

# Folketing (Parliamentary) Elections Act

## CHAPTER I: GENERAL ELECTIONS AND REFERENDUMS

### Part 1

#### *Franchise and Eligibility*

1.- (1) Franchise for the Folketing is held by every person of Danish nationality, who is above 18 years of age, and permanently resides in the realm, provided that such person has not been declared incapable of conducting his or her own affairs.

2.- (1) Persons who are employed by the Danish State and ordered to enter service outside the realm, shall be considered to be permanently resident in the realm.

(2) The following persons who have taken up temporary residence in foreign countries shall also be considered to be permanently resident in the realm:

(i) persons being sent out in foreign service as employees of a Danish public agency or any local private undertaking or association;

(ii) persons taking up residence in foreign countries as employees of an international organisation of which Denmark is a member;

(iii) persons being sent out to do service in foreign countries by a Danish relief organisation;

(iv) persons staying abroad for the purpose of education;

(v) persons staying abroad for health reasons;

(vi) persons staying abroad and who, with respect to affiliation with the realm, must be quite co-equal with the persons specified in paragraphs (i) to (v).

(3) Persons taking up residence in foreign countries shall also be considered to be permanently resident in the realm if they intend to return to the realm within two years of their departure.

(4) Any person co-habiting at the same address with a person comprised by subsections (1), (2) or (3) shall be considered to be permanently resident in the realm if the co-habiting partners concerned-

(i) have married or entered into a registered partnership with each other, or

(ii) fulfil the conditions of marrying or entering into a registered partnership with each other and had set up joint residence before departure.

**3.-** (1) No one shall exercise the right to vote except if included in the electoral register.

**4.-** (1) Any person who is entitled to vote at Folketing elections under section 1, see section 2, shall be eligible for membership of the Folketing, unless he or she has been convicted of an act which in the eyes of the public makes him or her unworthy of being a Member of the Folketing, see sections 30 and 33 of the Act of the Constitution.

(2) A person can nevertheless always stand as candidate in an election regardless of objections in respect of non-eligibility.

**5.-** (1) No one can stand as candidate in an election unless he himself or she herself has announced his or her candidature in the election.

**6.-** (1) Members of the Folketing are elected for four years. The existing seats in the Folketing shall, however, be vacated upon a new election, see section 32 of the Act of the Constitution.

(2) General elections are called by royal public notice, to be held on the same day throughout the realm. The High Commissioners in the Faroe Islands and in Greenland can be entrusted to fix another day for holding the election.

## Part 2

### *Electoral Districts and Polling Districts. Local Distribution of Seats*

**7.-** (1) A total of 179 members, two of which in the Faroe Islands and two of which in Greenland, are to be elected for the Folketing.

(2) Rules for elections in the Faroe Islands and in Greenland are laid down in separate acts.

**8.-**(1) Denmark falls into three provinces: Metropolitan Copenhagen, Sealand-Southern Denmark and Northern and Central Jutland, of the Schedule to the Act (List of Electoral Districts).

(2) The regions are subdivided into multimember constituencies, of the List of Electoral Districts. Metropolitan Copenhagen encompasses four multimember constituencies. Sealand-Southern Denmark and Northern and Central Jutland are each made up of three multimember constituencies.

(3) The multimember constituencies are split into nomination districts, of the List of Electoral Districts.

(4) A nomination district consists of one or more municipalities or a part of a municipality. For nomination districts consisting of more than one municipality or a part of a municipality, the common functions are carried out by the municipality identified as a constituency municipality in the List of Electoral Districts.

(5) The Minister of Social Affairs and the Interior can issue an executive order for minor adjustments to the List of Electoral Districts.

(6) The Minister of Social Affairs and the Interior can issue an executive order for changes to the List of Electoral Districts in maintaining the necessary subdivision of electoral districts independent of any changes in subdivisions of municipalities or parishes.

**9.-** (1) Each municipality or part of a municipality in a nomination district is subdivided into polling districts. A municipality or part of a municipality, however, can constitute one polling district. The local council makes decisions regarding the setting up, alteration or closing down of polling districts.

**10.-** (1) Of the nationwide 175 seats, 135 are constituency seats and 40 are compensatory seats. The distribution of seats among regions and among multimember constituencies are determined and announced by the Minister of Social Affairs and the Interior following publication of the population figure as at January 1st 2010, 2015, 2020, etc., and the distribution subsequently applies to the following elections.

(2) The distribution is fixed proportional to numbers, which for each region and each multimember constituency are computed as the sum of: 1) the population; 2) the number of voters in the last general election; and 3) the area in square kilometres multiplied by 20, of the appropriate region or multimember constituency, respectively. If the number of seats resulting from the distribution are not integers and, therefore, do not add up to the necessary number of seats when fractions are eliminated, the largest fractions shall be increased until the number has been reached (the method of the largest remainders). If two or more fractions are of equal size, lots shall be drawn.

(3) According to the computation rule in subsection (2), the 175 seats are first distributed among the three regions. Next, the 135 constituency seats are distributed accordingly among the regions. Finally, the constituency seats are distributed among the multimember constituencies within the appropriate regions.

(4) If, by computation according to subsection (3), the Multimember Constituency of Bornholm fails to obtain at least two seats, a second distribution of seats shall be under-taken in which the Multimember Constituency of Bornholm is allocated two seats in advance. The remaining 133 constituency seats shall be finally distributed among the other multimember constituencies as specified in subsection (3).

(5) The number of compensatory seats for allocation to each region shall be computed as the difference between the overall number of seats in the region and the number of constituency seats in the region.

## Part 3

### *Parties Entitled to Participate in General Elections*

**11.-** (1) The parties which gained representation in the Folketing in the last general election and which continue to be represented therein, shall be entitled to participate in general elections.

(2) The right of participation in general elections also extends to new parties for which an application for registration has been filed with the Minister of Social Affairs and the Interior under the rules of sections 12 to 12b.

(3) Parties which are entitled to participate in general elections shall hereinafter be referred to as parties entitled to nomination.

**12.-** (1) New parties aiming to participate in general elections must apply for registration with the Minister of Social Affairs and the Interior by noon 15 days prior to election day. The application must be accompanied by declarations from a number of voters corresponding to at least one in every 175 valid votes cast in the last general election. The declarations required to accompany the application must be registered as voter declarations for that party using the digital system made available to voters by the Minister of Social Affairs and the Interior under the first sentence of subsection (6). No voter declarations are required in order to apply for registration of the party of the German minority.

(2) Before a new party commences the collection of voter declarations under the second sentence of subsection (1), the name of the party must be approved by the Election Board, see section 17. The approval is valid for three years as from the date of the approval. An application for approval of the name of a new party whose name cannot be approved, see section 13, can be filed no earlier than 30 days prior to the expiry of the period in which the name cannot be approved.

(3) A person entitled to vote in general elections can have no more than one party name approved under the first sentence of subsection (2). When filing an application for approval of a name for a party aiming to participate in general elections, the application form issued by the Ministry of Social Affairs and the Interior must be used. The application must state the name and CPR number of the applicant, the name and CPR number of any representative nominated by the applicant and contact details of the party. The Minister of Social Affairs and the Interior shall register the party name approved as soon as possible using the digital system made available to voters by the Minister of Social Affairs and the Interior under the first sentence of subsection (6). The Minister of Social Affairs and the Interior shall announce the full name of the holder of an approved party name or of a representative nominated by the holder as well as contact details of the party.

(4) Upon request, the Election Board can extend the period of approval of a party name by one year as from the expiry of the previous period of approval if there is reason to believe that an application for registration of the party will be filed within such extended period. Extensions can be granted more than once in special cases. A request for extension must be filed on or before the day of the expiry of the previous approval, unless exceptional circumstances prevail. If a request for extension of an approval is filed on or before the day of the expiry of the previous approval, the approval will be maintained until a decision has been made as to whether to grant the request.

(5) If no application has been filed for registration of a party within the stipulated period of approval of the name of the party, including any extended period, see subsections (2) and (4), the person whose application for approval of the party name was granted can only apply for approval of the same party name when one year has elapsed since the day when the period of the previous approval expired. Even when one year has not elapsed since the day when the previous period of approval expired, the person whose application for approval of the party name was granted can file an application for approval of the same party name if others cannot be granted approval of the party name under the rules of section 13(1)(ii) and (v) and (2).

(6) When submitting voter declarations, voters must use a digital system made available directly to voters by the Minister of Social Affairs and the Interior, but see subsection (7). Voters can submit voter declarations only if they have provided proof of their identity using the digital

system, but see subsection (7). A voter declaration can be registered using the digital system only if the voter can submit a valid voter declaration under subsections (8) to (10). Voter declarations are valid only if registered in the digital system.

(7) Notwithstanding the second sentence of subsection (6), voters registered in the Civil Registration System (CPR) and exempt from the mandatory requirement to set up a Digital Post account according to rules made in pursuance of section 5(1) of the Act on Digital Post from Public Issuers (lov om Digital Post fra offentlige afsendere) can submit voter declarations to the Minister of Social Affairs and the Interior on a paper form approved by the Minister of Social Affairs and the Interior. Notwithstanding the second sentence of subsection (6), voters falling within the scope of section 2 and included in the electoral register can submit voter declarations to the Minister of Social Affairs and the Interior on a paper form approved by the Minister of Social Affairs and the Interior. Any voter declaration submitted under the first or second sentence hereof must include the information required on the paper form, including the voter's name and CPR number, and must be dated and signed by the voter. The Minister of Social Affairs and the Interior shall then register the voter declaration in the digital system made available by the Minister of Social Affairs and the Interior under the first sentence of subsection (6). The third and fourth sentences of subsection (6) apply accordingly.

(8) At the time when a declaration is registered in the digital system, the voter must meet the conditions for entitlement to vote in general elections.

(9) A voter can submit a valid voter declaration under subsection (6) only if that voter has submitted a statement of support for the party at least seven days prior to the submission of the voter declaration using the digital system and has provided proof of his or her identity when submitting that statement of support. A voter can submit a valid voter declaration under subsection (7) only if that voter has asked the Minister of Social Affairs and the Interior for a paper form for submitting a voter declaration under subsection (7) at least seven days prior to the submission of the voter declaration.

(10) A voter declaration is valid for a period of 18 months from the date of its registration in the digital system. However, a voter declaration is valid only for as long as the approval of the party name remains in force, see subsections (2) and (4). Any voter is entitled to withdraw his or her declaration, but only until the time when an application is filed for registration of the party. Subsequently, the voter declaration is no longer valid. If the party has filed an application for registration of the party with the Minister of Social Affairs and the Interior and the voter declaration is valid as set out in the first to fourth sentences hereof at the time of application for registration, such voter declaration will remain valid for the duration of the validity of the application for registration of the party, see subsection (11). No voter can submit a declaration for the same or another party for the duration of the validity of his or her voter declaration as set out in the first to fifth sentences hereof. A voter declaration will remain registered in the digital system for the duration of the validity of his or her voter declaration as set out in the first to fifth sentences hereof. A voter declaration which is no longer valid under the first to fifth sentences hereof will be deleted from the digital system, and any paper form used for submitting that voter declaration will be destroyed.

(11) The registration of a party is valid until the next general election, but always at least for 18 months from the date of application for registration. For the duration of the period of valid registration of a party, the party cannot cancel its registration or file a new application for registration of the party.

(12) Even when the registration of a party is still valid under subsection (11), it is possible for any such party with a valid registration under subsection (1) to have its name approved by the Election Board, see subsection (2), for the purpose of a new collection of voter declarations. Such approval can be extended as set out in the rules of subsection (4). A party can only start a new collection of voter declarations if so approved by the Election Board.

(13) Voter declarations collected for the purpose of filing an application for registration of a new party aiming to participate in general elections, see subsection (1), cannot be used for any other purposes.

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(14) The Minister of Social Affairs and the Interior shall announce continuously in the digital system the number of voter declarations submitted for each individual party.

**12a.**- (1) In case of aggravated or repeated statutory violations committed in connection with a party's collection of voter declarations, the Election Board can decide at the request of the Minister of Social Affairs and the Interior to exclude such party from the right to continue its collection of voter declarations and to cancel the party's collection of voter declarations for the purpose of filing an application for registration of the party for general elections and European Parliament elections. A decision made by the Election Board under the first sentence hereof will apply for the remainder of the period(s) that the party name has been approved as the name of a new party participating in general elections and European Parliament elections.

(2) In case of a reasonable suspicion of aggravated or repeated statutory violations committed in connection with a party's collection of voter declarations, the Election Board can decide at the request of the Minister of Social Affairs and the Interior to temporarily exclude such party from the right to continue its collection of voter declarations for the purpose of an investigation to be conducted by the Election Board as to whether there is reason to make a decision under the first sentence of subsection (1). A decision made by the Election Board under the first sentence hereof will apply until the Election Board has made a decision under the first sentence of subsection (1), or until the Election Board has decided to discontinue the investigation.

(3) A party shall submit and provide the information and documents, including the voter declarations, requested by the Election Board for the purpose of a decision under the first sentence of subsection (1) or the first sentence of subsection (2). If a party disregards its duties under the first sentence hereof, the Election Board can decide to temporarily exclude such party from the right to continue its collection of voter declarations until the party has fulfilled its obligation under the first sentence hereof.

(4) If a party has filed an application for registration of the party, the Minister of Social Affairs and the Interior can suspend the processing of the application for registration of the party in the cases specified in the first sentence of subsection (1) or the first sentence of subsection (2) until the Election Board has made a decision under the first sentence of subsection (1), or until the Election Board has decided to discontinue the investigation.

(5) The person registered as the holder of the party name at the time when the Election Board makes a decision under the first sentence of subsection (1) or at the time when the Minister of Social Affairs and the Interior makes a request to the Election Board under the first sentence of subsection (1) or the first sentence of subsection (2) can only apply for approval of the same party name when one year has elapsed since the expiry of the period specified in the second sentence of subsection (1).

(6) The Minister of Social Affairs and the Interior shall notify Parliament of his or her request for a decision under the first sentence of subsection (1) or the first sentence of subsection (2) and of his or her decision under subsection (4) within one week of the request or decision, respectively. The Minister of Social Affairs and the Interior shall notify Parliament of any decision made by the Election Board under the first sentence of subsection (1), the first sentence of subsection (2) or the second sentence of subsection (3) within one week of the decision.

**12b. 2/ 2.1/ 2.1.2/**

The Minister of Social Affairs and the Interior can lay down rules on:–

(i) the design of the digital system made available by the Minister of Social Affairs and the Interior under the first sentence of section 12(6);

(ii) proof of the identity of each voter submitting a statement of support and a voter declaration;

(iii) verification that the conditions of section 12(8) to (10) on the submission of valid voter declarations have been met, including the retrieval of data from the Civil Registration System (CPR) for the purpose of such verification process;

(iv) the design, handling, processing, verification, storage, withdrawal, deletion and destruction of statements of support and voter declarations submitted using the digital system under section 12(6) and submitted on a paper form under the first or second sentence of section 12(7);

(v) the announcement of information on a party's collection of voter declarations other than the information specified in section 12(14);

(vi) any temporary suspension of the digital system made available by the Minister of Social Affairs and the Interior under the first sentence of section 11(6) or of the procedure for the submission of voter declarations on a paper form under the first, second or third sentence of section 11(7) if such suspension is justified by decisive considerations as well as the suspension procedure; and Minister of the introduction of a temporary procedure for the collection of voter declarations in the cases specified in paragraph (vi) hereof as well as the details of such procedure.

