

**Rules and Regulations for Elections  
Conducted at Julius-Maximilians-Universität Würzburg  
(Election Rules and Regulations)**

**09 February 2023**

**Unofficial English version**

On the Basis of Article 13 (1) Sentence 2 and Article 38 (2) Sentences 1 and 2 of the Bavarian higher education act (*Bayerisches Hochschulgesetz*, BayHSchG) of 23 May 2006 (Bavarian law and ordinance gazette (*Bayerisches Gesetz- und Verordnungsblatt*, GVBl) p. 245, collection of Bavarian laws (*Bayerische Rechtssammlung*, BayRS) 2210-1-1-WK), last amended by Section 1 of the act of 24 July 2020 (GVBl p. 382), the following rules and regulations decreed by the Julius-Maximilians-Universität Würzburg (JMU) are issued:

**Section 1  
Scope**

(1) These rules and regulations shall apply to elections of

1. the representatives on the Senate (Article 35 (1) No. 1 to 4 of the Bavarian higher education innovation act (*Bayerisches Hochschulinnovationsgesetz*, BayHIG)),
2. the representatives on the Faculty Boards (Article 41 (1) Sentence 1 No. 4 to 7 BayHIG) and
3. other representatives of the University's student community on the Student Parliament (Section 31 (2) Sentence 2 No. 2 of the constitution of Julius-Maximilians-Universität Würzburg (*Grundordnung*, GO)).

(2) If the number of members in any given member group does not exceed the number of seats that are up for election for this group, the members of this group shall become members of the committee in question without an election.

**Section 2  
Election principles**

(1) <sup>1</sup>The representatives referred to in Section 1 (1) above shall be elected, in accordance with these rules and regulations, directly in equal, free and secret elections on separate ballots for each group; the elections shall be held under mixed-member proportional representation (list election). <sup>2</sup>If only one valid nomination is submitted in any given group, the election in this group shall be held under majority voting (candidate-centred election).

(2) <sup>1</sup>The groups referred to in Subsection (1) above shall be the groups listed in Article 19 (2) Sentence 1 BayHIG, that is

1. the group of the professors who are holding this position as their main employment,
2. the group of academic and artistic staff and doctoral researchers,
3. the group of non-academic and non-artistic support staff,
4. the group of students.

<sup>2</sup>The provisions governing to which group the other members of JMU belong are set out in Section 3 GO.

(3) Voting representatives of the group out of office shall not be permitted.

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### **Section 3 Right to vote and stand for election**

(1) <sup>1</sup>Each member of JMU who belongs to the group in question in accordance with Section 3 (1) GO shall have the right to vote and stand for election. <sup>2</sup>The above shall apply to persons who carry out their work activities as a secondary employment activity only if they regularly work at least ten hours per week (Article 19 (1) Sentence 6 BayHIG). <sup>3</sup>A person's right to vote and stand for election shall remain unaffected by periods of leave of absence. <sup>4</sup>The right to vote and stand for election of persons who have switched to pre-retirement part-time work (*Altersteilzeit*) and chose the block model (Article 91 (2) Sentence 1 No. 2 Bavarian civil servants act (*Bayerisches Beamtengesetz*, BayBG)) shall terminate when the release phase starts.

(2) <sup>1</sup>If a member of JMU is eligible for membership of more than one of the groups mentioned in Section 2 (2) above, they shall belong to the group that is highest on the list found in Article 19 (2) Sentence 1 BayHIG, provided that they are eligible to vote in this group. <sup>2</sup>Sentence 1 notwithstanding, students who are appointed or employed as part-time student assistants shall remain members of the group of students (Article 19 (2) Sentence 5 BayHIG).

(3) <sup>1</sup>Where elections to the Faculty Boards are concerned, a member of JMU shall only be eligible to vote and stand for election at the Faculty to which they belong according to Article 37 (2) BayHIG on the closing date and time of the electoral register. <sup>2</sup>Professors who are secondary members (*Zweitmitglied*) of a Faculty in accordance with Article 37 (3) BayHIG shall neither be eligible to vote nor eligible to stand for election at this Faculty.

(4) Once an elected representative loses their eligibility to stand for election in the group for which they have been elected, this person's membership of the committee in question shall end.

### **Section 4 Exercising one's right to vote and stand for election; electoral register**

(1) Only those persons who are on the electoral register may exercise their right to vote and stand for election.

