majority of the voters and of the cantons, unless the submission makes different provisions.

3rd Title: Election of the national council

1st Chapter: General provisions

Art. 16 Seat distribution amongst the cantons

¹ The distribution of the seats of the national council amongst the cantons is done according to the number of resident population specified by the census, which according to the census act of June 22, 2007 shall be carried out during the first calendar year following regular renewal elections to the national council.

² Based on the firm determination of the resident population figures according to Article 13 of the census act of June 22, 2007, the federal council determines how many seats each of the cantons in the next regular renewal elections of the national council will receive.

Art. 17 Distribution methods

The 200 seats of the national council shall be distributed among the cantons using the following procedure:

- a. First distribution:
 1. The resident population of Switzerland is divided by 200. The nearest whole number above the result is the first distribution number. Each canton whose population does not reach this number, is given a seat; it will be excluded from further distribution.
 2. The resident population of the remaining cantons is divided by the number of seats not yet allocated. The nearest whole number above the result is the second distribution number. Every canton, whose population does not reach this number is given a seat; it will be excluded from further distribution.
 3. This procedure is repeated until the remaining cantons reach the last distribution number.
- b. Main distribution: Each remaining canton gets as many seats as the final distribution number is included in its population.
- c. Remaining seats distribution: The remaining seats are allocated to the cantons with the largest residue numbers. If several cantons achieve the same residue numbers, they are excluded in the order of smallest residue numbers, which result after division of their population numbers by the first distribution number. If these residues are equal, the lot decides.

Art. 18

Art. 19 Date of the election

¹ The elections for the regular renewal of the national council take place on the second last Sunday in October. The cantonal government holds replacement- and complementary elections on the next possible date.

² For the extraordinary renewal within the meaning of Article 193, par. 3 of the federal constitution the federal council shall determine the date.

Art. 20 Drawing lots

If lots have to be drawn, this is done in the canton by order of the cantonal government, in the federation by order of the federal council.

Art. 20a

2nd Chapter: Proportional representation elections

1st Section: Nomination

Art. 21 Election registration deadline

¹ The cantonal law determines a Monday between August 1st and September 30th of the election year as a deadline for the nominations; it determines which authority the nominations must be lodged with.

² The nominations must not arrive later than on the day of the deadline for nominations.

³ The cantons shall notify the federal chancellery of each nomination without delay.

Art. 22 Number and designation of nominees

¹ A nomination shall contain at most as many names of eligible persons as there are members of the national council to be elected in the constituency and no name more than twice. If a nomination includes more names, the last ones shall be deleted.

² The nominations must specify: family and first names, sex, date of birth, occupation, residential address and place of origin of the nominees.

³ Every nominee must certify in writing that he accepts the nomination. Lacking this confirmation, his name will be deleted.

Art. 23 Designation of the nomination

For the purpose of distinction from other nominations, each nomination must bear an appropriate designation. Groupings which submit nominations with identical elements in the main title and want to interconnect them, specify one of the nominations as the master list.

Art. 24 Quorums of signatories

¹ Each nomination must be personally signed by a minimum number of voters with political residency in the constituency. The minimum number is:

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

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

³ The quorum referred to in paragraph 1 shall not apply to a party that:

- a. Was properly registered at the federal chancellery at the end of the year preceding the election (Article 76 a),
- b. submits a single nomination in the canton; and
- c. is represented during the expiring term of office in the national council for the same constituency or achieved at least three percent of the vote in the last general election in the same canton.

⁴ The party referred to in paragraph 3 only needs to submit the legally valid signatures of all candidates as well as of the presiding and executive members.

Art. 25 Representatives of the nomination

¹ The signatories have to designate a representative for the nomination and a deputy. Else those whose names appear in the list of signatories in first and second place, are deemed representative and deputy.

² The representative and, if he is prevented, his deputy are entitled and obliged on behalf of the signatories to make legally binding declarations necessary for the elimination of objections.

Art. 26 Inspection of nominations

The voters of the constituency may view the nominations and the names of the signatories at the competent authority.

Art. 27 Multiple proposed

¹ If the name of a nominee appears on more than one list in the constituency, the canton shall delete him or her immediately from all these nominations.

² The federal chancellery immediately removes those nominees from a nomination, whose name appears already on a list or a nomination from another canton.

³ The federal chancellery informs the affected cantons immediately of the deletions.