**13.-** (1) No approval can be granted to a new party name which-

(i) is in use by a party entitled to nomination, see section (11);

(ii) is the name of a party that has previously been entitled to nomination, see section (11), unless at least five periods of election have passed since the time when the party participated in general elections the last time;

(iii) has been approved for a new party that wishes to participate in general elections by the Election Board, see section 12(2);

(iv) is used by a party entitled to participate in elections to the European Parliament not included in cases specified in paragraph (i), see section 10 of the Danish Members of the European Parliament Elections Act;

(v) is the name of a party not included in cases specified in paragraph (ii) that has previously been entitled to participate in European Parliamentary elections, see section 10 of the Danish Members of the European Parliament Elections Act unless at least four periods of election have passed since the time when the party participated in European Parliamentary Elections the last time;

(vi) has been approved by the Election Board for a new party that wishes to participate in European Parliamentary elections, see section 11(2) in the Danish Members of the European Parliament Elections Act; or,

(vii) may cause confusion of identity with one of the parties referred to in paragraphs (i) to (vi).

(2) The name of a new party cannot be approved if by a final court decision it has been established or there are other reasons to assume that somebody else on a basis different than the rules in subsection (1) holds an exclusive right to the name. The name may, however, be approved if the holder of the exclusive right has consented to the party's use of the name.

(3) If by final judgment it is established or in general there are reasons to believe that, on a different basis than the rules of subsection (1), somebody else has the exclusive right to use a name approved by the Election Board as the name of a new party, and if the holder of this exclusive right does not consent to such party's use of the name, the Election Board can revoke the approval. If the party has been registered with the Minister of Social Affairs and the Interior under sections 12 to 12b, the party's right of participation in general elections will lapse.

Minister of Social Affairs (4) The Election Board shall keep a list of party names (List of Party Names) which are comprised by subsection (1)(i) to (vi) and which have not been revoked in pursuance of subsection (3) (the Party Name Register).

**14.-** (1) The Minister of Social Affairs and the Interior shall assign a letter to the parties entitled to nomination to be used for the listing of parties on the ballot papers. In the assignment of letters, such letters that have been carried by the parties in previous elections shall be preserved as far as possible.

(2) Soonest possible after the expiry of the time-limit in section 12(1), the Minister of Social Affairs and the Interior shall publish the names of the parties entitled to nomination and the letters assigned to these parties in the Official Gazette.

## Part 4

### *Electoral Registers and Poll Cards. Election Board*

**15.-** (1) Voters must be included in the electoral register in the municipality where they have their permanent residence, but see section 16.

**16.-** (1) Voters comprised by section 2 and who in connection with staying abroad are registered in the Civil Registration System (CPR) as emigrated, shall be included, upon request, in the electoral register in the municipality where they most recently had permanent residence. Voters comprised by section 2(1) or section 2(4), see subsection (1) who just before being sent out in foreign service were registered in the national register in a municipality in the Faroe Islands or in Greenland, including the national register for areas in Greenland unclassified as municipalities, shall be included, upon request, in the electoral register in the municipality in Denmark where they most recently had permanent residence. The request must be submitted to the local council on a form which has been approved by the Minister of Social Affairs and the Interior.

(2) Voters who have stayed abroad for more than four years can only be included in the electoral register provided the Election Board considers the conditions of section 2 fulfilled in each individual case. If there is any doubt, whatsoever, as to whether a voter is comprised by



section 2, the voter can be included in the electoral register provided only that the Election Board considers the conditions of section 2 fulfilled in each individual case.

(3) Decisions regarding the inclusion in electoral registers of voters comprised by section 2(1) or (2), or section 2(4), see subsections (1) or (2) are valid for two years from the day of decision. If, prior to the expiry of the term specified in the first sentence, the voter submits a request for renewed inclusion in the electoral register, the term is extended until a decision has been made. A decision regarding the inclusion in the electoral register of a voter comprised by section 2(3) is valid for two years calculated from the day of emigration. A decision regarding the inclusion in the electoral register of a voter comprised by section 2(4), see subsection (3) is valid for two years calculated from the day of emigration for the person comprised by section 2(3) to whom the voter is related as specified in section 2(4).

(4) The Minister of Social Affairs and the Interior shall lay down detailed rules for inclusion in the electoral register of voters comprised by section 2.

**17.-** (1) The Minister of Social Affairs and the Interior shall set up an Election Board to decide on:–

(i) inclusion in the electoral register as set out in section 16(2);

(ii) inclusion in the electoral register for national referendums as set out in section 96b;

(iii) inclusion in the electoral register for European Parliament elections as set out in section 14b of the Act Concerning the Election of the Danish Members of the European Parliament (lov om valg af danske medlemmer til Europa-Parlamentet);

(iv) the approval of names for new parties aiming to participate in general elections, see section 12(2) and (4) and section 13(3), or in European Parliament elections, see section 11(2) and (4) and section 12 of the Act Concerning the Election of the Danish Members of the European Parliament;

(v) inclusion in the Party Name Register, see section 13(4);

(vi) the exclusion and cancellation of the collection of voter declarations for a party aiming to participate in general elections, see the first sentence of section 12a(1), or in European Parliament elections, see the first sentence of section 11a(1) of the Act Concerning the Election of the Danish Members of the European Parliament;

(vii) the temporary exclusion of the right to collect voter declarations for a party aiming to participate in general elections, see the first sentence of section 12a(2) and the second sentence of section 12a(3), or in European Parliament elections, see the first sentence of section 11a(2) and the second sentence of section 11a(3) of the Act Concerning the Election of the Danish Members of the European Parliament; and

(viii) the removal from office and suspension of a mayor or a holder of a different comparable municipal office or a chair of a regional council under the rules of sections 66a to 66c of the Act on Local Government (lov om kommunernes styrelse) and, as regards chairs of regional councils, also section 38 of the Regions Act (regionsloven).

(2) The Election Board consists of a chair and two other members, but in the cases specified in subsection (1)(iv) to (vii) three other members. The chair must be a High Court judge or a Supreme Court judge, and one of the other members must be an expert in constitutional law. The additional member of the Board in the cases specified in subsection (1)(iv) to (vii) must be

an expert in name rights and trademark rights. Alternates must be appointed for the chair and each of the other members according to the same rules.

(3) The Election Board forms a quorum when the members of the Board or their substitutes are present. Decisions are made by majority of votes. If the voting is equal, the chair has a casting vote.

(4) The chair of the Election Board may decide cases of an urgent nature or cases whose outcome is certain on behalf of the Board.

(5) The decisions of the Election Board shall not be subject to appeal to any other administrative authority.

(6) The Election Board shall gather and provide the Minister of Social Affairs and the Interior with any information he may require regarding the activities of the Board.

(7) The Minister of Social Affairs and the Interior shall lay down the rules of procedure for the Board, including rules for summoning substitutes. The Minister of Social Affairs and the Interior shall determine the fees and payment of expenses to the members of the Board and their substitutes.

(8) The Ministry of Social Affairs and the Interior makes secretariat services available for the Board.

(9) The Election Board falls under the administration of the Parliamentary Commissioner for Civil and Military Administration.

**18.-** (1) When an election is called, the local council shall prepare an electoral register of the voters of the municipality, see sections 15 and 16. The electoral register shall be prepared for each local polling district.

(2) The electoral register shall list voters who have moved to the municipality not later than on the 15th day prior to election day and who not later than on this day have notified the municipality where they have taken up their new residence of the change of address, see also subsection 6(1). Voters who have moved to the municipality from the Faroe Islands or Greenland shall be entered in the electoral register only provided that they have moved to the municipality not later than on the 18th day prior to election day and who not later than on this day have notified the municipality where they have taken up their new residence of the change of address.

(3) Voters who not later than on the 15th day prior to election day have relocated within the municipality, and who not later than on this day have notified the municipality of the change of address shall be listed in the electoral register under the new address.

(4) Voters who later than on the 15th day prior to election day have moved to another municipality or within the municipality, or who later than this day have notified their change of address shall remain listed in the electoral register under their previous address.

(5) Voters who later than on the 18th day prior to election day have moved to the Faroe Islands or to Greenland, or who later than this day have notified their change of address shall remain listed in the electoral register under their previous address.

(6) Voters not comprised by subsection (2) who have moved to the municipality from another country shall be listed on the electoral register if they have moved to the municipality

not later than on the 7th day prior to election day and have notified the municipality where they have taken up their new residence not later than on this day. Voters who are comprised by section 2 shall be listed in the electoral register if a decision to this effect has been made not later than on the 7th day prior to election day.

(7) If the 15th day prior to election day is a Saturday or a Sunday or any other national holiday, the time limit specified in subsections (2)(i), (3) and (4) for listing in the electoral register shall be brought forward to the preceding weekday not being a Saturday in respect of voters who have moved to the municipality from another municipality or have moved within the municipality.

**19.-** (1) The electoral registers shall be prepared on the basis of information in the Civil Registration System (CPR).

(2) The electoral registers shall contain the name of the voters, birth dates and addresses, as well as serial number and a space for marking.

(3) The local council may decide that an electronic electoral register shall be used for one or more or all polling districts in the municipality.

(4) The Minister of Social Affairs and the Interior may lay down detailed rules for the preparation of the electoral registers and their design.

**20.-** (1) As soon as the electoral register has been prepared, the local council shall issue poll cards to the voters listed in the register. The local council shall nonetheless only issue poll cards upon request to voters who have no permanent place of residence, but who in accordance with the rules of the Civil Registration System Act are registered in the municipality as having vacated their former place of residence. The poll card must contain information about the name and address of the voter, his or her number in the electoral register and about the address of the polling station as well as the day and time of voting.

**21.-** (1) Not later than ten days prior to election day the Minister of Social Affairs and the Interior shall publish the day and time of voting on the Ministry of Social Affairs and the Interior's website and in the national newspapers. At the same time the public shall be notified that poll cards will be sent out to the voters and that complaints about not having received poll cards or having received poll cards with erroneous contents shall be addressed to the local council.

**22.-** (1) The local council shall immediately consider the complaints specified in section 21, and shall, case requiring, correct the errors by writing out new poll cards and by making corrections to the electoral register. Such corrections can be made up to and including election day.

(2) Up to and including election day, local councils shall furthermore correct the electoral register if the local authorities receive notifications of emigration, deaths, new or recalled guardianship orders depriving persons of their legal capacity, see the first sentence of section 6(1) of the Guardianship Act (værgemålsloven), or the grant or loss of Danish nationality.

## Part 5

### *Election Committees, Polling Supervisors and Appointed Electors. Election Committees*

**23.-** (1) Not later than when an election has been called shall an election committee be chosen for each nomination district. In municipalities comprising more than one nomination district one common election committee shall be chosen.

(2) The election committee procures ballot papers and notices and supervises the final computation of the vote in the nomination district.

(3) Members of the election committee are elected by the local council by proportional representation. The group in the local council appointing a member shall also appoint a substitute. The mayor is a member of the election committee. In municipalities governed by a corporation or by a multilevel administrative body, see sections 64 and 64a in the Local Government Act, the municipality may adopt by-laws to provide that a member of the corporation or a committee chair shall be a member and not the mayor. Other members and substitutes are chosen from among the members of the local council.

(4) Where a local council has to appoint members for more than one election committee, appointments are made each at a time.

(5) No one can be a member of more than one election committee. Where a member of the local council meets the conditions of being a born chair of an election committee and a born member of another election committee, see subsection (3)(iii) and (iv) and section 24, he or she shall be a member of the election committee of which he or she is the born chair. In other cases where a local council has to appoint members of more than one election committees, and a member of the local council thus fulfils the conditions of being a born member of more than one election committee, see subsection (3)(iii) and (iv), the person concerned must inform the local council, before the local council appoints members of the election committees, which election committee he or she wants to join. If he or she fails to do so, lots should be drawn between election committees. To sit on the election committee that the born member does not join, the local council elects all members of the municipality among the members of the local council by proportional representation.

**24.-** (1) To sit on the election committee of nomination districts consisting of more than one municipality, of parts of more than one municipality or one or more municipalities and a part of a municipality or parts of more than one municipality, every local council in the municipalities included in the nomination district by one or more parts elects the following numbers of members-

(i) in nomination districts which consist of two municipalities, of parts of two municipalities or of a municipality and a part of another municipality, four members, but see subsection (2);

(ii) in nomination districts which consist of three municipalities, of parts of three municipalities, of two municipalities and a part of a third municipality or of one municipality and parts of two municipalities, three members, but see subsection (2);

(iii) in nomination districts which consist of four municipalities or above, two members.

(2) The election committee of the South Jutland Multimember Constituency Nomination District 4 is also election committee for Nomination District 5, see the schedule to this Act.

(3) Each local council of the municipalities or parts of municipalities included in the nomination districts specified in subsection (2), elects two members to the appropriate election committee, however, the local council of the constituency municipality, see the schedule to this Act, elects five members.

(4) The mayor of the constituency municipality is chair of the election committee, but see section 23(3)(iv).

**25.-** (1) To sit on the election committees of nomination districts consisting of one municipality or a part of a municipality, five members are elected, but see section 24(2) and (3). The mayor is chair of the election committee, but see section 23(3)(iv)

**26.-** (1) The local council shall elect from among the members of the election committee a vice-chair of the election committee. In nomination districts consisting of more than one municipality or one or more parts of a municipality, the vice-chair is elected by the local council of the constituency municipality from among its members of the election committee. The vice-chair shall discharge the duties of the chair in the latter's absence.

**27.-** (1) No one who is a candidate for election in the appropriate multimember constituency can be a member of or a substitute in the election committee

(2) If a member of the local council who is a born member of the election committee, see the third and fourth sentences of section 23(3) and (4), stands as a candidate in a multimember constituency, the local council shall elect from among its members a person who shall join the election committee in place of the member concerned.

**28.-**(1) The chair of the election committee prepares, calls and conducts the meetings of the election committee. Decisions by the election committee are taken by majority vote. In the event of a tie, the chair's vote shall be decisive.

(2) The chair of the election committee shall decide in all unambiguous questions.

(3) The election committee shall keep election records in which all material information about the voting in the nomination district and the result thereof shall be entered. In municipalities comprising more than one nomination district, the election committee shall keep election records for each local nomination district in the municipality. The Minister of Social Affairs and the Interior shall lay down the rules governing the content and design of the election records.

### *Polling Supervisors*

**29.-** (1) Not later than when an election has been called shall the local council elect, for each polling district, not less than five and not more than nine polling supervisors to conduct the voting procedure and the vote count at the polling station.