(2) <sup>1</sup>The University administration shall prepare the electoral register. <sup>2</sup>The electoral register shall be divided into the four groups mentioned in Section 2 (2) above, which in turn shall be divided into at least Faculties and an 'other' section. <sup>3</sup>Within these sections, the electoral register must list the eligible voters in alphabetical order or must be organised in another clear manner; it must contain the surnames, first names and addresses of the eligible voters, with work addresses sufficing for employees; if needed to unambiguously identify a voter, the register must also state their date of birth. <sup>4</sup>The University administration must continuously update and correct the electoral register until it is closed. <sup>5</sup>The electoral register may also be maintained as an electronically saved file. <sup>6</sup>A hard copy that complies with the requirements of these rules and regulations must be prepared in good time before the electoral register is made available for inspection in accordance with Subsection (3) Sentence 2 below.

(3) <sup>1</sup>The electoral register shall close on day 28 before the first day of the election. <sup>2</sup>It must be made available for inspection in an appropriate location on JMU premises at least during the last three days prior to its closure that are not lecture-free days; Saturdays shall be deemed to be lecture-free days within the meaning of this provision.

(4) <sup>1</sup>Eligible voters who find their names missing from the electoral register or have noticed that their entry in the electoral register is incorrect shall have until the first working day after the closing date of the electoral register, excluding Saturdays, to file a written objection (*Erinnerung*) with the

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Election Administrator. <sup>2</sup>The Election Administrator shall make a decision without undue delay and in any event within three calendar days after the closing date of the electoral register.

(5) <sup>1</sup>Eligible voters who have noticed that the electoral register includes a person who is not eligible to vote shall have until the first working day after the closing date of the electoral register, excluding Saturdays, to file a written objection. <sup>2</sup>The Election Administrator shall make a decision on the matter without undue delay and in any event within three calendar days after the closing date of the electoral register; the person on the register should be given the opportunity to comment on the matter prior to the decision being made.

(6) <sup>1</sup>If an objection is justified, the Election Administrator must correct the electoral register. <sup>2</sup>Any corrections made to the electoral register after its closure must be recorded in an appendix to the electoral register.

(7) After the electoral register has been closed, the University administration will have to correct the electoral register on its own initiative with regard to the information mentioned in Subsection (2) Sentence 3 Half-Sentence 2 above, provided that the right to vote of an individual remains unaffected by this.

## **Section 5**

### **Electoral bodies; composition and responsibilities**

(1) The electoral bodies shall be the Election Administrator and the Board of Elections.

(2) <sup>1</sup>The Chancellor shall serve as Election Administrator. <sup>2</sup>The Deputy Chancellor shall serve as Deputy Election Administrator; the Chancellor may delegate the performance of the responsibilities of the Election Administrator to the Deputy Election Administrator.

(3) <sup>1</sup>The Board of Elections shall comprise at least five representatives of the groups referred to in Section 2 (2) Sentence 1 above in the ratio of 2:1:1:1. <sup>2</sup>The Board of Elections shall also be deemed to be composed properly if it is not possible to appoint any representatives for any one of the groups referred to in Section 2 (2) Sentence 1 above or it is only possible to appoint fewer representatives for this group. <sup>3</sup>The members of the Board of Elections and a, wherever possible, corresponding number of replacement members shall be appointed by the Senate for the elections to be conducted under these election rules and regulations. <sup>4</sup>The Election Administrator shall announce the composition of the Board of Elections.

(4) <sup>1</sup>The electoral bodies may use helpers to assist them in the performance of their responsibilities (polling clerks). <sup>2</sup>The members of the University have an obligation under Article 26 (1) Sentences 2 and 3 BayHIG to carry out assigned polling clerk tasks and duties.

(5) The Election Administrator, the members of the Board of Elections and the polling clerks have an obligation to be impartial and conscientious when carrying out their tasks and duties; they shall perform their responsibilities on an honorary basis.

(6) <sup>1</sup>The members of the Board of Elections shall elect a chairperson and a deputy chairperson from their midst; in the event of a tied vote, the tie shall be broken by drawing lots. <sup>2</sup>The Election Administrator shall call the first meeting of the Board of Elections and shall chair said meeting until a chairperson has been elected.

(7) <sup>1</sup>The Board of Elections, which may also be summoned orally with at least one day's notice, shall be quorate if all members have been duly summoned and a majority of members are present and entitled to vote. <sup>2</sup>Resolutions shall be passed by the majority of votes cast. <sup>3</sup>If urgent matters arise and it is not possible to summon the Board of Elections in time or the Board of Elections is not quorate, the Election Administrator shall decide on these urgent matters in place of the Board

of Elections. <sup>4</sup>If the chairperson and their deputy are absent for a particular meeting, a chair must be elected for this meeting in accordance with Subsection (6) above. <sup>5</sup>Apart from that, the rules of procedure described in Section 37 GO shall apply.