Art. 28**Art. 29 Correction of deficiencies; replacement nominations**

¹ The canton reviews the nominations and sets the representatives of the signatories a deadline to correct deficiencies in the nomination, change designations, which lead to confusion and substitute nominees, whose names have been officially deleted.

² The nominees for the replacement must confirm in writing that they accept the nomination. In absence of such a confirmation or if the name in question already appears on another nomination or if the nominee is not eligible, the replacement nomination is deleted. If the representative of the nomination does not require otherwise, the replacement proposals are lined up at the end of the nomination.

³ If a deficiency is not remedied within the set deadline, the nomination is deemed invalid. If the objection concerns only one nominee, his name will be deleted.

⁴ From the second Monday after the closing date for the election registration, no nomination shall be changed anymore. The cantonal law may shorten the deadline to one week.

Art. 30 Lists

¹ The adjusted nominations are called lists.

² The lists are provided with serial numbers.

Art. 31 Compound lists

¹ Two or more lists may, up to the deadline for adjustment (Article 29 para 4), be linked by unanimous declaration of the signatories or their representatives. Within a compound list, only links to sublists are permitted.

^{1bis} Compound sublists are only permissible between lists of the same designation, which differ only by a supplement to the identification of sex, wing of a group, region or age.

² Compound lists and sublists shall be marked on the preprinted ballot cards.

³ Declarations on compound lists and sublists cannot be revoked.

Art. 32 Publication of lists

¹ The canton shall publish the lists with their designations and serial numbers and with indication of compound lists and compound sublists as soon as possible in the cantonal government gazette.

² The federal chancellery shall publish the lists in electronic form, stating family- and first names, year of birth, occupation, place of origin and place of residence of the candidates.

Art. 33 Preparation and delivery of ballot cards

¹ The cantons create for all lists ballot cards on which the list designation, where applicable the compound list, serial number and candidate information (at least family- and first name and place of residence) are pre-printed, as well as blank ballot cards.

^{1bis} If a canton creates forms instead of ballot cards, the voters shall receive additional information on the particulars of all candidates, designations of lists, compound lists and compound sublists.

² The cantons shall deliver not later than ten days before the election day a complete set of all ballot cards to the voters.

³ The signatories may purchase additional ballot cards at the state chancellery of the cantons at cost price.

2nd Section: Act of voting and determining the results**Art. 34 Election manual**

The federal chancellery prepares before each renewal election a short election manual, which is delivered to the voters of the cantons with proportional representation, together with the ballot cards (Art. 33 para. 2).

Art. 35 Completing the ballot card

¹ Whoever uses the blank ballot card, can add names of eligible candidates and the list name or the serial number of a list.

² Whoever uses a pre-printed ballot card may delete pre-printed candidates' names. He may enter candidates' names from other lists (vote-splitting). He may also delete the pre-printed serial number and name of the list and replace it with another.

³ He or she may include the name of the same candidate twice on the ballot card (cumulate).

Art. 36 Votes for the deceased

Votes for candidates which have died since the adjustment of the lists (Art. 29 para 4) will be counted as a candidate votes.

Art. 37 Additional votes

¹ If a ballot card contains less valid candidate votes than members of the national council shall be elected in the constituency, the blank lines are considered additional votes for the list, whose designation or serial number is indicated on the ballot card. If designation and serial number are not present or if the ballot card contains more than one designation or serial number, the blank lines do not count as votes (blank votes).

² If in a canton several regional lists with the same designation were submitted, the additional votes on a ballot card that is not marked with the region, is counted towards the list in whose region the ballot was cast.

^{2bis} In the other applications of Article 31, para 1bis, the additional votes are attributed to the list, whose designation the ballot card bears. The additional votes of inadequately marked ballot cards are allocated to the list, which the group has designated as a master list. Names that do not appear on any list of the constituency will be deleted. In case of a conflict between the designation and serial number of the list, the designation shall prevail.

Art. 38 Invalid ballot cards and candidate votes

¹ Ballot papers are invalid if they

- a. do not include a name of a candidate for the constituency;
- b. are not officially issued;
- c. are not filled in or modified by hand;
- d. contain defamatory statements or obvious markings;
- e. ...

² If the name of a candidate appears more than twice on a ballot card, the extra repetitions shall be deleted.

³ If a ballot card contains more names than seats to be allocated, the last names shall be deleted.