(2) Polling supervisors are elected by proportional representation in one step from among all voters residing in the municipality.

(3) A voter standing as a candidate in the election is eligible as a polling supervisor.

(4) From among the polling supervisors the local council elects a chair for each polling district. The chairmen are elected by proportional representation.

(5) The polling supervisors shall keep a poll book in which they enter all material information about the voting in the polling district and the result thereof. The Minister of Social Affairs and the Interior shall lay down the rules governing the content and design of the poll books.

(6) The chair of the polling supervisors shall ensure that a sufficient number of polling supervisors are always present at the polling station immediately prior to and during the election process, see section 46, and during the subsequent vote counting process, see section 68(1), to ensure a proper execution of the election and vote counting process. However, a majority of the appointed polling supervisors shall always be present at the polling station during the election process and the subsequent vote counting process. The polling supervisors shall obey the directions of the chair of the polling supervisors. All polling supervisors shall be present when the poll book is signed, see the first sentence of section 70.

### *Appointed Electors*

**30.-** (1) Not later than when an election has been called shall the local council elect a number of appointed electors to assist in the election. Appointed electors are elected by proportional representation in one step from among all voters residing in the municipality.

(2) A voter standing as a candidate in the election is eligible as an appointed elector.

### *Common Rules*

**31.-** (1) Any voter is under duty to assume the task of polling supervisor or appointed elector. Polling supervisors and appointed electors are obliged to make themselves familiar with their tasks and, if the local council so requests, to attend a meeting before the election day in order to receive the necessary instructions etc.

(2) The members of the election committee, polling supervisors and appointed electors shall perform the tasks incumbent upon them except when absent. In the absence of a member of the election committee, his or her substitute shall join the election committee. In the absence of a polling supervisor or an appointed elector, the group in the local council having appointed the appropriate person shall appoint a new polling supervisor or a new appointed elector.

(3) Allowances are granted to members of the election committee, to polling supervisors and to appointed electors for their assistance during the election process, including for instruction prior to the election day of polling supervisors and appointed electors on their tasks, see subsection 1, 2. sentence. Allowances are paid according to the rules laid down in the Local Government Act. Notwithstanding, the local council can decide in a meeting that allowances shall not be granted, or that the allowances granted shall be a different amount than what follows from the rules laid down in the Local Government Act. The allowances paid per day can nevertheless not exceed the quintuple of the amount laid down in the Local Government Act for meetings that do not exceed 4 hours.

## Part 6

### *Candidates for Election*

**32.-** (1) A person who wishes to announce his or her candidature in the election in a nomination district, may stand for a party entitled to nomination or may stand as an independent candidate. A candidate wishing to stand for a party must be approved by the party. An independent candidate must be recommended by at least 150 and at most 200 voters of the nomination district as supporters.

(2) No one shall be a candidate in more than one multimember constituency. No one shall be a candidate of more than one party or a candidate of a party and an independent candidate at the same time. Any election of a candidate having acted in contravention hereof shall be void.

(3) A voter who as supporter recommends more than one candidate shall be considered a supporter of none of the candidates.

### *Application for Registration of Candidates and Approval by the Parties*

**33.-** (1) Announcements of candidature must be registered with the National Social Appeals Board not later than noon eleven days prior to election day. An announcement of candidature cannot be submitted sooner than when an election has been called.

**33 a.-** (1) Announcements of candidature must be submitted using a form approved by the Minister of Social Affairs and the Interior.

(2) The announcement form shall be signed by the candidate and state the full name, CPR number, occupation and address of the candidate. If the candidate does not want his or her full name to appear on the ballot paper, it must be indicated how the name is desired to appear. A candidate's last name or middle name and at least one first name or initial must always appear. Only middle and last names which a candidate is entitled to use under the Names Act, or middle names recorded in the Civil Registration System (CPR), are allowed to appear on the ballot paper. Instead of the first name, a name by which the candidate is known and which is derived from the first name, may be stated. The form shall further state the name and address of a person (contact person) who the National Social Appeals Board may approach if the form is insufficiently completed.

(3) Candidates wishing to stand for a party must indicate this in the form.

(4) Candidates standing as independents shall state this in the form. Furthermore, the form shall be signed by the supporters of the candidate and each supporter shall be specified by his or her name, CPR number and address.

(5) Any person submitting a form announcing his or her candidature is entitled to a receipt stating the day and time for handing in the form.

**34.-** (1) A candidate may withdraw his or her announcement of candidature from the National Social Appeals Board if communicated to the National Social Appeals Board not later than noon eleven days prior to election day. A voter who as a supporter has recommended a candidate shall not be allowed to withdraw his or her recommendation once the candidate has handed in the form announcing his or her candidature to the National Social Appeals Board.

**35.-** (1) As soon as possible and not later than immediately after the closing date for handing in announcements of candidature shall the National Social Appeals Board examine the validity of the duly received forms. If the the National Social Appeals Board finds that a form should be declared invalid on account of material deficiencies, the National Social Appeals Board shall inform the candidate or contact person stated in the form accordingly without delay. Not later than 12 hours subsequent to due notification may a new registration form be submitted in respect of the candidate or the deficiencies be remedied. The National Social Appeals Board shall then decide on the validity of the announcement form. The decision shall be communicated to the candidate in writing.

**36.-**(1) (Repealed)

**37.-** (1) Not later than noon ten days prior to election day shall the parties entitled to nomination for each multimember constituency give notice in writing about candidates approved by the party in the individual nomination districts. Notice can be given not sooner than when the election has been called. Candidates who are not approved by the appropriate party may not stand in the election. No candidate shall stand for the party in the multimember constituency in question unless notification of approval has been given.

(2) Such notice shall be given to the National Social Appeals Board.

(3) For each approved candidate such notice shall contain information about the candidate's name, CPR number and address.

### *Forms of Candidature and Party List*

**38.-** (1) Candidates standing for a party shall stand either by district or in parallel.

**39.-** (1) In case of standing by district one candidate shall stand for the party in the nomination district.

(2) The candidate shall take first place on the ballot paper. After him the other candidates (of the party in question) in the multimember constituency shall be listed in alphabetical order. If the party has announced a specific order of candidates (party list), see section 41(1), the other candidates shall, however, be listed in that order.

(3) In case of standing by district all party votes in the nomination district shall be allocated to the party candidate in that nomination district, see section 73(5).

(4) In case of standing by district the candidates shall be elected in the order of the size of their votes, see section 81. If a party list has been registered, the candidates shall, however, be elected in the order specified in section 82.

**40.-** (1) In case of standing in parallel more than one candidate shall stand for the party in the nomination district.

(2) The candidates shall be listed in alphabetical order on the ballot paper, but see subsection (3). After the candidates of the nomination district, any other candidates in the multimember constituency shall be listed in alphabetical order, but see subsection (3).

(3) A party which has chosen candidatures in parallel in one or more nomination districts may announce that the candidates in the multimember constituency are listed in the party's



order of priority on the ballot paper (prioritised parallel standing), see section 41(2). However, the candidates of the nomination district shall be listed before any other candidates in the multimember constituency.

(4) In case of standing in parallel the party votes in the nomination district are distributed among the party candidates in the nomination district by their personal number of votes in the nomination district, see section 73(5). However, a party whose candidates in the multimember constituency are listed individually in all nomination districts in the multimember constituency may announce, for the relevant multimember constituency, that the party votes in the multimember constituency shall go to none of the party's candidates in the multimember constituency, see section 41a.

(5) In case of standing in parallel the candidates shall be elected in the order of the size of their votes, see section 81.

**41.-** (1) Not later than noon ten days prior to election day may a party which has chosen candidatures solely by district in a multimember constituency announce a party list for all the candidates of the party in the multimember constituency in question. The announcement can be made not sooner than when the election has been called.

(2) Within the time-limits stated in subsection (1), a party which has chosen candidatures in parallel in one or more nomination districts may announce a prioritised parallel standing in the relevant nomination district(s).

(3) Registrations according to subsections (1) and (2) shall be made in writing to the National Social Appeals Board.

**41a.-** (1) Not later than by 12 noon ten days prior to election day a party whose candidates in the multimember constituency are listed individually in all nomination districts in the multimember constituency may announce, for the relevant multimember constituency, that the party votes in the multimember constituency shall go to none of the party's candidates in the multimember constituency. The announcement may be made when the election has been called or after.

(2) The announcements under subsection (1) shall be made in writing to the National Social Appeals Board.

### *Lists of Nominated Candidates*

**42.-** (1) As soon as possible after the expiry of the closing date in section 37, see section 41, the National Social Appeals Board shall prepare lists of candidates nominated in the appropriate multimember constituency. If a party with parallel standing in one or more nomination districts has announced an order of priority of its candidates in the relevant nomination district(s), see section 41(2), the National Social Appeals Board shall, as soon as possible after expiry of the time-limit in section 37, see section 41, also prepare a list for the relevant nomination district(s) specifying the order in which all the relevant candidates of the party in the multimember constituency shall be listed on the ballot paper for the relevant nomination district(s).

(2) As soon as possible after the closing date specified in subsection (1) the National Social Appeals Board shall forward the lists of the multimember nominees to the election committees of each nomination district in the appropriate multimember constituency.

(3) Prior to each election the Minister of Social Affairs and the Interior notifies the National Social Appeals Board of the lists of nominees to be prepared, their design and the information they are required to contain. In this connection the Minister of Social Affairs and the Interior shall decide which other authorities in addition to those specified in subsection (2) shall receive the lists.

(4) The applications for registration of the candidates, see section 33a, notice from the parties on approval of candidates, see section 37, and announcement of the type of nomination, see section 41, may not be made available to the public before the National Social Appeals Board has issued the lists of the nominated candidates in the relevant multimember constituency, see subsection (3).

### *Ballot Papers*

**43.-** (1) The election committee shall procure ballot papers for use in the poll in the nomination district and notices, see section 45(3). The ballot paper and notices shall be developed based on the lists of nominees specified in section 42(1).

(2) The ballot paper shall contain the names and letters of all parties whose candidates stand in the multimember constituency. The parties shall be listed in alphabetical order according to their letters.

(3) The ballot paper shall furthermore contain the names of all candidates standing in the multimember constituency. Candidates standing for a party shall be listed together in a separate field for the appropriate party and in the order specified in section 39(2) and section 40(2) and (3). Candidates who stand as independents shall be listed below all others in a separate field for these and in alphabetical order, however, in such a way that candidates standing in the nomination district in question shall be listed first.

(4) The Minister of Social Affairs and the Interior shall lay down detailed rules for the content and design of the ballot papers.

**44.-** (1) The election committee shall see to it that the requisite number of ballot papers and notices are delivered to the local council well ahead of the commencement of voting.

## **Part 7**

### *Voting on Election Day*

**45.-** (1) In each polling district voting takes place at one polling station.

(2) The local council shall provide the premises for the voting and the requisite number of voting booths and ballot boxes. The voting booths must be designed to allow the voter to cast his or her vote without being watched by others. Voting booths must be equipped with the requisite tools for voting. Ballot boxes must be designed in a manner to prevent removal of ballot papers without opening the ballot box. Ballot boxes must be lockable or sealable.

(3) At the polling stations notices shall have been put up indicating all the names of parties and candidates in the order listed on the ballot paper. For the parties, their letters, too, shall be stated.

(4) The local council shall also ensure that the requisite preparations for the voting procedures have been made at each polling station and that polling supervisors and appointed electors have been briefed about their duties on election day.

**46.-** (1) Ballots taking place on business days shall begin at 8:00 am, but see subsection (2), and shall continue until 8:00 pm and so long as voters continue to turn up to vote. Ballots taking place on Saturdays or Sundays or other non-business days shall begin at 9:00 am and continue until 8:00 pm and so long as voters continue to turn up to vote. Voting is over when no voter expresses any wish to vote regardless that an invitation to vote is announced.

(2) For the islands of Agersø, Anholt, Askø, Avernakø, Barsø, Birkholm, Bjørnø, Baagø, Drejø, Egholm, Endelave, Fejø, Femø, Fur, Hjarnø, Hjortø, Lyø, Mandø, Nekselø, Omø, Orø, Sejerø, Skarø, Strynø, Tunø, Venø og Aarø, the local council may decide, at a meeting held not later than 15 days prior to the election day, that the ballot on the island shall not begin until 9:00 am, whether or not the ballot is on a business day, if there is a polling station on the island. If the 15th day prior to the election day is a Saturday or Sunday or another non-business day, the deadline for the decision of the local council shall be brought forward until the immediately preceding weekday which is not a Saturday or Sunday.

(3) Before the voting begins appointed electors shall show those present that the ballot boxes are empty. Immediately thereafter the boxes must be locked or sealed.

**47.-** (1) The right to vote is exercised by personal appearance at the polling station. Before voting a voter must turn over his or her poll card to the keeper of the electoral register. Where a voter has omitted to bring his or her poll card a new one shall be written out. The keeper of the electoral register shall demand that the voter states his/her date of birth. Additionally, the voter shall give his or her name and address upon request. In case of doubt about the identity of a voter, the identity must be proven, if necessary through production of documentation thereof. Then, and after the keeper of the electoral register has ticked off the voter's name in the electoral register, the voter is handed a ballot paper.

**47a.-** (1) On application a voter may cast his vote on election day at a different polling station of the nomination district in his residential municipality from the one to which the voter is affiliated according to the electoral register, see section 18, if a voter's disability or poor health justifies the change in polling station.

(2) An application to cast a vote at a different polling station of the nomination district in the residential municipality must be submitted to the local council of a voter's residential municipality not later than by noon eight days prior to election day. If eight days before the election day is a Saturday or a Sunday, or a holiday, the last day for submitting the application is moved to the immediately preceding weekday which day shall not be a Saturday. An application must be submitted previous to every general election and may not be submitted until an election has been called.

(3) The local council shall arrange for a voter whose application has been granted under subsection (1) to be deleted from the electoral register at the polling station to which the voter was initially affiliated and added to the electoral register at the polling station of transfer.

(4) The Minister of Social Affairs and the Interior shall lay down the rules for the change in polling stations on application for voters with a disability or poor health.

**48.-** (1) Voting takes place in the voting booth which only the voter is allowed to enter. On the ballot paper the voter enters a cross against the name of a party or the name of a candidate.

(2) A voter may have his or her ballot paper substituted if it has been incorrectly crossed off or become invalid through negligence. Substitution cannot take place once the ballot paper has been put in the ballot box.

(3) The vote cast, the voter shall fold the ballot paper so that no one can see how he has voted. Next the voter shall put the ballot paper in the ballot box under the supervision of an appointed elector.

**49.-** (1) Voters who on account of disability, poor health or for similar reasons are unable to walk into a polling station or voting booth or in any other way are unable to vote in the prescribed way, see section 48, may request the assistance needed to cast their vote, but see subsection (4). Assistance in voting may be provided in the form of personal assistance, see subsection (2), and aids to be provided during the voting process, see subsection (5). This may call for the necessary modifications of the prescribed procedure and may entail access to cast one's vote immediately outside the polling station.