(8) <sup>1</sup>The Election Administrator shall be responsible for ensuring that the elections, including the counting of votes, are prepared and conducted in accordance with the applicable rules and regulations. <sup>2</sup>They shall

1. set the election date,
2. determine whether voting will be by electronic or by postal vote,
3. issue the election notice and
4. announce at the University the other details, dates and deadlines necessary for conducting the elections.

(9) <sup>1</sup>The Board of Elections shall perform the responsibilities conferred on it by these rules and regulations. <sup>2</sup>At the request of the Election Administrator, it shall decide on arrangements for details regarding the preparation and conduct of the elections.

(10) When making their decisions, the electoral bodies shall take into account that, in particular by determining the election procedure and setting the election date, they must create the conditions for achieving the highest possible voter turnout.

## **Section 6**

### **Election notice**

(1) On day 49 before the first day of the election at the latest, the Election Administrator shall issue an election notice, which shall be publicised at the University.

(2) <sup>1</sup>The election notice must contain the following information:

1. the place and date of its issue,
2. the number of seats that are up for election for representatives of the individual groups on the committees in question,
3. information about where and when the electoral register can be inspected,
4. a statement to the effect that only those voters who are on the electoral register may exercise their right to vote and stand for election,
5. an invitation to submit nominations; the time period during which nominations can be submitted and the closing date for nominations will have to be specified,
6. a statement to the effect that only those nominations will be considered that were received in time and that only those persons can be elected that are included in such a nomination,
7. information about where the list of accepted nominations will be posted,
8. the election date, the voting mode (electronic or postal) and the time period during which voting will be open or the receipt deadline for marked ballots.

<sup>2</sup>The election notice must mention the polling card referred to in Section 10 (1) below.

## **Section 7**

### **Terms of office; election dates and voting times**

(1) <sup>1</sup>The term of office of the representatives on the Senate and the Faculty Boards shall be two years; the above notwithstanding, the term of office of the representatives of the student community on the Senate and the Faculty Boards as well as on the Student Parliament (Section 30 (10) GO) shall be one year. <sup>2</sup>The term of office shall start on 1 October and end on 30 September.

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(2) <sup>1</sup>The elections shall be conducted at the end of the academic year for the term of office starting at the beginning of the subsequent academic year. <sup>2</sup>The Election Administrator shall set a joint date or time period for voting for the election of the representatives referred to in Section 1 (1) above. <sup>3</sup>If the election is an electronic election, voting must be open for a continuous period on five consecutive days that are not lecture-free days, starting on Monday at 12:00 noon and ending on Friday at 12:00 noon. <sup>4</sup>If the election is a postal election, the marked ballots must be received by the Election Administrator by 16:00 on the last day of the election.

(3) <sup>1</sup>If a new Faculty is established during a term of office within the meaning of Subsection (1) above, the representatives on the Faculty Board of this Faculty shall be elected for the remainder of the term. <sup>2</sup>The Election Administrator shall set the election date, choose the voting mode and set the time period during which voting will be open or the receipt deadline for marked ballots; Subsection (2) Sentence 1 above shall not apply.

## **Section 8 Nominations**

(1) Nominations for the election of the representatives must be made separately for

1. each committee within the meaning of Section 1 (1) above and
2. each group (Section 2 (2) Sentence 1 above).

(2) <sup>1</sup>Nominations must be in the written form, to ensure compliance with the deadline for nominations, scanned advance copies of the nomination forms may be submitted by email. <sup>2</sup>On any given nominations list, there may not be more than three times the number of candidates as there are representatives to be elected; where the election of student representatives to the Faculty Boards is concerned, the maximum number of candidates on a nominations list shall be twice the maximum number of members of the Representation of the Student Body of the Faculty in question. <sup>3</sup>The names of the individual candidates must be numbered consecutively on the nominations lists. <sup>4</sup>The Election Administrator shall delete candidates who are not eligible to stand for election in the group in question from the nominations lists.