⁴ Reserved are the right to nullity or invalidity in connection with the cantonal procedures (voting envelope, control mark, etc.).

⁵ For experiments with electronic voting, the law of the implementing canton sets the requirements for a valid ballot and the grounds for invalid ballots.

Art. 39 Compilation of the results

Following the close of the election, the cantons determine based on the protocols of the election offices:

- a. the number of registered voters and the numbers voters;
- b. the number of valid, invalid and blank ballots;
- c. the number of votes which each candidate of each list received (candidates' votes);
- d. the number of additional votes for each list (article 37);
- e. the sum of the candidate- and additional votes of each list (party votes);
- f. for compound lists the total number of votes attributable to the group of lists;
- g. the number of blank votes.

Art. 40 Distribution of seats among the lists

¹ The number of valid party votes of all lists is divided by the number of seats to be allocated increased by one. The next higher whole number is called distribution number.

² Each list will be allocated as many seats as the distribution number is included in their numbers of votes achieved.

Art. 41 Further distribution

¹ If not yet all seats are distributed, then the remaining seats are assigned one by one and consecutively according to the following rules:

- a. The number of votes of each list shall be divided by the number of seats already allocated to the list increased by one.
- b. The next mandate is allocated to the list with the largest quotient.
- c. If several lists have achieved the same quotient and the same claim, the mandate is allocated to the list amongst them, which has achieved the largest residue in the division according to art. 40 para 2.
- d. If still several lists have the same claim, the mandate is allocated to the list with the highest number of party votes.
- e. If still several lists have the same claim, the mandate is allocated to the list whose candidate in question to be elected achieved the highest number of votes.
- f. If several of those candidates have achieved the same number of votes, the decision is made by drawing lots.

² This procedure is repeated until all mandates are allocated.

Art. 42 Distribution of mandates to compound lists

¹ Each group of compound lists is treated like one single list in the distribution.

² The seats of the group are allocated to the individual lists according to art. 40 and 41. Reserved are the provisions of Art. 37 para 2 and 2bis.

Art. 43 Determination of the elected and the deputies

¹ Of each list are, according to the mandates achieved, those candidates elected who have achieved the highest number of votes.

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

³ In case of equal number of votes, the order is determined by drawing lots.

Art. 44 Excess mandates

If a list is allocated more mandates as candidates were named, a by-election according to Art. 56 is held for the excess mandates.

Art. 45 Silent election

¹ If all lists together do not nominate more candidates than mandates shall be allocated, the cantonal government declares all candidates as elected.

² If all lists together nominate less candidates than mandates shall be allocated, by-elections according to Art. 56 para 3 are held for the remaining seats.

Art. 46 Election without lists

¹ If no lists are present, every eligible person may be voted for. Elected are the persons achieving the highest number of votes.

² If a ballot card contains more names as mandates shall be allocated, the superfluous names are deleted starting from the bottom.

³ The regulations for single candidate constituencies are applicable mutatis mutandis.

3rd Section: Majority Elections

Art. 47 Procedure

¹ In constituencies, where only one member of the national council is to be elected, any eligible person may be voted for. Elected is the person achieving the highest number of votes. In case of a draw, the decision is made by drawing lots.

² The cantonal law may provide for a silent election, if only one valid nomination has been submitted to the competent cantonal authority by the 48th day (7th Monday) at 12:00h before the election.

Art. 48 Ballot cards

At least ten days before the election day, the cantons shall deliver a ballot card to the voters.

Art. 49 Invalid ballot cards

¹ Ballot cards are invalid, if they

- a. contain names of several persons;
- b. were not printed officially;
- c. were not completed by hand;
- d. contain defamatory statements or obvious markings;
- e. ...

² Reserved are reasons for invalidity or nullity, which are related to the cantonal procedures (voting envelope, stamp etc.).

³ For experiments with electronic voting, the law of the implementing canton sets the requirements for a valid ballot and the grounds for invalid ballots.

Art. 50 Cantons with the option for silent election

¹ If the cantonal law provides the option for silent election, all nominees registered within the deadline are to be listed on the ballot card.

² In order to vote, the voter checks the checkbox next to the name of the nominee.

³ Invalid are:

- a. Votes for not listed candidates;
- b. Ballot cards with more than one candidate checked;

Art. 51 Replacement elections

The articles 47 to 49 also apply for replacement elections.