(2) Personal assistance in voting is rendered by two polling supervisors or appointed electors. Instead of one of the supervisors or appointed electors the voter can demand assistance in voting by a person of his/her own choice. If so expressly and unambiguously demanded by the voter to a polling supervisor or an appointed elector, and if the voter's demand is justified by an immediately identifiable or demonstrable physical or mental impairment, the personal assistance may be rendered only by a person appointed by the voter him- or herself.

(3) A candidate standing for a party in the multimember constituency may not render personal assistance in voting as polling supervisor or appointed elector.

(4) Personal assistance to cross off the ballot paper may be rendered only when the voter is able to indicate direct and unambiguously to the person(s) rendering assistance the party or candidate for which he wants to vote.

(5) The Minister of Social Affairs and the Interior may lay down rules for aids to be provided during the voting process.

**50.-** (1) The polling supervisors may decide that in addition to the persons in charge of the voting procedure only voters who are about to vote may be allowed inside the polling station. The polling supervisors may also limit the number of persons present in the interest of public order. Polling supervisors shall ensure that voters are not subjected to electioneering or other forms of opinionative influence in the voting premises or elsewhere in the immediate vicinity. Persons present shall in all respects comply with the instructions of the polling supervisors.

**51.-** (1) Persons in charge of the voting procedure or persons rendering personal assistance in voting may not during the voting advice a voter or suggest a party or candidate to vote for. Persons in charge of the voting procedure shall not to unauthorised persons state whether a voter has been present to cast his or her vote or provide any other information about the voting of a voter.

(2) No unauthorised person shall be allowed to check systematically that voters show up and cast their vote.

**52.-** (1) Once the voting is over, and before vote-counting begins, ballot papers not handed out and ballot papers returned in substitution are counted and bound in separate packages. Then votes are counted in accordance with the provisions of sections 68 to 70.

## Part 8

### *Advance Voting. Advance Voting in Denmark*

**53.-** (1) Any voter may vote in advance at any municipality in Denmark.

**54.-** (1) Voters who are hospitalised may cast their votes in advance in the hospital.

(2) Voters who reside or stay in the following types of housing or accommodation facilities may cast their votes in advance in the housing or accommodation facilities:

(i) care homes and sheltered housing operated according to the rules of the Social Services Act;

(ii) temporary accommodation facilities for adults provided according to the rules of the Social Services Act for women who have been the victims of violence, threats of violence or similar crisis in connection with family or matrimonial cohabitation relations;

(iii) temporary accommodation provided according to the rules of the Social Services Act for stays of a temporary nature or of longer duration for adults who on account of physical or mental impairment or particular social problems have special needs, and temporary accommodation for adults operated according to the pilot provisions of the said act. The local council may decide that advance voting in the temporary accommodation facilities stated shall take place according to the rules of subsection (4) regarding advance voting in the home instead;

(iv) places to stay outside their homes where, subject to the said act, the local authority offers individual assistance, care and attendance to persons who on account of temporary or permanent physical or mental impairment have special needs. The local council may decide that no advance voting shall take place in these places outside their own homes;

(v) social care dwellings comprised by the Social Housing etc. Act, care dwellings comprised by the Housing for Elderly and Disabled Persons Act, unsubsidised private care dwellings comprised by the Rent Act, and private care dwellings comprised by the Private Care Dwellings Act;

(vi) other social housing for the elderly comprised by the Social Housing etc. Act, other housing provided for the elderly comprised by the Housing for Elderly and Disabled Persons Act and communal shared housing arrangements, homes and dwellings for senior, sickly and infirm citizens comprised by the regulations laid down pursuant to the Housing Act and the Social Housing and Subsidised Housing Society Dwellings Act. The local council may decide that advance voting for these types of housing shall take place according to the rules of subsection (4) regarding advance voting in the home instead.

(3) Voters being detained in an institution under the Prison and Probation Service or in a gaol may cast their advance vote in the institution.

(4) Voters who on account of illness or disability are unable to turn up at a polling station may vote in advance in their homes except where granted the opportunity of casting their vote in one of the institutions, housing or accommodation facilities specified in subsection (2). Requests for advance voting in the home must be submitted not later than by 1800 hours twelve days prior to election day. If twelve days prior to election day is a Saturday or a Sunday, the closing date for submitting a request to vote in advance in the home is prolonged to the first succeeding

Monday at noon. The local council may set a later deadline for submission of the request to vote in advance in the home, such deadline not to be later than the third-to-last weekday (except for Saturday and Sunday) prior to the election day. Such request must be submitted to the municipality of residence.

(5) Voters resident in remote islands, which do not constitute a separate polling district, may cast their vote in the island in advance.

**55.-** (1) Advance votes under section 54(1)(i) and (3) shall be cast to two vote receivers who are local government or institution officials.

(2) Advance votes under section 54(1)(ii) or (iv) shall be cast to two vote receivers chosen from among the appointed electors, see section 30. The local council may decide, however, that one of the vote receivers shall be a person appointed from among the staff of the local authority.

(3) In the islands referred to in section 54(5) the local council shall appoint one or more electors to act as receivers of advance votes.

**56.-** (1) In Denmark advance voting can take place within the last three weeks prior to election day, however, not later than on the second last weekday but one preceding election day.

(2) The local council shall arrange for at least one of the venues in the municipality where voters can vote in advance, see section 53, to stay open from at least 9:00 am to 4:00 pm on the last day for advance voting.

### *Advance Voting in the Faroe Islands, Greenland and Foreign Countries*

**57.-** (1) Voters who are staying in the Faroe Islands or Greenland may vote in advance at the Faroese or Greenland national registration offices or with a vote receiver appointed by the Minister of Social Affairs and the Interior.

(2) Voters who are staying abroad may cast their vote in advance with a Danish diplomatic or consular representation or with a vote receiver appointed by the Minister of Social Affairs and the Interior.

(3) Advance votes cast more than three months prior to election day shall not be considered.

(4) Once a general election has been called, the Minister of Social Affairs and the Interior shall see to it that the Danish representations and other vote receivers abroad are notified accordingly.

### *Advance Voting On Board Danish Ships in Foreign Trade and Danish Off-shore Installations*

**58.-** (1) Danish sailors and passengers on board Danish ships in foreign trade and persons employed at Danish off-shore installations may vote in advance on board the ship or at the off-shore installation. The ship's master or the person appointed by the ship's master, or the chief of the off-shore installation or the person appointed by the chief, shall act as vote receiver.

(2) Advance votes cast more than three months prior to election day shall not be considered, but see subsections (3) and (4).

(3) Sailors in Danish ships in foreign trade, and their accompanying spouses may vote in advance on board the ship from the day following a general election, their votes being valid for the next general election.

(4) At Danish off-shore installations in Danish territory advance voting can take place within the last three weeks prior to election day, however, not later than on the second last weekday but one prior to election day.

**59.-** (1) Once a general election has been called, the Minister of Social Affairs and the Interior shall see to it that ship's masters of Danish ships in foreign trade and chiefs at Danish off-shore installations are notified accordingly.

(2) As soon as the ship's master of a Danish ship in foreign trade is informed that a general election has been called, the ship's master shall see to it that advance voting on board takes place without delay. Advance voting procedures may, however, be dispensed with, if, even using the fastest way of dispatch, the advance votes cannot be expected to reach their destination before polling starts on election day, or if compelling and urgent business so prevents. Similar rules shall apply to Danish off-shore installations.

### *Advance Voting Material*

**60.-** (1) The voting material comprises a ballot paper, an envelope, a covering letter and a cover. The Minister of Social Affairs and the Interior shall decide the particular content and design of the advance voting material.

(2) The Minister of Social Affairs and the Interior shall procure the advance voting material. The advance voting material must be available at the municipalities and the Danish representations abroad and on board Danish ships in foreign trade and at Danish off-shore installations outside Danish territory at all times.

(3) The Minister of Social Affairs and the Interior may decide that covering letters and covers procured by the local council shall be co-equal with covering letters and covers procured by the Minister of Social Affairs and the Interior.

### *Advance Voting Procedure*

**61.-** (1) Voters who wish to cast their vote in advance must duly prove their identity to the vote receiver. The advance voting material will hence be issued, see section 60.

(2) The voter indicates on the ballot paper the name or letter of a party which has candidates standing in the multimember constituency where the voter is on the electoral register. If the voter wishes to cast his or her vote for a particular candidate standing in the appropriate multimember constituency, the voter shall state the name of the candidate, with the possible addition of the party name or letter.

(3) The voter fills in the ballot paper without being watched by others and puts it into the envelope. The voter then fills in the covering letter and signs it in the presence of the vote receiver, who confirms the casting of the vote. The voter places the envelope containing the

ballot paper and the covering letter in the cover and seals the latter in the presence of the vote receiver. The voter fills out the back of the cover containing the small envelope with the ballot paper and the covering letter with his/her name, date of birth and address in the presence of the vote receiver.

(4) If the voter is unable to fill in the ballot paper or to fill in and sign the covering letter, or if the voter requests other assistance with the advance voting process, the vote receiver(s) shall provide the requisite assistance, but see subsection (6). Assistance in voting shall be provided by personal assistance and by use of any aids to be provided during the advance voting process, see the first sentence of section 63. If so expressly and unambiguously demanded by the voter, and if the voter's demand is justified by an immediately identifiable or demonstrable physical or mental impairment, the personal assistance may be rendered only by a person appointed by the voter him- or herself. In addition to the vote receiver, or, in case of participation by more than one vote receiver, instead of one of these, the voter can demand personal assistance in voting by a person of his/her own choice. If such personal assistance has been rendered, it must appear from the covering letter.

(5) A candidate standing in the multimember constituency may not render personal assistance in voting as vote receiver.

(6) Personal assistance in filling in the ballot paper may be rendered only where the voter is able to indicate direct and unambiguously to the person(s) providing the assistance for which party or candidate the voter wants to vote.

(7) The envelope together with the ballot paper and the covering letter shall be sent to the local council of the municipality where the voter is registered on the electoral register.

(8) The vote receiver shall ensure that voters who wish to vote in advance are not subjected to electioneering or other forms of opinionative influence in the immediate proximity of the place where the advance voting is taking place.

**62.-** (1) Vote receivers and persons providing personal assistance must not during the advance voting procedure advise a voter or suggest to him or her which party or candidate to vote for. Vote receivers shall not to unauthorised persons state whether a voter has voted in advance or provide any other information about the voting of a voter.

(2) No unauthorised person shall be allowed to check systematically whether voters cast their vote in advance.

**63.-** (1) The Minister of Social Affairs and the Interior shall lay down detailed rules governing the organisation and undertaking of advance voting and procedures in connection with votes cast in advance. The Minister of Social Affairs and the Interior may lay down rules for aids to be provided during the voting process.

### *Receiving and Checking Advance Votes*

**64.-** (1) The local council shall note the reception time for an advance vote on the cover. The number of advance votes received, the receiving dates, and the number of advance votes which are being forwarded to other municipalities, see subsection (2), and the forwarding date shall be entered in a logbook. The local council may decide that the logbook shall be kept by electronic records. The Minister of Social Affairs and the Interior shall lay down the rules for the content and design of the logbook.



(2) If, according to the address stated on the cover, the sender is the resident of another municipality, the local council shall forward the advance vote to the appropriate municipality without delay.

(3) Once an election has been called, the local council shall see to it that advance votes from voters having cast their votes in advance prior to the calling of an election and later having notified their relocation to another municipality shall be forwarded to the new municipality of residence.

(4) The local council shall collect and count the number of advance votes for each polling district of the municipality, in whose electoral register the senders are listed according to their address on the cover. The local council shall see to it that the advance votes are delivered to the polling supervisors at the polling stations within the appropriate polling districts before voting starts, but see subsection (5).

(5) If less than five advance votes have been received within a polling district, the local council shall transfer the advance votes to a polling district which has received a minimum of five advance votes and hand them over to the polling supervisors of that polling district, who shall examine whether the advance votes qualify for consideration, see section 65. If a transferred advance vote is to be considered, the polling supervisors shall enter the voter in question in the election register, make a note on the electoral register about the cause for inclusion in the electoral register and otherwise follow the procedure specified in section 66(1) regarding advance votes qualifying for consideration. The polling supervisors shall furthermore instruct the polling supervisors of the original polling district that the voter concerned is to be deleted from the electoral register of that polling district before commencement of the vote. The cause for which the voter is deleted from the electoral register shall be stated in the electoral register of the original polling district, while noting in which polling district the voter has been included in the electoral register instead. If a transferred advance vote is not to be considered, the polling supervisors shall follow the procedure specified in section 66(2), and no corrections shall be made to the electoral registers in the two polling districts concerned.

(6) If based on the information about the sender on the cover, it cannot be decided in which polling district the sender is included in the electoral register, the local council shall decide to which polling district the advance vote shall belong with a view to having the polling supervisors check out the advance vote for its claim to being considered, see section 65.

**65.-** (1) The polling supervisors shall examine the advance votes before voting starts and if necessary, on the day before or two days before election day. The covers shall be opened and the advance votes shall be checked for their claim to being considered. At least two polling supervisors shall be involved in checking and deciding whether an advance vote qualify for consideration.

(2) An advance vote shall not be considered if-

(i) the sender is not on the electoral register;

(ii) the sender died before election day;

(iii) the cover contains more than one covering letter and one envelope;

(iv) the advance voting material used is not identical with the material procured by the Minister of Social Affairs and the Interior;

(v) the prescribed procedure for advance voting has not been complied with; or,

(vi) the advance vote has not been cast within the closing dates specified in sections 56(1), 57(3) and 58(2) to (4).

(3) If, from the same voter, more than one advance vote has been received that qualifies for consideration, the most recently cast advance vote shall be considered.

**66.-** (1) Where an advance vote qualifies for consideration a mark is put down against the name of the voter in the electoral register to indicate that the voter has cast an advance vote. The unopened envelope and the covering letter are replaced under the cover and retained until the voting is over. The covers are then removed from the envelopes and put into one of the ballot boxes. The envelopes shall not be opened until the votes are counted.

(2) Where an advance vote does not qualify for consideration, the cause must be written on the cover and the unopened envelope and the covering letter be replaced under the cover.

(3) Advance votes received by the polling supervisors after the voting starts shall be marked by the time of their reception and shall not be considered.

**67.-** (1) A voter having cast an advance vote which has already been considered cannot cast his or her vote in the polls on election day.

## Part 9

### *Computation of the Poll in the Nomination District. Counting of the Votes Cast at the Polling Station*

**68.-** (1) When the voting is over, the polling supervisors and the appointed electors, but see section 74a, shall count the votes cast at the polling station. The counting is public. The number of votes cast for each party and for each independent candidate shall be counted.

(2) A vote is cast for the party within the field of which the voter has put his or her cross on the ballot paper. An advance vote is cast for the party, whose name or letter the voter has indicated on the ballot paper. If, on the advance ballot paper, the voter has stated the name of a candidate standing for a party, the vote shall be regarded as cast in favour of the party.

(3) A vote is cast for the independent candidate against whom the voter has put his or her cross on the ballot paper. An advance vote is cast for the independent candidate, whose name the voter has indicated on the ballot paper.