(3) <sup>1</sup>Nominations must contain the surnames, first names, job titles and places of employment of the candidates or, where students are concerned, their surnames, first names and the Faculties to which they belong. <sup>2</sup>If needed to unambiguously identify a candidate, the nomination must also state their date of birth. <sup>3</sup>A candidate's membership of an association of members of the higher education institutions in the Free State of Bavaria may be stated in the nominations. <sup>4</sup>Where students are concerned, their degree subjects may be stated in addition to the information mentioned above. <sup>5</sup>The nominations lists should be given brief titles. <sup>6</sup>Nominations must not contain any information other than that mentioned in Sentences 1 to 5 above. <sup>7</sup>Nominations should state which one of the signers is authorised to represent the candidates on the nominations list before the electoral bodies and to receive notices and decisions from the electoral bodies; if a nomination does not include such a statement, the person who appears first in the list of signers shall be considered to be the authorised person.

(4) <sup>1</sup>Nominations for elections of the representatives on the Senate and the representatives on the Student Parliament each must be signed with handwritten signatures by at least ten persons who are eligible to vote in the election in question in the group in question. <sup>2</sup>Nominations for elections of the representatives on the Faculty Boards must be signed with handwritten signatures by at least five persons who are eligible to vote in the election in question in the group in question. <sup>3</sup>If, in the last election, there were fewer than 20 eligible voters in a group, only one signature from an eligible voter shall be required. <sup>4</sup>When they sign a nomination, the supporters must provide the information mentioned in Subsection (3) Sentence 1 Half-Sentences 1 and 2 above about themselves. <sup>5</sup>Being included in a nomination shall not render eligible voters ineligible to

sign this nomination; this shall not apply in cases where only one signature from an eligible voter is required and the nomination includes only one person.

(5) <sup>1</sup>Along with a nomination, written declarations of consent must be submitted from the candidates included in it in which they agree to run on the list in question; it shall not be permitted to include a candidate in a nomination who has not signed such a declaration of consent.

<sup>2</sup>Candidates who have been nominated without having signed and submitted a declaration of consent must be deleted from the nominations lists by the Election Administrator.

(6) <sup>1</sup>In elections for committees within the meaning of Section 1 (1) above, candidates may appear on only one list and may appear on this list only once. <sup>2</sup>Candidates who, with their consent, appear on more than one list must be deleted from all lists concerned by the Election Administrator.

(7) <sup>1</sup>In elections for committees within the meaning of Section 1 (1) above, eligible voters may support only one nomination within the meaning of Subsection (4) above. <sup>2</sup>If a person signed more than one nomination, their signature shall be invalid on all nominations concerned.

(8) Nominations that had sufficient support within the meaning of Subsection (4) above at the time they were submitted must also be accepted if, after the deadline for nominations has passed, persons who signed the nomination declare that they no longer support it.

(9) Nominated candidates may withdraw their candidacy by written communication as long as no decision has been made on the acceptance of the nomination.

(10) <sup>1</sup>Nominations may only be submitted within the period of time designated by the Election Administrator. <sup>2</sup>This period shall be two weeks and shall end on day 28 before the first day of the election at the latest.

## **Section 9**

### **Review of nominations**

(1) <sup>1</sup>The Board of Elections shall review the nominations and decide on their validity and acceptance without undue delay after the deadline for nominations (Section 8 (10) above) has passed. <sup>2</sup>If it finds that a nomination is defective, it shall return the nomination to the authorised person within the meaning of Section 8 (3) Sentence 2 above, asking them to remedy the defects within a period of three days that are not lecture-free days; Saturdays shall be deemed to be lecture-free days. <sup>3</sup>If the defects are not remedied within the prescribed time period, the nominations concerned shall be deemed to be invalid.

(2) <sup>1</sup>The Election Administrator shall prepare the ballot papers on the basis of the accepted nominations. <sup>2</sup>The order in which the nominations lists are displayed on the ballot papers shall be determined by lots to be drawn by one of the members of the Board of Elections.

(3) At the latest on day 14 before the first day of the election, the Election Administrator shall publish a list of the accepted nominations in an appropriate manner; if the election will be held as a candidate-centred election, this fact must be stated explicitly.

## **Section 10**

### **Preparations for an election and design of election documents**

(1) <sup>1</sup>Eligible voters who are on the electoral register shall receive a polling card, usually in electronic format and, wherever possible, before the closing date and time of the electoral register. <sup>2</sup>Their polling cards shall let eligible voters know in which group and at which Faculty

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they are entered in the electoral register and will give details on how to vote. <sup>3</sup>If corrections are made to the electoral register, the eligible voters concerned shall receive a corrected polling card where appropriate.