4th Section: Publication and verification of the results

Art. 52 Notification and publication of the results of the election

¹ After determining the results the cantonal executive immediately informs the elected in writing about their election and notifies the federal council about the names of the elected.

² The canton shall publish the results of all candidates and if applicable of all lists with reference to the legal remedies latest within eight days from the election day in the cantonal government gazette.

³ The results of general renewal elections and by-elections shall be published in the federal government gazette. The exact wording is also to be published electronically.

⁴ The canton shall convey the protocol of the election immediately after expiry of the deadline for appeal (Art. 77 para 2) to the federal chancellery. The ballot cards shall be delivered within ten days from expiry of the deadline for appeal to a place to be named by the federal chancellery.

Art. 53 Ascertainment of the election

¹ The constituting meeting of the newly-elect national council takes place on the seventh Monday after the election. First task in this sitting is to ascertain the validity of the election. The council is constituted if the elections have been declared valid by at least the majority of its members. The national council shall define the procedure in its regulation.

² In this deliberations shall have a seat and a vote, whoever identifies himself with an election confirmation of his cantonal government.

³ In cases of moving up or after replacement- and by-elections, a newly-elect member may only take part in the deliberations, if his or her election has been declared valid.

5th Section: Changes during the term of office

Art. 54 Resignation

The resignation from the national council shall be notified in writing to the chairman of the national council.

Art. 55 Moving up

¹ If a member of the national council retires during the term of office, the cantonal government declares the first runner-up from the same list as elected.

² In case that the runner-up is not willing or not in a position to fill the office, the subsequent candidate moves up.

Art. 56 By-election

¹ If a seat cannot be filled by a runner-up, three fifths of the signatories of the list (Art. 24 para 1) or the board members of the cantonal party (Art. 24 para 3) which has submitted the list containing the resigning member of the national council may submit a nomination.

² The such nominated candidate shall, after ascertaining the nomination (Art. 22 and Art. 29) be declared elected by the cantonal government without a vote, in accordance with Art. 45.

³ If no use is made of the right of nomination, an election shall be held. If several seats shall be filled, the regulations on the proportional elections shall be applicable, else the regulations on the majority elections.

Art. 57 End of term

The term of the national council ends with the constitution of the new council.

4th Title: Referendi

1st Section: Compulsory referendum

Art. 58 Publication

Decrees which are subject to a compulsory referendum shall be published after enacting by the federal assembly. The federal council shall arrange the ballot.

2nd Section: Voluntary referendum

1st Chapter: General provisions

Art. 59

Art. 59a Meaning of the deadline

The referendum has to be decided upon by the constitutional number of cantons or be submitted with the necessary number of signatures including the documents verifying the eligibility of the signatories within the referendum deadline at the federal chancellery .

Art. 59b Prohibition of withdrawal

A referendum cannot be withdrawn.

Art. 59c Popular vote

If a referendum has been accomplished, the federal council orders a public vote to be held.

2nd Section: Popular referendum

Art. 60 Signature lists

¹ If a referendum is ready for signing, the signature lists (printed on a sheet or card) have to include the following items:

- a. the canton and political municipality, where the signatory is entitled to vote;
- b. the designation of the bill with the date of enactment by the federal assembly;
- c. the notification that anyone forging the result of collecting signatures for a referendum (Art. 282 StGB) or bribing or being bribed while collecting signatures (Art. 281 StGB) will be punished by law.

² If several popular demands are being submitted for signing, each of them is subject to a separate list of signatures. Lists of signatures of several different popular demands may be on the same page, if they can be separated for submission.

Art. 60a Providing electronic signature lists

Whoever downloads an electronically provided signature list for a referendum is responsible for its fulfilment of the legal requirements.

Art. 61 Signature

¹ The voter has to write his name legibly and by hand on the signature list and personally add his signature.

^{1bis} Voters incapable of writing may have their name submitted by a voter of their choice. This person adds his own signature to the name of the person incapable of writing and keeps silence about the instructions received.

² The voter has to submit all further particulars needed to ascertain his identity, such as first name, date of birth or address.

³ He may sign only once for the same referendum.

Art. 62 Certification of eligibility

¹ The signature lists shall be submitted in time, before expiry of the referendum deadline, to the office which is according to cantonal law in charge of certifying eligibility.