**69.-** (1) A ballot paper cast at the polling station shall be invalid if-

(i) it is blank;

(ii) the voter's vote has not been marked with a cross in the ballot paper, see the second sentence of section 48(1).

(iii) it cannot be definitely decided which of the parties or which independent candidate the voter intended to favour with his or her vote;

(iv) the ballot paper is assumed not to have been handed out at the polling station; or,

(v) the ballot paper has been given a special mark of identification.

(2) An advance ballot paper shall be invalid if-

(i) it is blank;

(ii) it cannot be definitely decided which of the parties or which independent candidate the voter intended to favour with his or her vote;

(iii) the ballot paper carries only the name of a candidate who is not standing in the multimember constituency where the voter is on the electoral register, or carries only the name of a party, which has no candidates in the multimember constituency in question;

(iv) an envelope contains something else or more than one ballot paper;

(v) the ballot paper is assumed not to have been procured by the Minister of Social Affairs and the Interior; or,

(vi) the ballot paper has been given a special mark of identification.

(3) The polling supervisors shall record in the poll book how many ballot papers they considered invalid and the reasons for their judgment.

(4) Following presentation to the parliamentary election scrutiny committee, the Minister of Social Affairs and the Interior may lay down detailed rules for assessment of ballot papers, including advance ballot papers.

**70.-** (1) When the vote counting is over, the results of the count shall be recorded in the poll book, which shall be signed by the polling supervisors and the results shall be announced to those present. The chair of the polling supervisors shall immediately notify the chair of the election committee of the results. In municipalities comprising more than one nomination district, the chair of the election committee can decide that notice shall be given to one of the chairmen of the polling supervisors in each nomination district.

**71.-** (1) When the chair of the election committee has received reports from all polling stations in the nomination district, the votes reported are summed up. Immediately after, the Minister of Social Affairs and the Interior shall be given a report of how many votes in the entire nomination district have been cast for each party and for each independent candidate. The Minister of Social Affairs and the Interior shall decide the specific reporting procedure.

### *Recount in the Nomination District*

**72.-** (1) Not later than on the day after the voting shall the local election committee assemble to undertake the final counting of the votes cast in the nomination district (recount). In nomination districts consisting of more than one municipality, the election committee shall assemble in the constituency municipality. The recount is public.

(2) The local council shall see to it that the poll books, the used electoral registers and poll cards, the ballot papers and the advance voting material are present at the recount. The local council shall keep a copy of the poll books.

**73.-** (1) For each polling district the election committee shall recount and reassess the ballot papers according to the rules in sections 68, 69 and 74a. The results of the counts shall be entered in the election records. Then the number of votes allocated to each party and to each independent candidate shall be summed up for the nomination district as a whole. The result shall be entered in the election records and be announced to those present.

(2) The number of personal votes for each candidate and the number of party votes for each party in each polling district and in the nomination district as a whole are tabulated concurrently, see subsections (3) and (4). Subsequently, the number of party votes cast for the nomination district as a whole is tabulated, to establish the allocation of votes in respect of each individual candidate, see subsection (5), and the number of personal votes and added party votes in respect of each candidate are summed up.

(3) If the voter has put a cross against the name of a candidate, or against both the name of a candidate and the name of the party for which the candidate stands, the ballot paper shall be deemed as cast in favour of such candidate (personal vote). Similar rules shall apply if, on the advance ballot paper, the voter has indicated the name of a candidate or both the name of a candidate and the name or letter of the party for which the candidate stands.

(4) If the voter has put a cross against the name of a party or within the party field in such a way that there is doubt as to which of the party's candidates the voter intended to give his or her vote, the ballot paper shall be deemed to have been cast in favour of the party (party vote). Similar rules shall apply if, on the advance ballot paper, the voter has indicated the name or the letter of a party or the names of more than one candidate standing for the same party in the multimember constituency.

(5) In case of candidature by district, the party votes according to subsection (4) shall be allocated to the party candidate in the nomination district. If a party whose candidates in the multimember constituency are listed individually in all nomination districts in the multimember constituency has announced, for the relevant multimember constituency, that the party votes in the multimember constituency shall go to none of the party's candidates in the multimember constituency, see section 41a, the party votes shall go to none of the party's candidates in the multimember constituency, but shall be registered separately as "Other party votes". In other cases of candidature in parallel the party votes shall be distributed among the party candidates in the nomination district in proportion to their number of personal votes, see subsection (3). If two or more candidates are equally entitled to a party vote, the Minister of Social Affairs and the Interior shall arrange to draw lots. If, in the nomination district, the party does not have a candidate standing, the party votes shall not be allocated to any candidate, but shall be listed separately as "other party votes". If a party list has been registered, these votes shall, however, be allocated to the candidate announced as the first candidate in the party list in the multimember constituency.

(6) The result of the tabulation and summation for the nomination district as a whole specified in the first and second sentences of subsection (2) shall be entered in the election records and be announced to those present. The result of the tabulation and summation for each polling district specified in subsection (2)(i) shall form an attachment to the election records.

**74.-** (1) All members of the election committee shall sign the election records. The following items shall be bound in separate packages

- (i) the ballot papers not handed out;
- (ii) the ballot papers returned in substitution;
- (iii) the used blanks and other invalid ballot papers;

(iv) the valid ballot papers, with the personal votes for each candidate and the party votes for each party to be separately packaged; and

(v) the advance voting material.

(2) Each package shall be marked with its contents and sealed. The packages, the election records, poll books, poll cards and electoral registers shall be kept as specified in section 104.

(3) The chair of the election committee shall send a copy of the election records complete with attachments, together with an unused ballot paper to the Minister of Social Affairs and the Interior. The copy shall be confirmed by the chair. The copy of the election records shall be received by the Minister of Social Affairs and the Interior as far as possible not later than on the day after the recount of the votes. The Minister of Social Affairs and the Interior determines the forwarding procedure for the election records complete with attachments and may also lay down to which extent and in which form the election records complete with attachments must be electronically submitted to the Minister of Social Affairs and the Interior.

### *Candidates' Participation in the Counting of Votes*

**74a.-** (1) No candidate standing for a party in a multimember constituency is allowed to participate in counting the number of votes cast for the party concerned. No candidate standing as an independent candidate in a multimember constituency is allowed to participate in counting the number of votes cast for each independent candidate. No candidate standing for a party in a multimember constituency is allowed to participate in the tabulation of votes cast for the party reflecting the distribution between personal votes for each individual candidate and party votes, see section 73(3) and (4).

## Part 10

### *Tabulation of the Election*

75.- (1) When the Minister of Social Affairs and the Interior has received the confirmed copies of all election records, these are used for overall tabulation of the election.

### *Allocation of Constituency Seats*

**76.-** (1) The votes cast for each party in all nomination districts in a multimember constituency shall be summed up. The votes cast for each individual candidate shall equally be summed up.

(2) Each number of votes appearing as a result of the summation, see subsection (1), shall be divided by 1 – 2 – 3 and so on until such number of divisions equivalent to the maximum number of seats expected to be allocated to the party or to the independent candidate has been performed. The party or the independent candidate having the highest resulting quotients shall be given the first seat in the multimember constituency. The second highest quotient entails the second seat and so on and so forth, until all constituency seats in the multimember constituency have been distributed among the parties and the independent candidates. If two or more quotients are of equal size, lots shall be drawn.

### *Allocation of Compensatory Seats*

77.- (1) Compensatory seats shall be allocated to parties which have either

(i) obtained at least one constituency seat; or,

(ii) in two of the three regions specified in section 8(1) obtained at least a number of votes equivalent to the average number of valid votes per constituency seat in the region; or,

(iii) obtained at least two per cent of the valid votes cast in all Denmark.

(2) The number of votes cast in favour of each party in all Denmark shall be computed for each of the parties which are entitled to compensatory seats according to subsection (1). The total number of votes for these parties shall be divided by the figure 175 with deduction of the number of constituency seats which may have accrued to independent candidates. Votes cast for each party shall be divided by the resulting figure. The resulting quotients indicate the number of seats to which each party is entitled in proportion to its vote. If these quotients are not integers and, therefore, do not add up to the whole number of seats when fractions are eliminated, the largest fractions shall be increased until the number has been reached (method of the largest remainders). If two or more fractions are of equal size, lots shall be drawn.

(3) If no parties have obtained more constituency seats than the total number of seats to which the party is entitled in proportion to its vote, see subsection (2), the allocation in subsection (2) shall be final. Hence, the number of compensatory seats to be allocated to the respective parties shall be computed as the difference between the party's total number of seats and its constituency seats.

(4) If a party has obtained more constituency seats than the total number of seats to which the party is entitled in proportion to its vote, see subsection (2), a second computation shall be made. In this computation parties which have obtained a number of constituency seats equivalent to or larger than the total number of seats to which they are entitled in proportion to their votes shall be disregarded. For the parties which are subsequently considered, the seats shall be allocated according to similar rules as in subsection (2), and the number of compensatory seats to be allocated to the respective parties shall be computed as stated in subsection (3).

(5) Where, by the second computation, a party has obtained more seats than the number of seats to which the party is entitled in proportion to its vote, see subsection (2), the party shall be allocated the number of seats to which it is entitled in accordance with subsection (2). The remaining seats shall be redistributed among the other parties according to similar rules as in subsections (2) and (3).

### *Allocation of Compensatory seats to Parties by Region*

78.- (1) For each of the parties which are allocated compensatory seats according to section 77, the number of votes cast for the party in each of the three regions shall be computed.

(2) Each of these votes shall be divided by the figures 1-3-5-7 and so on. Next, a number of the largest quotients equivalent to the number of constituency seats obtained by the party in the region according to section 76 shall be omitted.

(3) The region and the party which subsequently has the largest quotient shall have the first compensatory seat. The region and the party which has the second largest quotient shall have

the next compensatory seat and so on and so forth. Where a region or a party has obtained the number of compensatory seats it should have, see sections 10 and 77, the region or the party shall not be considered any further. The allocation continues for the other regions and the other parties until all compensatory seats have been distributed. If a party which has not received votes in all three regions cannot be allocated the compensatory seats to which the party is entitled by this distribution, these seats shall be allocated in advance to the party in the regions where votes have been cast in its favour.

### *Allocation of Compensatory Seats to Parties by Multimember Constituency*

**79.-** (1) In the region(s) where a party has obtained compensatory seats according to section 78, the party's number of votes in the respective multimember constituencies shall be divided by the figures 1-4-7-10 and so on. In each multimember constituency a number of the largest quotients equivalent to the number of constituency seats obtained by the party in the multimember constituency shall subsequently be omitted.

(2) The multimember constituency which subsequently has the largest quotient shall have the first compensatory seat. The next compensatory seat shall be allocated to the multimember constituency which has the second largest quotient and so on and so forth until the number of compensatory seats which the party has obtained in the region has been distributed.

(3) If, by distribution of compensatory seats in regions or multimember constituencies, two or more quotients are of equal size, lots shall be drawn.

### *Selection of Candidates*

**80.-** (1) The count of the votes in the respective nomination districts, see section 73(3) to (5), shall establish which party candidates have been elected.

(2) For each multimember constituency the number of votes cast for each candidate, including the party votes allocated to the candidate, shall be summed up, see section 73(5).

**81.-** (1) The candidates are elected in the order of the size of their votes, as many as the party has acquired seats in the multimember constituency, but see section 82. In case of an equality of votes, lots shall be drawn.

(2) If a party does not have a sufficient number of nominated candidates in a multimember constituency to occupy the seats allocated to the party in the multimember constituency, section 92 (2) to (4) shall apply accordingly.

**82.-** (1) If a party has registered a party list in the multimember constituency, see section 41(1), the candidates who are elected shall be determined as follows-

(i) The total number of votes of the party in the multimember constituency, see section 76(1), shall be divided by a figure which is the number of constituency and compensatory seats acquired by the party in the multimember constituency, increased by one. The resulting figure shall be increased, even if an integer, to the nearest integer. This figure is hence the distribution figure of the party in the multimember constituency;

(ii) If a candidate after the summation in section 80(2) has obtained a vote in the multimember constituency equivalent to or higher than the distribution figure, the candidate is

elected. If two or more candidates have obtained the distribution figure, the candidates are elected in the order of the party list;

(iii) If this is insufficient to fill the seats acquired by the party in the multimember constituency, the other candidates are elected in the order of the party list, as many as the party remains entitled to seats;

(iv) If none of the candidates have obtained the distribution figure, the candidates are elected in the order of the party list, as many as the party has acquired seats in the multimember constituency.

### *Election Returns and List of Substitutes*

**83.-** (1) The Minister of Social Affairs and the Interior shall prepare election returns for the candidates who have been elected, subject to approval of the elections by the Folketing.

**84.-** (1) The Minister of Social Affairs and the Interior shall prepare a list of substitutes. The list shall state the candidates who were not elected but who are entitled to join the Folketing as substitutes, see section 92.

(2) For a party which has not received compensatory seats, computations shall be made for the purpose of the list of substitutes, similar to those specified in section 79.

**85.-** (1) The list of substitutes shall be prepared separately for each region and for each party in the region. Within each region the respective multimember constituencies shall be listed for each party by order of size of the quotients computed according to section 79 and section 84(2) and which have not produced any compensatory seat. The multimember constituency having the largest of the quotients specified shall be stated first. Next in line shall be the multimember constituency having the second largest quotient and so on and so forth.

(2) For each multimember constituency the candidates shall be included in the list of substitutes in the order of their entitlement to join the Folketing as substitutes. The candidate having received the highest number of votes without being elected shall be first on the list. Next in line is the candidate having received the second largest number of votes and so on and so forth, but see subsection (3).

(3) If a party list has been announced, the order of the substitutes in the list shall be determined by the order in which the candidates who have not been elected appear in the party list.

**86.-** (1) The Minister of Social Affairs and the Interior shall send to the Folketing when it assembles-

(i) copies of the election records received from the election committees of all nomination districts, see section 74(3);

(ii) computations of the allocations of constituency and compensatory seats, see sections 76 to 79;

(iii) tabulations that establish which candidates have been elected, see sections 76 and 80 to 82;



(iv) the list of substitutes, see sections 84 and 85.

## Part 11

### *Parliamentary Approval of the Election*

**87.-** (1) The Folketing shall decide the validity of the election of the candidates.

(2) The Folketing shall decide whether the computations and tabulations which the Minister of Social Affairs and the Interior has undertaken, can be approved or whether the Minister of Social Affairs and the Interior shall arrange for new computations or tabulations. The Folketing may furthermore order the Minister of Social Affairs and the Interior to submit voting material, etc. to the Folketing.

(3) The Folketing may order the election committees to conduct a second review and tabulation of the voting material or parts hereof used in elections to the Folketing, see section 72(2).

**88.-** (1) Any voter may complain of general elections. Complaints are to be addressed to the Folketing and submitted to the Minister of Social Affairs and the Interior. Complaints must have been received by the Minister of Social Affairs and the Interior by the weekday after election day at the latest.

