

# **Act on Candidacy and Election of the President of Iceland, No. 36/1945**

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In case of any discrepancies between the original text in Icelandic and the translation, only the original text as published in the Official Gazette of Iceland (Stjórnartíðindi) is authentic.

Please note as well that amendments may have been made since the translations were prepared.

*Took effect on 12 February 1945. Amended by Act No. 39/1963 (took effect on 15 May 1963), Act No. 6/1984 (took effect on 28 March 1984), Act No. 43/1996 (took effect on 17 May 1996), Act No. 24/2000 (took effect on 19 May 2000), Act No. 9/2004 (took effect on 24 March 2004), Act No. 162/2010 (took effect on 1 Jan. 2011), Act No. 126/2011 (took effect on 30 Sept. 2011) and Act No. 30/2020 (took effect on 17 April 2020).*

**Art. 1.** [The same rules shall apply regarding electoral registers for use in the election of the President of Iceland as apply to registers for use in parliamentary elections. They shall, however, be based on the residence lists of the National Register three weeks prior to election day.

Constituency boundaries shall be the same as they were in the last parliamentary election.]1)

*1) Act No. 9/2004, Art. 1*

**Art. 2.** The local and constituency electoral commissions shall be the same as they are for parliamentary elections; in addition to them, the Supreme Court shall exercise the functions specified in this Act.

**Art. 3.** Presidential elections shall be held on the last [Saturday]1) in June every fourth year (cf., however, the second paragraph of this Article). [The minister in charge of matters relating to the Office of the President of Iceland]2) shall announce the election on the radio and in the Official Gazette not later than three months prior to election day, stating the maximum and minimum numbers of sponsors required by candidates in each of the geographical quarters of the country in direct proportion to the numbers of voters registered

there.

If a president dies in office, or steps down before his or her electoral term is complete, a new president shall be elected within a year to serve until 31 July of the fourth year from that in which the president was elected. The [minister responsible according to the first paragraph of this Article],<sup>2)</sup> shall then determine the date of the election; in all other respects, the provisions of this Act shall apply.

*1) Act No. 6/1984, Art. 1 2) Act No. 126/2011, Art. 21.*

**Art. 4.** Candidacies for election to the presidency shall be submitted to [the ministry]<sup>1)</sup> together with the consent of the candidates, sufficient numbers of sponsors and certificates from the constituency electoral commissions stating that they are [qualified to stand for election],<sup>2)</sup> not less than 5 weeks prior to election day, and the [ministry]<sup>1)</sup> shall announce, in the same manner as is specified in Article 3, within a week, the names of the candidates for election to the presidency, making all the aforementioned documents over to the Supreme Court.

*1) Act No. 126/2011, Art. 21 2) Act No. 43/1996, Art. 1*

**Art. 5.** [The ministry]<sup>1)</sup> shall see to the production and printing of ballot papers and send them to the constituency electoral commissions, which shall then ensure that they are forwarded to the local electoral commissions in the same way as ballot papers for parliamentary elections. The names of the candidates for election to the presidency shall be printed on the ballot papers, in clear characters, in alphabetical order.

*1) Act No. 126/2011, Art. 21*

**Art. 6.** [Voters who cast pre-election votes shall write on their ballot papers the full names of the candidates for whom they wish to vote. Ballots shall nevertheless not be ruled invalid if a given name is omitted and only a family name is written, as long as it is still clear which candidate is meant.

Voters who vote at polling stations shall mark a cross, in pencil, in front of the name of the candidate for whom they wish to vote.

Other aspects of the actual poll and preparations for it, pre-election voting and voting at polling stations shall be subject to the Parliamentary Elections Act, as appropriate.][<sup>1)</sup>

*1) Act No. 6/1984, Art. 2*

**Art. 7.** If a presidential candidate dies before the election is held, but after the expiry of the deadline for announcing candidacies, another candidate may announce his or her intention to stand for election instead of the deceased candidate if at least half of the sponsors of the

deceased candidate are among the sponsors of the new one.

Otherwise, the Supreme Court shall determine whether the election is to be postponed and a new election prepared due to the death of a candidate.

**Art. 8.** The electoral commissions shall use the same record books as they use for parliamentary elections, but the Supreme Court shall use a special record book for these matters.

**Art. 9.** After the election, the local electoral commissions shall send the chairmen of the constituency electoral commissions the ballot boxes, unused ballot papers and spoiled ballot papers in the envelopes specified in the Parliamentary Elections Act. At a previously announced place and time, the constituency electoral commissions shall open the ballot boxes, after which the counting of votes shall proceed in the same way as is laid down in the Parliamentary Elections Act; the act shall also apply regarding decisions as to whether or not ballot papers are accepted as valid and the handling of disputed ballot papers.

**Art. 10.** When the counting of votes is complete, the constituency electoral commissions shall send the Supreme Court a transcript of their records, together with any ballot papers over which there has been a dispute.

**Art. 11.** When the Supreme Court has received transcripts of the records of all the constituency electoral commissions and the disputed ballot papers, it shall summon the presidential candidates, or their representatives, to a meeting at which it shall rule on the validity of the disputed ballot papers, announce the results of the election and issue a certificate of election to the candidate who has received the highest number of votes.

In the event of a dispute as to the qualifications of a presidential candidate to stand for election, the Supreme Court shall resolve it.

**Art. 12.** If only one person has stood for election to the presidency, then he or she shall be the properly elected President of Iceland without a vote, providing he or she meets the conditions for candidacy. The Supreme Court shall issue him or her with a certificate of election as soon as the deadline for announcing candidacy has expired.

**Art. 13.** The Supreme Court shall send a certified transcript of the president's certificate of election to [the minister in charge of matters relating to the Office of the President of Iceland]1) and the Speaker of the Althingi.

*1)Act No. 126/2011, Art. 21*

**Art. 14.** The provisions of [Article 114 and Chapters XIX, XX, XXIV and XXV]1) of the Parliamentary Elections Act shall apply to elections covered by this Act to the extent appropriate.

Complaints alleging the invalidity of a presidential election (other than criminal charges) shall be submitted to the Supreme Court not later than 5 days following the meeting provided for in Article 11.

*1) Act No. 24/2000, Art. 130.*

**Interim Provision.** The minister may issue a regulation stating that declarations of sponsor support for presidential candidates may be gathered electronically. The minister shall, amongst other things, set out requirements regarding the form and user interface to be provided by the National Registry, the type of electronic identification to be used by sponsors, the handling of personal data and the preservation and deletion of data. When declarations of support are given, the National Registry may check whether sponsors have the right to vote.

The National Registry may, at the request of a senior electoral commission, link a list of sponsors supporting a presidential candidate with the National Register after meeting the conditions laid down in the Data Protection Act.

This provision shall be repealed on 1 January 2021.

*1) Act No. 30/2020, Art. 1.*