² The office shall confirm that the signatories in the municipalities indicated on the signature list are eligible in federal matters and returns the lists without delay to the sender.

³ The certification has to name the number of ascertained signatures in words and numbers; it has to be dated and bear the personal signature of the official in charge and indicate his official function by a stamp or a appendix.

⁴ The eligibility of signatories may be certified jointly for several lists.

Art. 63 Refusal of certification of eligibility

¹ The certificate of eligibility is refused, if the provisions of Art. 61 are not fulfilled.

² If a voter has signed several times, only one signature shall be certified.

³ The reason for the refusal shall be noted on the signature list.

Art. 64 Exclusion of public viewing

¹ ...

² Submitted signature lists are not returned and may not be viewed.

Art. 65

Art. 66 Adoption

¹ After expiry of the referendum deadline, the federal chancellery ascertains, whether the referendum achieved the prescribed number of valid signatories. If more than half of the signatories of the constitutional quorum are lacking, the federal government gazette publishes merely a notice about the

unused expiry of the referendum deadline. Else the federal chancellery declares by decree whether the referendum has been successful.

² Invalid are:

- a. Signatures on lists, which do not fulfil the requirements of art. 60;
- b. Signatures of persons, whose eligibility has not been ascertained;
- c. Signatures on lists which have been submitted after expiry of the referendum deadline.

³ The federal chancellery publishes the decree on the adoption of the referendum including the number of valid and invalid signatures of each canton in the federal government gazette.

3rd Section: Cantonal referendi

Art. 67 Competent body

If cantonal law does not make different provisions, the cantonal parliament shall decide on the declaration of the cantonal referendum.

Art. 67a Form

The writ of the cantonal government to the federal chancellery shall contain:

- a. the bill with date of enactment by the federal assembly;
- b. the body requesting the popular vote in the name of the canton;
- c. the cantonal legislation determining the competent body for the cantonal referendum;
- d. date and result of the decision on declaring the referendum.

Art. 67b Accomplishment

¹ After expiry of the referendum deadline, the federal chancellery shall determine, whether the referendum was concluded by the necessary number of cantons.

² Invalid are requests for referendi, which

- a. were not concluded and submitted to the federal chancellery within the referendum deadline;
- b. were concluded by a factually incompetent body;
- c. do not clearly determine, which federal bill the popular vote is requested for.

³ The federal chancellery notifies the cantons in writing on the decree on the conclusion or failure of the the cantonal referendum and publishes it with details of the number of valid and invalid cantonal requests for a referendum in the federal government gazette.

5th Title: Popular Initiative

Art. 68 Signature list

¹ If a popular initiative is ready for collecting signatures, the list of signatures (printed on a sheet or card) has to contain the following particulars:

- a. the canton and political municipality, where the signatory is entitled to vote;
- b. the title and wording of the initiative and the date of its publication in the federal government gazette;
- c. an unreserved withdrawal clause;
- d. the notification that anyone forging the result of collecting signatures for a popular initiative (Art. 282 StGB) or bribing or being bribed while collecting signatures (Art. 281 StGB) will be punished by law.
- e. the names and addresses of at least seven and at most 27 eligible originators of the initiative (committee of the initiative).

² Art. 60 para 2 is also applicable to popular initiatives.

Art. 69 Preliminary checks

¹ The federal chancellery states at the beginning of collecting signatures, whether the signature lists are in accordance with the legal requirements.

² If the title of an initiative is misleading, if it contains commercial or personal advertising or if it is prone to confounding, it shall be amended by the federal chancellery .

³ The federal chancellery checks the wordings of the initiative on their linguistic conformity and shall translate where necessary.

⁴ Title and wording of the initiative as well as the names of the originators shall be published in the federal government gazette.

Art. 69a Providing electronic signature lists

Whoever downloads an electronically provided signature list for a popular initiative is responsible for its fulfilment of the legal requirements.

Art. 70 Further provisions

The provisions for the signature (Art. 61), certification of eligibility (Art. 62) and refusal of certification of eligibility (Art. 63) of referendi are also applicable mutatis mutandis for the popular initiative.

Art. 71 Submission

¹ The signature lists of a popular initiative must be submitted to the federal chancellery jointly and not later than 18 months after publication of the wording of the initiative in the federal government gazette.

² Submitted signatures shall be neither returned nor viewed.