**89.-** (1) If the Folketing decides that the voting in a nomination district is invalid, the approval of the candidates' election in the multimember constituency in question shall be deferred. The candidates in the multimember constituency shall, however, be regarded as legally elected until further notice. In that case approval of all compensatory seats shall be only temporarily valid.

**90.-** (1) The Folketing shall decide to which extent and in which way a second ballot shall take place. In a second ballot only the persons with a right to vote and who were on the electoral register on the ordinary election day may cast their vote.

(2) The Minister of Social Affairs and the Interior shall fix and announce the day for the holding of a second ballot.

(3) When a second ballot has taken place, new computations and tabulations are conducted as necessary.

(4) The period of validity for a second ballot is concordant with that of elections on the ordinary election day.

**91.-** (1) If the Folketing decides that an elected candidate is not eligible, the appropriate substitute shall enter, see section 92.

**92.-** (1) A substitute shall enter the Folketing as a Member when a Member of the Folketing ceases to be a Member, and in all other respects according to the rules thereon laid down in the standing orders of the Folketing.

(2) If a party does not have substitutes to fill a vacant seat in a multimember constituency, the seat shall be transferred to the multimember constituency in the region nearest entitled to the seat, see section 85(1).

(3) If there is no substitute for the party in the region, the seat shall be transferred to the multimember constituency in the other two regions taken together where the party has the largest quotient which did not give a compensatory seat according to computations in sections 79 and 84(2). The seat shall be transferred to the region in which this multimember constituency is situated.

(4) If there is no substitute under the rules of subsections (1) to (3), the Folketing shall decide whether to call a by-election.

**93.-** (1) If a by-election has been held, the election of the new Member shall be valid for the remainder of the period of validity of elections held on the ordinary election day.

## Part 12

### *Referendums*

**94.-** (1) The provisions in this Part shall apply to referendums called in pursuance of sections 20(2), 29(2), 42(1) and (7) and 88 of the Act of the Constitution. The provisions of section 95(3) and (4) and sections 96-103 shall further apply to referendums held under a special act, unless otherwise stipulated in such special act.

**95.-** (1) The Speaker of the Folketing shall notify the Prime Minister and the Minister of Social Affairs and the Interior about a referendum to be held on a parliamentary bill or a bill having received the Royal Assent.

(2) The Prime Minister shall promulgate the bill or the act in the Official Gazette stating the day of the referendum. A referendum according to sections 20(2) and 42(1) and (7) of the Act of the Constitution shall be held no sooner than 12 and not later than 18 week-days after its announcement. A referendum according to section 88 of the Act of the Constitution shall be held within six months after the Folketing's final passage of the Bill.

(3) If a referendum is held under a special act, the Prime Minister shall announce the theme of the referendum in the Danish Official Gazette stating the date of the referendum.

(4) A referendum takes place in the same polling districts as do general elections.

**96.-** (1) Any person with a right to vote in general elections and who has been included in the electoral register shall be entitled to participate in referendums. Persons having their permanent address in parts of the realm where the referendum is not held shall have no right to vote in the referendum, but see section 96a.

(2) When the day for a referendum has been fixed, the local council shall prepare an electoral register of the voters of the municipality and send out poll cards in accordance with the rules of Part 4 regarding general elections. For admission to the electoral register of voters subject to section 96a, however, section 96b is applicable. In referendums which are not held in all parts of the realm, the rules for admission to the electoral register shall also apply in cases not subject to the second sentence hereof if the voter moves away from or to the part(s) of the realm where no

referendum is held as in case of migration to or from Denmark (3) Within 10 days prior to the referendum the Minister of Social Affairs and the Interior shall announce the day and time for the voting and for sending out of poll cards in accordance with the rules of Part 4 regarding general elections.

**96a.-** In referendums not held on the Faroe Islands and in Greenland, respectively, subsections (2)-(5) are applicable.

(2) Persons employed with the Danish Government and detailed for duty on the Faroe Islands or in Greenland shall be deemed to have their permanent address in Denmark.

(3) The following persons who reside temporarily on the Faroe Islands or in Greenland shall also be deemed to have their permanent address in Denmark:

(i) Any person detailed for duty on the Faroe Islands or in Greenland as an employee of a Danish public authority or a local private undertaking or association;

(ii) Any person who resides on the Faroe Islands or in Greenland as an employee of an international organisation of which Denmark is a member;

(iii) Any person detailed for duty on the Faroe Islands or in Greenland by a Danish aid organisation;

(iv) Any person who resides on the Faroe Islands or in Greenland for training or educational purposes;

(v) Any person who resides on the Faroe Islands or in Greenland on health grounds;

(vi) Any person who resides on the Faroe Islands or in Greenland and who is comparable to the persons mentioned in (i)-(v) in terms of the affiliation to Denmark.

(4) Persons who reside on the Faroe Islands or in Greenland shall also be deemed to have their permanent address in Denmark if they intend to return to Denmark within a period of two years from their departure.

(5) Any person who lives together at the same address with a person falling within the scope of subsection (2), (3) or (4) shall be deemed to have his or her permanent address in Denmark if the two cohabitants:

(i) have married or entered into a registered partnership with each other; or

(ii) fulfil the conditions of marrying or entering into a registered partnership with each other and had set up joint residence before departure.

**96b.-** Voters who are subject to section 96a and who are registered in the Civil Registration System (CPR) as having left Denmark or residing in Greenland shall, on request, be admitted to a special electoral register in the City of Copenhagen if a decision to this effect is made not later than on the seventh day prior to the election day.

(2) Voters who have resided on the Faroe Islands or in Greenland, respectively, for more than four years may be admitted to the electoral register only if, in each individual case, the Election Board considers that the conditions in section 96a are satisfied. In case of doubt as to whether a voter is subject to section 96a, the voter may be admitted to the electoral register only

if, in each individual case, the Election Board considers that the conditions in section 96a are satisfied.

(3) A decision to admit a voter subject to section 96a(2) or (3) or section 96a(5), see subsection (2) or (3), to the electoral register is applicable for a period of two years from the date of the decision. If the voter submits a request for re-admission to the electoral register before expiry of the period set out in the first sentence hereof, the period shall be extended until a decision is made. A decision to admit a voter subject to section 96a(4) to the electoral register is applicable for a period of two years from the date of departure. A decision to admit a voter subject to section 96a(5), see subsection (4), to the electoral register is applicable for a period of two years from the date of the departure of the person subject to section 96a(4) to whom the voter has the relation described in section 96a(5).

(4) The Minister of Social Affairs and the Interior shall lay down rules governing admission to and preparation of the list.

**97.-** (1) Not later than when the day for a referendum has been fixed shall an election committee, polling supervisors and appointed voters be chosen in accordance with the rules of Part 5 regarding general elections and with the assignments specified in this part, subject however to the modifications implied by the character of the vote.

(2) In referendums the election committee and the polling supervisors shall keep special election records and a special poll book (reporting sheets), respectively. The Minister of Social Affairs and the Interior shall lay down the rules governing the content and design of the reporting sheets.

**98.-** (1) In referendums, the words "Yes" and "No" shall be printed, clearly separated, on the ballot papers.

(2) The Minister of Social Affairs and the Interior shall lay down detailed rules governing the content and design of the ballot papers.

**99.-** (1) The voting process on the polling day and preparations therefor shall comply with the rules set out in section 44 and Part 7 for general elections to the Folketing, but see subsections (2)-(4). (2) On application a voter may cast his vote on the election day at a different polling station in his residential municipality from the one to which the voter is affiliated according to the electoral register, see section 96, if a voter's disability or poor health justifies the change in polling station. Section 47a(2)-(4) shall apply accordingly, with changes as required by the nature of the vote. An application may not be submitted, however, until four weeks prior to the voting day.

(3) In the casting of votes, voters who are in favour of the bill or the act shall put a cross against the word "Yes" on the ballot paper, while voters who are opposed shall put a cross against the word "No". Voters shall receive guidance about this through notices put up in the voting booth.

(4) If, on the same day, two or more referendums are to be held, special ballot boxes shall be provided at each polling station for each vote. The voter shall receive a ballot paper for each vote. The voter shall take all ballot papers into the voting booth and after casting his or her vote shall place them in the appropriate ballot boxes.

**100.-** (1) In referendums, advance voting is possible in accordance with the rules of Part 8 regarding general elections, but see subsections (2) to (4).

(2) The words "Yes" and "No" shall be printed, clearly separated, on the advance ballot papers.

(3) Voting procedures shall be as specified in section 99(3).

(4) At referendums the advance casting of votes at the designated place or places in the municipality where any voter can vote in advance, see section 53, shall take place within the last six weeks prior to polling day, however not later than on the third-to-last weekday but one before polling day.

**101.-** (1) Closing down of the voting at the polling station, the preliminary and final counting of votes and reporting to the Minister of Social Affairs and the Interior on the vote shall take place in accordance with the rules of Part 9 regarding general elections, subject to the modifications implied by the character of the vote, but see subsection (2).

(2) A ballot paper, including an advance ballot paper, shall be invalid if

(i) it is blank;

(ii) it is not crossed in accordance with section 99(3);

(iii) the ballot paper is assumed not to have been handed out at the polling station;

(iv) the advance ballot paper is assumed not to have been procured by the Minister of Social Affairs and the Interior;

(v) an advance voting envelope contains something else or more than one ballot paper; or,

(vi) the ballot paper has been given a special mark of identification.

(3) Following presentation to the Parliamentary Scrutineers' Committee, the Minister of Social Affairs and the Interior may lay down detailed rules for the assessment of ballot papers.

**102.-** (1) The Minister of Social Affairs and the Interior shall tabulate the result of the referendum and publish it in the Official Gazette.

**103.-** (1) Any voter may complain of referendums. Complaints are to be addressed to the Folketing and submitted to the Minister of Social Affairs and the Interior. Complaints must be received by the Minister of Social Affairs and the Interior by the weekday after the vote at the latest.

## Part 13

### *Other Provisions*

**104.-** (1) The election records, poll books, electoral registers, poll cards, ballot papers and other voting material which the election committee has received in connection with general elections or referendums shall be kept by the local council. In nomination districts consisting of more than one municipality the election material shall be kept by the local council of the constituency municipality.

(2) Each local council shall keep a copy of the poll books and any other voting material which the local council has received.

(3) The electoral registers, poll cards, ballot papers and the advance voting material shall be destroyed at the expiry of the time allowed for complaints, see sections 88 and 103, and any complaints about the election have been finally decided, but see subsection (4). Other voting material shall be kept as prescribed by the Archives Act.

(4) If the local council so directs, voting material covered by the first sentence of subsection (3), may be used for research and statistical purposes in accordance with the rules in Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and the Danish Data Protection Act (databeskyttelsesloven). Voting material covered by the first sentence of subsection, which is used for research and statistical purposes shall be destroyed when the voting material is no longer used for such purposes.

**105.-** (1) Expenses in connection with general elections and referendums are defrayed by the municipalities, but see subsections (2) and (3). Expenses defrayed by the constituency municipality in advance shall be distributed by the chair of the election committee among the municipalities or parts of municipalities of the nomination district in proportion to the latest published population figures of the municipality or part of the municipality concerned.

(2) Expenses for the advance voting material shall be defrayed by the Treasury. The municipality shall refund the expenses defrayed by the Treasury for the advance voting material that the municipalities order for the advance voting in the municipalities, see section 53 and section 54, subsections (2), (4) and (5).

(3) Stamp expenses for forwarding of advance votes shall be defrayed by the authority, institution, ship or off-shore installation which the vote receiver represents.

**106.-** (1) Unless liable to more serious punishment by other statutes, the person who commits an offence under sections 51, 59(2) or 62 shall be subject to a fine.

(2) Rules issued by statutory order may provide for punishment by a fine in respect of offences against the regulatory provisions.

**107.-** (1) The Minister of Justice may lay down rules preventing electioneering from taking place in or fronting public roads or open spaces in disturbance of the peace. The rules may specify punishment by a fine in respect of a violation of the regulatory provisions.

## CHAPTER II: REMUNERATION AND PENSION, ETC

### Part 14

#### *Remuneration, Pension and Other Emoluments of Members of the Folketing*

**108.-** (1) The Members of the Folketing shall receive a basic fee, see subsection (2) and a cost allowance to cover the costs incurred in connection with serving as a Member of the Folketing, see subsection (3). Every Member of the Folketing shall be legally obliged to accept the basic fee and the cost allowance.

(2) The basic fee shall be DKK 638,351 per annum (31 March 2017 figures). The basic fee shall be adjusted once annually as of 1 April by the same adjustment percentage as the basic fee of ministers, see the Act on the remuneration and pension etc. of ministers (lov om vederlag og pension mv. for ministre) (3) The cost allowance totals an annual amount of DKK 60,984 for Members elected in Denmark and an annual amount of DKK 81,312 for Members elected in Greenland and in the Faroe Islands.

(4) The cost allowance according to subsection (3) shall not be included in the taxable income. Expenses in connection with parliamentary work, including housing costs, domestic transport and other costs shall be non-deductible from the taxable income.

(5) The amounts in subsection (3) are stated in October 2015 figures and shall be adjusted in accordance with the rules in sentences 3-5 of section 109a(12).

**109.-** (1) An ordinary Member shall receive a remuneration from the day when the Member is elected; or, if the Member has become a Member because another Member has died or has vacated his or her seat irrevocably from the Folketing, from the day following the day on which the previous Member died or vacated his or her seat in the Folketing, and until the end of the month in which the ordinary Member ceases to be a Member of the Folketing.

(2) An ordinary Member, whose membership ceases through a general election, or who on account of illness vacates his or her seat in the Folketing, shall receive a post-service remuneration equivalent to the basic fee under section 108(2) for a number of months corresponding to half the number of full months in which the appropriate Member has most recently been a Member of the Folketing or a Member of the European Parliament for a continuous period. A period of membership in which the appropriate Member has been a Member of both the Folketing and the European Parliament shall count only as one. In order for a membership period in the European Parliament to be included in the computation of the post-service remuneration period, the membership must be immediately preceding the period in the Folketing. The post-service remuneration shall be granted for a minimum of 6 months and a maximum of 24 months. A temporary Member who has entered because a Member is away on leave, after vacating his or her seat through a general election, illness or the return of the ordinary Member shall receive a post-service remuneration for half of the number of full months of the leave if the period of leave is continuous and lasts for at least six months.