Art. 72 Conclusion

¹ After expiry of the collection deadline, the federal chancellery determines whether the popular initiative contains the required number of valid signatures. If the constitutional quorum has been missed by at least half, only a notice of the unused expiry of the collection deadline shall be published in the federal government gazette. Else the federal chancellery notifies by ordinance, whether the popular initiative has been accepted.

² Invalid are:

- a. Signatures on lists, which do not fulfil the requirements of art. 68;
- b. Signatures of persons, whose eligibility has not been ascertained;
- c. Signatures on lists which have been submitted after expiry of the deadline.

³ The federal chancellery publishes the ordinance on the acceptal including the number of valid and invalid signatures for each canton in the federal government gazette.

Art. 73 Withdrawal

¹ Every popular initiative may be withdrawn by its committee. The declaration on the withdrawal is binding when signed by the majority of the still eligible members of the committee.

² The withdrawal is permissible until the federal council sets the date of the popular vote. The federal chancellery invites the committee previous to publication of its decision and sets a brief deadline.

³ An initiative in the shape of a general suggestion may not be withdrawn after being passed by the federal assembly.

Art. 74 Treatment

¹ The federal council submits the popular initiative to the ballot within ten months after the final vote in the federal assembly and not later than ten months after expiry of the parliamentary treatment deadlines.

² In the case of alternative proposals in legislation (indirect alternatives) the federal assembly may extend the deadline for holding the ballot.

³ If a popular initiative in the shape of a general suggestion achieves a majority in the ballot, the detailed change of constitution shall be submitted within 30 months to the ballot.

⁴ The processing of a popular initiative by the federal council and the federal assembly and the thus applicable deadlines are subject to the provisions of the law on transactions of public administrations of March 23, 1962.

Art. 75 Ascertainment of the validity

¹ If a popular initiative does not uphold the unity of the matter (Art. 139 para 3 and Art. 194 para 2 Federal Constitution) or the unity of the form (Art. 139 para 3 and 194 para 3 Federal Constitution) or if

it violates compulsory provisions of public international law (Art. 139 para 3, 193 para 4 and 194 para 2 Federal Constitution), the federal assembly shall declare it, where necessary, fully or partially invalid.

² The unity of matter is maintained, if there is a factual connexion between the different parts of the initiative.

³ The unity of the form is maintained, if the initiative is held entirely in the shape of a general suggestion or entirely in the shape of a detailed draft bill.

Art. 76

¹ If the federal assembly concludes on an alternative draft, three questions on the same ballot card shall be put to the ballot. Every voter may declare unimpededly:

- a. whether he or she prefers the popular initiative to the existing legal provisions;
- b. whether he or she prefers the alternative draft to the existing legal provisions;
- c. which of the two bills shall be enacted if both are affirmed at the ballot.

² The absolute majority shall be determined separately for each question. Not answered questions are not to be counted.

³ If the popular initiative as well as the alternative draft are affirmed at the ballot, the result of the third question decides. The bill achieving more popular and cantonal votes shall be enacted.

5a. Title: Register of political parties

Art. 76a

¹ A political party may be registered at the federal chancellery, if it

- a. is an association in the sense of Art. 60-79 of the Swiss Civil Code; and
- b. is represented under the same name with at least one member of the National Council and at least three members in three cantonal parliaments.

² In order to register, the association submits to the federal chancellery the following particulars and papers:

- a. a copy of the legally binding statutes;
- b. the statutory name and address of the party;
- c. names and addresses of the presiding and leading persons of the federal party.

³ The federal chancellery publishes a list with the particulars of the parties. This list is open to the public. The details shall be legislated by the federal assembly in an ordinance.

6th Title: Administration of justice

Art. 77 Complaints

¹ Complaints may be lodged with the cantonal government:

- a. in case of violation of the right to vote according to Art. 2-4, Art. 5 para 3 and 6 as well as Art. 62 and 63 (eligibility complaints);
- b. in case of irregularities in ballots (ballot complaints);
- c. in case of improprieties in the preparation and holding of the elections to the National Council (election complaints).

² The complaint shall be submitted within three days after discovery of the reason for the complaint, latest on the third day after publication of the results in the cantonal government gazette.

Art. 78 The writ of complaint

¹ The writs of complaint have to contain a brief description of the matter for substantiation.

² ...

Art. 79 Decisions on complaints and ordinances

¹ The cantonal government decides within ten days after receipt of the complaint.

² If irregularities are detected in the course of the complaint or following official investigations, it shall conclude, if possible before the end of the election or referendum process, the necessary actions to amend the problems.

^{2bis} The cantonal government rejects election- and referendum complaints without further explanation, if the contested irregularities neither because of their kind nor because of their extent were suitable to substantially influence the outcome of the vote or referendum.

³ The cantonal government notifies its decisions on complaints as well as other ordinances according to art. 34-38 and 61 para 2 of the law on administration processes of December 20, 1968 and reports them to the federal chancellery.

Art. 80 Complaints at federal court

¹ Against decisions on complaints of the cantonal government (Art. 77) may, according to the provisions of the law on the federal court of June 17, 2005, a complaint be lodged with the federal court.

² The complaint in federal court is also permissible against decrees of the federal chancellery on the rejection of the entry in the register of political parties or the failure of popular initiatives or referendi. Complaints are not permissible against the announcement in the federal government gazette about the clear failure of achieving the quorum in federal initiatives and referendi (Art. 66 para 1 and Art. 72 para 1).

³ The members of the committee may lodge a complaint against ordinances of the federal chancellery on the formal validity of the signature list (Art. 69 para 1) and the title of the initiative (Art. 69 para 2).

Art. 81 – 82

7. Title: Joint provisions

Art. 83 Cantonal law

Whereas this law and the decrees of the federation do not contain respective provisions, cantonal law shall take priority. This is subject to the provisions of the federal law on the maintenance of law of December 16, 1943.

Art. 84 Use of technical aids

¹ The federal council may empower the cantonal governments, to conclude additional legislation for the determination of the results of votes and elections with the help of technical aids.

² Procedures on technical aids for votes and elections are subject to permission by the federal council.

Art. 85

Art. 86 Free-of-charge official acts

For official acts according to this law, no fees may be charged. In cases of complaints lodged for the purpose of delaying or not in good faith, the costs may be charged to the complainant.

Art. 87 Statistical inquiries

¹ The federal council may incur statistical inquiries on the elections for the national council or referendi.

² After consulting with the cantonal government, he may in select municipalities have ballots cast separate by age groups or gender.

³ The secrecy of the vote may not be impeded.

8th Title: Final provisions

1st Chapter: Amendments and repeal of previous law

Art. 88 Amendments of federal law

1. The federal penal code is amended as follows:

Art. 282bis

...

2. The law on transactions of the public administration of March 23, 1962 is amended as follows:
In chapter III/3 the term “popular demand” shall be replaced by “popular initiative” and “demand” 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

...

3. The federal law on the maintenance of law of December 16, 1943 is amended as follows:

Art. 100 lit. p

...

Art. 106 para 1

...

4. The federal law of June 15, 1934 on the procedures of federal penal law is amended as follows:

Art. 4 para 1, 5 and 6

...

Art. 5

Repealed

5. The federal law of March 12, 1948 on the legal effect of the adjusted collection of the federal laws and decrees for the years 1848 to 1947 and on the new edition of the collection is amended as follows:

Art. 4 lit. a

...

Art. 89 Repeal of federal law

Repealed are:

- a. The federal law of July 19, 1872 on the federal votes and referendi;
- b. The federal law of June 17, 1874 on the popular vote on federal laws and decisions;
- c. The federal law of March 23, 1962 on the procedure in popular demands for the amendment of the constitution (law of initiatives);
- d. The federal law of June 25, 1965 on the introduction of simplifications in the casting of the ballot in federal votes and elections;
- e. The federal law of March 8, 1963 on the distribution of the seats of the national council to the cantons;
- f. The federal law of February 14, 1919 on the election of the national council.

2nd Chapter: Transitional law, enforcement und entering into force**Art. 90 Transitional law**

¹ This law shall not apply on facts and complaints arising from votes and elections before its entering into force. The same applies to popular initiatives and referendi submitted earlier. In these cases the previous law shall prevail.

² After a period of 18 months since enforcement of this law, only signature lists in compliance with this law shall be accepted.

³ ...

⁴ ...

Art. 91 Enforcement

¹ The federal council enacts the implementary regulations.

² Federal permission is required for cantonal implementary regulations. They are, after acceptance of this law, to be enacted within 18 months.

Art. 92 Referendum and entering into force

¹ This law is subject to the voluntary referendum.

² The federal council shall decide on its entering into force.