(3) The following income items shall be set off against the post-service remuneration received by (former) Members, but see subsections (4) to (6):

(i) salary, general allowance, severance pay or public service pension;

(ii) salary from employment on terms different from those of public servants in central government service, the Folkeskole (municipal primary and lower secondary schools), the Established Church of Denmark, the Folketing, under the auspices of the education authority of the City of Copenhagen, the Faroese Lagting or the Greenland Landsting, in a municipality, a concessionary company or an undertaking operating under a national or local government guarantee;

(iii) salary from employment in a limited company which after reorganisation of its tasks undertakes the tasks with which the appropriate Member was occupied while he served as an officer of the central government or the Established Church of Denmark, and in which the central government is the owner of more than 50 per cent of the shares;

(iv) basic fee, post-service remuneration or pension as a member of the Public Accounts Committee, mayor, regional council chair or alderman;

(v) pension under Ministers' Remunerations and Pensions and Other Emoluments Act;

(vi) salary, fee, post-service remuneration or pension from membership of the European Parliament and the European Commission and from positions in international organisations by appointment recommended by the Danish government;

(vii) salary for personal work in employment situations not comprised by (i) to (iii) or (vi);

(viii) income from self-employment activities corresponding to the defined contribution basis under sections 4 and 5 of the Social Security Contributions Act;

(ix) remuneration, fees or other income for personal work in non-employment jobs that cannot be attributed to self-employment activities and consideration for exploitation of intellectual property rights;

(x) severance pay, post-service remunerations, early retirement and quasi-pension benefits where these are related to a previous employment or business relationship to the extent the specified types of income are not comprised by (i) or (vi);

(xi) disbursements from pension schemes with recurrent benefits and annuity pension schemes comprised by Part I of the Taxation of Pensions Act and disbursements from similar foreign pension schemes when these are related to a previous employment relationship, however except for pensions comprised by section 2(1)(iii) and (iv)(c) to (e) of the Taxation of Pensions Act and savings from the Employees Capital Pension Fund.

(4) No setoff shall be effected against a Member's post-service remuneration for incomes up to DKK 135,930 (31 March 2017 figures) in the first twelve months period. The amount shall be adjusted in the same way as the basic fee, see the second sentence of section 108(2).

(5) Subsection (3) shall not apply to the extent fees and post-service remunerations are disbursed under the Ministers' Remunerations, Pensions and Other Emoluments Act.

(6) In extraordinary circumstances where health, financial or social conditions of the former Member so warrant it, the Speaker of the Folketing, having consulted with the Speaker's deputies, may decide to accord a post-service remuneration for a further period of up to 12 months.

(7) An ordinary Member whose membership ceases through general election, or who due to illness retires from the Folketing, is eligible for recovering his training-related costs. Training-



related costs are recoverable only during the post-service remuneration period and only to the limit of the amount accumulated in the vesting period, see (8);

(8) An amount of DKK 27,105 is vested for every full year of membership towards the recovery of training-related costs stated in (7), however up to a maximum of DKK 135,524. Amounts vested and distributed towards training-related costs shall not be included in the taxable income. Recovery of training-related costs shall be subject to the prior approval of the Speaker of the Folketing. The amounts in the first sentence hereof are stated in October 2015 figures and shall be adjusted in accordance with the rules in sentences 3-5 section 109a (12).

(9) The Standing Order Committee shall lay down detailed rules for calculation of the post-service remuneration period under subsection (2), rules for setoffs under subsection (3) and rules for recovery of training-related costs under subsections (7) and (8).

(10) An ordinary Member who, on account of illness, nursing of children with a serious illness or a close relative who wishes to die at home, being sent out in temporary public service abroad or stationed in the Faroe Islands or Greenland on similar business, requests and is granted leave, shall preserve the right to remuneration and pension seniority during the period of leave.

(11) An ordinary Member who requests and is granted leave on account of pregnancy and birth or adoption, shall preserve the right to remuneration and pension seniority during the period of leave.

(12) An ordinary Member who is also a Member of the Faroese Lagting or the Greenland Landsting, and who on account of temporary absence as a consequence of participation in meetings of the Lagting or the Landsting and in meetings of committees in immediate connection herewith and who requests and is granted leave, shall preserve the right to receive remuneration and pension seniority during the period of leave.

(13) An ordinary Member who, for reasons other than those stated in subsections (10) to (12), requests and is granted leave, shall not receive remuneration during the period of leave and this period shall not be included in the calculation of pension seniority. Eligibility for post-service remuneration and recovery of training-related costs shall be forfeited if the period of leave exceeds half of the most recent term of service and lasts at least 12 months. In special circumstances the Speaker of the Folketing having consulted with his deputies may decide that a Member whose eligibility for post-service remuneration and recovery of training-related costs is forfeited under the second sentence, be granted post-service remuneration and recovery of training-related costs for up to 24 months. Subsections (3), (4) and (5) shall apply to post-service remuneration received in pursuance of the third sentence.

(14) A temporary Member who has entered on account of a Member's leave, shall receive remuneration, see section 108(1) to (3) and obtain pension seniority from the day the Folketing has decided to call him in, however, not earlier than from the day when the said leave starts to run and until the day the temporary membership ceases.

(15) A temporary Member who requests and is granted leave shall not receive remuneration and shall not obtain pension seniority during the period of leave. If the leave is requested and granted for reasons other than those stated in subsections (10) to (12), eligibility for post-service remuneration is forfeited if the temporary Member's period of leave exceeds half of the membership term of the appropriate Member.

**109a.- 4/ 4.1/**

(1) The Folketing provides free housing for every member of the Folketing's Presidium. The Folketing further provides free housing for each parliamentary secretary.

(2) The Folketing provides free housing for an ordinary member who resides outside the area of Zealand. The property must be vacated not later than two weeks after membership of the Folketing has ceased.

(3) If the Folketing has been unable to provide housing for an ordinary Member who fulfils the condition specified in subsection (2), the Member's hotel accommodation expenses in Copenhagen in connection with meetings as part of parliamentary work shall be recoverable. In exceptional circumstances the Speaker of the Folketing having consulted with his deputies may however, if the total period in which the Member would have to resort to hotel accommodation in connection with meetings as part of parliamentary work is expected to be unreasonably long, permit that such ordinary Member be granted a permanent supplementary housing allowance in the Copenhagen City area instead. Permission according to the second sentence shall be granted only in respect of rental properties and shall apply only to the rental property for which permission has been granted, and conditions may apply that the Member's lease shall be entered subject to the shortest possible notice of termination. The second and third sentences of subsection (4) shall apply correspondingly.

(4) In extraordinary circumstances where the situation of the appropriate Member, considering in particular health conditions, so warrant it the Speaker of the Folketing having consulted with his deputies may accept that an ordinary Member who fulfils the condition in subsection (2), rather than being provided with free housing under subsection (2) or recovering his hotel accommodation expenses under the first sentence of subsection (3), shall receive a permanent supplementary housing allowance in the Copenhagen City area. The amount of the allowance is up to DKK 75,698 per year and paid against documentation to cover regular housing costs. The allowance may be granted for up to three months after membership has ceased. Permission under this subsection may be granted for a limited period of time or be restricted so as to apply to a particular property only.

(5) An annual amount of DKK 30,280 is paid towards double housekeeping costs, without documentation, to

(i) an ordinary Member for whom free housing is provided under subsection (2);

(ii) an ordinary Member who resides outside the area of Zealand and for whom a residence has been provided to be used as a supplementary residence in the Copenhagen City area, irrespective of the Member receiving an allowance under the second to fourth sentences of subsection (3) and subsection (4) for the supplementary residence;

(iii) a member of the Presidium of the Folketing if the appropriate Member would have been entitled to a residence under subsection (2) as a non-member of the Presidium; and

(iv) a parliamentary secretary for whom housing is provided under the second sentence of subsection (1), if he or she is entitled to housing under subsection (2).

(6) If after allocation of residences pursuant to subsections (1) and (2) the Folketing holds any vacant properties, these may be provided for free, by way of application, for other ordinary Members of the Folketing for one sessional parliamentary year at a time.

(7) In the allocation of vacant properties pursuant to subsection (6) importance shall be attached especially to the total travelling time by public transport, including waits, number of changes and latest possible boarding time for transport home. Health, financial and social conditions may however also enter the equation.

(8) A residence provided for a Member under subsection (6) is terminable on the part of the Folketing at two weeks' notice if the need arises to make the residence available for a Member who is eligible to it under subsections (1) or (2). In considering which Member shall be required to vacate an allocated property, similar importance shall be attached to circumstances as in the allocation of vacant properties, see subsection (7).

(9) Apart from the situation outlined in the first sentence of subsection (3) an ordinary Member for whom a residence has not been provided under the rules in subsections (1), (2) or (6) and who does not receive a permanent supplementary housing allowance under the second to fourth sentences of subsection (3) or subsection (4) or whose double housekeeping costs are not covered under subsection (5)(ii) may recover his expenses for up to twelve nights of accommodation at a hotel in the Copenhagen City area in connection with meetings as part of his parliamentary work in a calendar year.

(10) An ordinary Member of the Folketing may recover his expenses for up to twelve nights of accommodation at a hotel in the multimember constituency in which the Member stands in connection with meetings in the multimember constituency in a calendar year if justified by the distance between the multimember constituency and the Member's residence. Hotel accommodation expenses are however not recoverable under subsection (1) for Members standing in the City of Copenhagen and Greater Copenhagen multimember constituencies and for whom a residence has been provided under subsections (1), (2) or (6) or who receive a permanent supplementary housing allowance under the second to fourth sentences of subsection (3) or subsection (4) or whose double housekeeping costs are covered under subsection (5)(ii).

(11) The assessed value of a residence provided for a Member of the Folketing under subsections (1), (2) or (6), the amount paid towards hotel accommodation costs under the first sentence of subsection (3) and subsections (9) and (10), the permanent supplementary housing allowance under the second to fourth sentences of subsection (3) and subsection (4) and the amount covering double housekeeping costs under subsection (5) shall not be included in the taxable income. Expenses incurred in connection with parliamentary work, including housing expenses, domestic transport or similar, are non-deductible in the taxable income.

(12) The amounts in subsections (4) and (5) are stated in October 2015 figures. The amount in subsection (4) shall be adjusted by the same percentage change (to one decimal place) as the percentage change in the item of housing in the consumer price index compared to July 2015. The amount in subsection (5) shall be adjusted by the same percentage change (to one decimal place) as the percentage change in the overall consumer price index compared to July 2015. The adjustments shall be based on the January and July indexes for the periods from 1 April to 30 September and from 1 October to 31 March. The first adjustment shall be effective from 1 April 2016.

(13) The Parliamentary Standing Order Committee shall lay down detailed rules for the eligibility of Members to enjoy free housing being provided under sections (1), (2) and (6) to (8) and receive housing and other allowances under the second to fourth sentence of subsection (3) and subsection (4), including documentation requirements for regular housing expenses and computation for owner-occupied dwellings and other expenses, see the second sentence of subsection (4), rules for costs covered for double housekeeping under subsection (5) and guidelines for allocation of vacant properties under subsection (6). The Parliamentary Standing Order Committee shall further lay down detailed rules for regular housing allowances after the membership has ceased, see the third sentence of subsection (4) and for covering hotel accommodation expenses under the first sentence of subsection (3) and subsections (9) and (10) and hotel accommodation expenses in connection with vacating the seat in the Folketing. The Parliamentary Standing Order Committee shall further lay down rules for eligibility of Members of the Folketing to receive allowances pursuant to this section during leave and eligibility to keep such allowances after a move.

(14) The Parliamentary Standing Order Committee may lay down rules that allowances which under the provisions of this section are granted to ordinary Members of the Folketing, in similar circumstances shall be accorded to temporary Members or certain defined categories of temporary Members. In such circumstances section (11) shall apply correspondingly.

**109 b.-** (1) A Member of the Folketing may receive a travelling allowance for commuting by his own private car between the residence and the most convenient public transport link to and from the Folketing.

(2) A member of the Folketing may receive a travelling allowance for commuting by his own private car in the following circumstances:-

(i) by commuting between the Member's residence and the Folketing in connection with meetings as part of parliamentary work;

(ii) by commuting between the Member's residence and the multimember constituency where the appropriate Member stands in connection with multimember constituency meetings;

(iii) by commuting between the multimember constituency where the appropriate Member stands and the Folketing if commuting takes place to attend multimember constituency meetings or meetings in the Folketing as part of parliamentary work.

(3) It is a condition for receiving an allowance under subsection 2(i) to (iii) that the commute replaces a domestic flight.

(4) In special circumstances where public transport is not available or considered inadequate the Speaker of the Folketing may decide that one or more Members shall in some measure be granted an allowance for travelling by own private car in Denmark for the discharge of their political duties.

(5) A travelling allowance per kilometre by own private car under subsections (1) to (4) shall adhere to the rates laid down by the Tax Assessment Council, see section 9B of the Tax Assessment Act. The travelling allowance shall not be included in the taxable income.

(6) The Parliamentary Standing Order Committee shall lay down detailed rules for domestic transport for members of the Folketing.

**110.-** (1) A Member of the Folketing shall be entitled to a personal pension when the Member has, during one or more periods, been a Member of the Folketing for at least one year. The pension is paid from expiry of the period for which the basic fee has been paid if the relevant Member has at the time reached the state pension age, see section 1a of the Social Pensions Act (lov om social pension), and otherwise from the day when the Member reaches this age. In exceptional cases where health, financial or other social conditions so warrant, the Presidium of the Folketing may nevertheless decide to grant a former Member who has not reached the state pension age, see section 1a of the Social Pensions Act, a pension, the amount of which to be determined on a case-by-case basis. For purposes of decisions under the third sentence hereof, the Speaker of the Folketing may ask the National Board for Health Assessments in Cases against Civil Servants for a statement on a former Member's incapacity for work on account of health conditions. The Committee for Rules of Procedure may lay down rules on criteria for the grant of pension under the third sentence hereof.

(2) The highest personal pension is obtained after 20 years of membership and amounts to 57 per cent of the grade 51 salary (civil servants salary scale) in force at any time before deduction of the labour market contribution at the time of pensioning. The calculation percentage takes the number of membership years into account to mean that for membership

years from 1 to 9 included each year contributes by 3.25 percentage point and for membership years from 10 to 17 included each year contributes by 2.80 percentage points, for membership years from 18 to 19 included each year contributes by 1.80 percentage points and for membership year 20 the year contributes by 1.75 percentage points. The rules governing the calculation of severance pay for civil servants shall apply correspondingly.

(3) A former Member of the Folketing may elect to receive payment of his or her personal pension under subsections (1) and (2) prior to the state pension age, but no earlier than from his or her pension payout age, see section 1a of the Pension Taxation Act (pensionsbeskatningsloven). In such case, a supplement will be paid until the Member reaches the state pension age, which supplement is, for each year, one-twentieth of the supplement payable from time to time under section 6(3) of the Civil Servant Pensions Act (tjenestemandspensionsloven). In case of payout less than two years after the pension payout age, however, the supplement will be only half such amount. Furthermore, an early retirement pension discount will be withdrawn permanently, see subsection (4).

(4) The early retirement pension discount shall constitute the following percentages of the pension under the first and second sentence of subsection (3), see subsections (1) and (2):

- (i) For payout less than one year after the pension payout age: 17 per cent;
- (ii) For payout after one year until two years after the pension payout age: 14 per cent;
- (iii) For payout after two years until three years after the pension payout age: 6 per cent;
- (iv) For payout after three years until five years after the pension payout age: 5 per cent;
- (v) For payout after four years until five years after the pension payout age: 4 per cent;
- (vi) For payout after five years until six years after the pension payout age: 3 per cent;
- (vii) For payout after six years until seven years after the pension payout age: 1 per cent.

(5) A retired Member of the Folketing who resumes service as a Member of the Folketing, shall not receive a pension during the period for which a basic fee is paid. Neither is a pension payable in periods when the appropriate Member receives remuneration for his membership of the European Parliament.

**111.-** (1) The surviving spouse of a deceased Member of the Folketing who had been a Member of the Folketing during one or more periods, for at least one year, regardless of the Member of the Folketing being at his or her death entitled to a pension and regardless of whether or not he had at this time ceased to be a Member of the Folketing, shall have a right to spouse's pension provided the marriage was contracted

- (i) before the deceased Member had attained the age of 65 years; and
- (ii) before the membership had ceased; and
- (iii) at least three months prior to the time of death.

(2) Subsection (1)(iii) shall not apply if the Member died as a cause of accident or acute infectious disease occurring after the marriage was contracted.

(3) A spouse's pension is 71 per cent of the personal pension calculated according to section 110(2).

(4) Spouse pensioners shall for each membership year until they attain old age, see section 1a of the Social Pensions Act, receive a bonus of one twentieth of the bonus specified in section 6(3) of the Public Service Pensions Act in force at any time.

(5) If the age of the deceased spouse, after deduction of the number of years which the marriage lasted, exceeds the surviving spouse's age at the death of the first deceased by more than 10 years, the spouse's pension shall be reduced by 2 per cent for each year the difference exceeds 10 years, according to subsection (2).

(6) A spouse's pension is granted when the spouse advances such request. If the request is received within three months of the death, the pension shall be paid from the day after the death and otherwise from the first day of the month following the reception of the request. However, the pension can be paid no sooner than from the day after the last day for which a basic fee or post-service remuneration has been or will be paid.

(7) The right to a spouse's pension is unaffected by separation having taken place. With regard to preservation of the right to a spouse's pension in case of divorce the rules governing public employees in central government service shall apply correspondingly.

(8) If a surviving spouse of a Member of the Folketing, according to the above rules, is entitled to more than one spouse's pension from the Folketing, only the highest spouse's pension shall be disbursed.

**112.-** (1) The provisions of section 8, see sections 2(2) and 12(4) of the Public Service Pensions Act shall apply correspondingly to personal pensions and spouse's pensions according to the present Act. The spouse's pension shall, however, be subject to the provision in section 111(5) of the present Act.

**113.-** (1) With regard to children's pension allowance and children's pension the provisions in Part 4 of the Public Service Pensions Act shall apply correspondingly. Children's pension allowances or children's pensions shall, however, according to the present Act, not be granted to the extent such pension amounts are being paid on account of a Member of the Folketing being employed as a civil servant or in any position of the character specified in section 118(3).

**114.-** (1) When calculating the pensions etc. referred to in sections 110 to 113 periods of membership of the European Parliament shall be coequal with periods of membership of the Folketing, provided always that periods in which the appropriate Member at one and the same time was a Member of the Folketing and the European Parliament shall count as one. The pension is calculated and paid by the Folketing if the term of membership of the appropriate Member of the Folketing is longer than the term of membership of the European Parliament and otherwise by the Ministry of Finance, see the Remunerations, Pensions and Other Emoluments Act for Danish Members of the European Parliament.

**115.-** (1) With regard to post-service income the provisions of Part 6 of the Public Service Pensions Act shall apply correspondingly, inasmuch, however, as the basic fee specified in section 108(2) shall replace the salary and income from employment specified in Part 6 of the Public Service Pensions Act.

**116.-** (1) The provisions for adjustment of pensions and post-service income in the first sentence of section 27(1) and section 27a of the Public Service Pensions Act shall apply correspondingly to the adjustment of pensions and post-service income in accordance with the present Act.

**117.** (Repealed)

**118.-** (1) Provisions in legislation or special statutes to the effect that a public servant is not entitled to take up any other position to which a right of pension is attached, shall not prevent a public servant from obtaining his or her right to a pension as a Member of the Folketing while preserving his or her position as a public servant.

(2) Personal pension and spouse's pension shall be paid according to the present Act as limited according to specifications in subsections (3) and (4), salary or pension from the treasury accruing to the appropriate Member notwithstanding, and shall be without influence on the right to receive such salary or pension. The same applies if the appropriate Member receives salary or pension from a position in the Folkeskole (municipal primary and lower-secondary school) or the Established Church of Denmark or from a position in local government service, a concessionary company, other government activities or from a state-subsidised pension fund.

(3) If a Member of the Folketing is entitled to a personal pension from a position as civil servant or from a position in the Folkeskole, the Established Church of Denmark, a municipality, a concessionary company, other government activities or from a state-subsidised pension fund, the total personal pension hence accruing to the appropriate Member shall not exceed the highest personal pension obtainable under the Public Service Pensions Act, and the personal pension from the Folketing shall in such event be reduced by the surplus. The same applies to pensions paid by the European Parliament to a former Member thereof. If a retired Member of the Folketing receives a salary from a position with pension entitlement as stated in the first sentence, the total salary and pension shall not exceed the highest public servant salary with pension entitlement, and the pension from the Folketing shall in such event be reduced as specified in the first sentence, inasmuch, however, as the salary shall replace the pension in the computation.

(4) If a surviving spouse of a Member of the Folketing has a claim to receive a spouse's pension deriving from the appointment of the deceased to a civil servant position or a position in the Folkeskole, the Established Church of Denmark, other government activities or from a state-subsidised pension fund, the overall spouse's pension hence accruing to the surviving spouse shall not exceed the highest pension which a spouse can obtain under the Public Service Pensions Act, and the spouse's pension from the Folketing shall in such event be reduced by the surplus. The same shall apply to the spouse's pension paid by the European Parliament on account of a deceased's membership thereof.

**119.-** (1) The Presidium of the Folketing shall be entitled, upon request, to accord former Members of the Rigsdag, who before 1 April 1946 ceased to be Members of the Rigsdag, and the widow or widowers of such Members an annual allowance, the amount of which shall be decided by the Presidium.

## Part 15

### *Remuneration, Pension and Other Emoluments of the Speaker of the Folketing*

**120.-** (1) The Speaker of the Folketing shall be entitled to a basic fee equal to 125 per cent of the basic fee to Ministers, see the Remunerations, Pensions and Other Emoluments Act applying to Ministers. The Speaker of the Folketing shall furthermore receive a cost allowance according to the rules of section 108(3).

(2) The fee cannot be received together with post-service remunerations or pension benefits according to the Remunerations, Pensions and Other Emoluments Act applying to Ministers.

**121.-** (1) The Speaker of the Folketing shall be entitled to post-service remuneration according to the same rules as apply to the Prime Minister under the Remunerations, Pensions and Other Emoluments Act applying to Ministers.

(2) Post-service remuneration cannot be received together with fees, post-service remunerations or pension benefits under the Remunerations, Pensions and Other Emoluments Act applying to Ministers.

**122.-** (1) The Speaker of the Folketing shall be entitled to a pension according to the same rules as apply to Ministers.

(2) If a Speaker receiving pension benefits is appointed as Minister, he shall no longer receive Speaker's pension benefits.

(3) For a person who has been both Speaker and Minister, a pension shall be fixed as one amount and the years of membership for pension purposes shall be the combined terms of service.

**123.-** (1) The surviving spouse of a Speaker of the Folketing shall be entitled to a pension according to the same rules as apply to the surviving spouse of a Minister.

(2) The provision in section 122(3) shall apply correspondingly.

(3) A spouse's pension according to subsections (1) and (2) shall not, in connection with a spouse's pension deriving from a public servants position, exceed the highest spouse's pension obtainable according to the Public Service Pensions Act.

**124.-** (1) Where a Speaker of the Folketing on assuming office holds positions in government or private enterprises, undertakings or institutions, these will have to be vacated. If, in the opinion of the Speaker, the discharge of such functions does not present difficulties in the performance of his or her duties as Speaker, and the Speaker desires to keep one or more of these, the Speaker must immediately notify a parliamentary committee set up for the purpose in writing accordingly. Within 14 days of receipt of the information the committee may refuse to grant the Speaker permission to uphold such positions. Upon expiry of this period the Speaker must inform the Folketing which positions he is allowed to undertake.

(2) For the duration of his or her term as Speaker the Speaker shall be prevented from accepting any new positions of the nature specified in subsection (1).

**125.-** (1) If a public servant is chosen as Speaker of the Folketing, the appropriate public servant's former position as a government employee may be kept occupied by appointment ad interim for the public servant's term of service, if deemed compatible with the responsible discharge of the position and as far as and so long as it is permissible to uphold appointment ad interim for the position. The Prime Minister shall inform the committee specified in section 124 on this point, and action shall be taken in conformity with subsection (1) of the said section, except that the information referred to in the fourth sentence shall be given by the Prime Minister through the Speaker of the Folketing.



## Part 15a

### *Administration*

**125a.-** (1) Udbetaling Danmark will calculate and authorise amounts for payment under sections 110-119, 122 and 123 and will, in such connection, make decisions on repayment and the limitation period applicable to payments and other property law matters.

(2) Udbetaling Danmark's decisions under subsection (1) may be appealed to the Speaker of the Folketing. The Speaker of the Folketing will decide on the appeal after consultation with the deputy speakers.

## CHAPTER III:

## COMMENCEMENT OF THE ACT

### Part 16

#### *Commencement, Amendments and Transitional Provisions*

**126.-** (1) This Act shall take effect as from July 1st 1988. Section 127 shall, however, take effect on the day after promulgation of the Act in the Official Gazette.

(2) The Folketing (Parliamentary) Elections Act, see Consolidated Act No. 418 of September 22nd 1980, as subsequently amended by this Act, shall be repealed on July 1st 1988. However, section 6 shall not be comprised by the provision of the first sentence.

(3) Part 14 of this Act shall not apply to the Members of the Folketing whose entire term of membership precedes October 1st 1986 and the dependants of such Members. With regard to pensions on account of membership as referred to in the first sentence, the rules prevailing up till now shall continue to apply.

**126a.-** (1) Pensions under sections 110, 111, 112 and post-service income under section 115 the payment of which started as of December 31st 1993 shall be recalculated as provided by section 110 or section 111(3) and (4) as of January 1st 1994.

(2) Former Members pensioned already on December 31st 1993 in respect of whom the calculation of pensions under section 110 or section 111(3) and (4) causes a reduced pension, shall be granted a personal supplementary allowance equal to the difference between the pension based on the previous rules and the pension calculated according to section 110 or section 111(3) and (4). For those pensioned already on December 31st 1993 in respect of whom the calculation of the pension under section 110 or section 111(3) and (4) leads to increased pensions, this increase shall be paid by one-sixth every January 1st in each of the years 1997, 1998, 1999, 2000, 2001 and 2002, however in such a way that increases which after distribution in one-sixths in each of these years amount to less than DKK 1,200 shall be distributed through

payment of an increase of DKK 1,200 in 1997 and in each of the subsequent years until the increase has been fully paid.

**126b.-** (1) The provisions in section 126 a shall apply correspondingly to pensions paid on account of a pension entitlement that arises for the first time in the period January 1st 1994 to December 31st 1996.

**126c.-** (1) Pensions paid on account of a pension entitlement arising for the first time in the period January 1st 1997 to December 31st 2001 shall be calculated according to section 110 or section 111 in such a way that pensions paid on account of a pension entitlement arising in the period January 1st to December 31st 1997 shall be calculated at one-sixth of the increase specified in the second sentence of section 126a(2) or including a personal allowance which on January 1st 1997 constitutes five-sixths of the allowance specified in the first sentence of section 126a(2). Pensions paid on account of a pension entitlement arising for the first time in the period January 1st to December 31st in each of the years 1998 to 2001 shall be calculated according to section 110 or section 11, with increases distributed according to the second sentence of section 126a(2) or including personal allowances, which for pensioner years 1998, 1999, 2000 and 2001 constitute four-sixth, three-sixth, two-sixth and one-sixth of the allowance specified in the first sentence of section 126a(2). A reduction in the level of personal allowances shall however take effect by at least DKK 1,200 as of January 1st 1997 and by at least DKK 1,200 as of January 1st in each of the subsequent years.

**126d.-** (1) The personal allowances specified in section 126(2) and in sections 126b, 126c and 126g shall be adjusted according to section 27 of the Public Service Pensions Act.

**126e.-** (1) Pensions accruing to former Members having vacated their seats in the Folketing in the period October 1st 1986 to December 31st 1993, or will accrue to the surviving spouses of such former Members, shall be calculated as of December 31st 1993 according to section 110 or section 111. The pensions calculated in this way shall be recalculated according to section 126a as of January 1st 1994.

**126f.-** (1) Pensions which will accrue to former Members having vacated their seats in the Folketing in the period November 1st 1969 to October 1st 1986, or will accrue to the surviving spouses of such former Members shall be calculated according to the rules in section 1(i) of Act no. 576 of December 19th 1969 on amendments to the Folketing (Parliamentary) Elections Act (Remunerations to Members of the Folketing etc.) and at rates as of April 1st 1993. The pensions recalculated in this way shall be recalculated according to section 126a.

(2) At the recalculation the allowances specified in section 110(3), see Consolidated Act No. 416 of 12 May 2016, and in section 111(4) shall be fixed relative to 1/25 for each membership year of the allowance specified in section 6(3) of the Public Service Pensions Act in force at any time. Scaling of the pension exclusive of allowances according to section 110(3), see Consolidated Act No. 416 of 12 May 2016, or section 111(4) shall take place at the level immediately below the calculated pension, and the difference shall be balanced by means of a personal allowance.

**126g.-** (1) Pensions accruing to former Members having vacated their seats in the Folketing after December 31st 1999, or will accrue to such former Members' surviving spouses, shall be calculated according to section 110 or section 111 in such a way that a pension entitlement arising in the period January 1st to December 31st 2000 shall be calculated at four-sixth of the increase specified in the second sentence of section 126a(2) or including personal allowances, which amount to two-sixth of the allowance specified in the first sentence of section 126a(2) as of January 1st 2000 and so that a pension entitlement arising in the period January 1st to December 31st 2001 shall be calculated at five-sixth of the increase specified in the second sentence of section 126a(2) or including personal allowances, which constitute one-sixth of the allowance specified in the first sentence of section 126a(2) as of January 1st 2001. As of January

1st 2001 and January 1st 2002 the remaining increases specified in the second sentence of section 126 a (2) shall be paid, see section 126c.

**127.-**(1) (Omitted).

**128.-**(1) (Omitted)

**129.-** (1) Voters comprised by section 2(1) and who prior to commencement of the Act has submitted a request to be included in the electoral register, shall be entered in the electoral register in the City of Copenhagen according to the rules applying up to now.

(2) The Minister of Social Affairs and the Interior may lay down rules that voters comprised by subsection 1, upon request, may be entered in the electoral list according to the rules of section 16(1).

Ministry of Social Affairs and the Interior, 27 August 2020

By order

NIKOLAJ STENFALK

/Christine Boeskov