(2) <sup>1</sup>Separate ballot papers shall be prepared for each group (Section 2 (2) Sentence 1 above) and each committee. <sup>2</sup>The nominations lists, including the information mentioned in Section 8 (3) Sentence 1 above, must be displayed on the ballot papers in the order determined by lot. <sup>3</sup>If the election is held as a candidate-centred election, the candidates, including the information mentioned in Section 8 (3) Sentence 1 above, must be displayed on the ballot papers in the order in which they appeared on the nominations lists; the ballot papers must indicate that the election is held as a candidate-centred election. <sup>4</sup>The ballot papers must mention the rules for voting found in Section 11 below.

(3) The ballot papers must bear the official JMU seal.

(4) In the absence of more specific provisions set out in these rules and regulations, the Election Administrator shall decide on the design of the election documents or the election portal in consultation with the Board of Elections.

## **Section 11**

### **General rules for voting**

(1) <sup>1</sup>If an election is held under proportional representation (Section 2 (1) Sentence 1 above), voters, except those in the group of students, may only vote for candidates who are on the same list. <sup>2</sup>Every eligible voter shall have as many votes as there are seats up for election for representatives of their group on the committee in question. <sup>3</sup>They may vote for a list as it is or may give individual candidates up to three votes each (cumulation) but may not cast more votes in total than they are entitled to; they may also mark a list and give individual candidates on this list up to three votes each but may not cast more votes in total than they are entitled to.

(2) <sup>1</sup>If an election is held under proportional representation (Section 2 (1) Sentence 1 above) in the group of students, eligible voters may, Subsection (1) Sentence 1 and Sentence 3 Half-Sentence 2 above notwithstanding, also split their votes between different lists (panachage) but may not cast more votes in total than they are entitled to. <sup>2</sup>If the number of votes that a voter gives to individual candidates is lower than the total number of votes to which this voter is entitled, the voter shall be deemed to have chosen to leave their remaining votes uncast unless they also mark a list, which shall be considered as casting the remaining unused votes, which shall then be given to the unmarked candidates on the marked list in the order in which they appear on it; this shall not apply if the eligible voter marks more than one list. <sup>3</sup>To determine the number of seats that fall to the individual lists according to the d'Hondt highest quotients method, the number of valid votes received by each list shall be divided successively by 1, 2, 3, 4 etc. until as many quotients have been determined as there are seats to be filled.

(3) <sup>1</sup>Voters shall vote by placing an 'X' or other mark on their ballot papers that unambiguously indicates for which list or which candidates they are voting; voters who want to cumulate their votes shall write the number of votes they want to give to a candidate in the box before this candidate's name or place the corresponding number of 'X's there. <sup>2</sup>If a voter votes for a list as it is, one vote each shall be given to the candidates on this list in the order in which they appear on it (Section 8 (2) above) until the number of votes to which the voter is entitled in total is reached; if the number of candidates on the list is lower than the number of votes to which the voter is entitled, the voter shall be deemed to have chosen to leave their remaining votes uncast. <sup>3</sup>If the number of votes that a voter gives to individual candidates on a list is lower than the total number of votes to which this voter is entitled, the voter shall be deemed to have chosen to leave their remaining votes uncast unless they also mark the list, which shall be considered as casting the remaining unused votes, which shall then be given to the unmarked candidates on the list in the

order in which they appear on it.

(4) <sup>1</sup>If an election is held under majority voting (Section 2 (1) Sentence 2 above), voters shall vote for individual candidates. <sup>2</sup>Every eligible voter shall have as many votes as there are seats up for election for representatives of their group on the committee in question. <sup>3</sup>They may give individual candidates up to three votes each (cumulation) but may not cast more votes in total than they are entitled to. <sup>4</sup>Voters shall vote by placing an 'X' or other mark on their ballot papers that unambiguously indicates for whom they are voting; voters who want to cumulate their votes shall write the number of votes they want to give to a candidate in the box before this candidate's name or place the corresponding number of 'X's there. <sup>5</sup>If a voter casts fewer votes in total than they are entitled to, they shall be deemed to have chosen to leave their remaining votes uncast.

## **Section 12**

### **Electronic voting**

(1) <sup>1</sup>If an election is held as an electronic election, the Election Administrator shall designate a virtual polling station (election portal) for voting. <sup>2</sup>The Election Administrator shall appoint an electoral committee for the virtual polling station, which must comprise at least three polling clerks; while voting is open, at least two polling clerks must be present in the virtual polling station at all times during regular working hours; if not all polling clerks are members of the electoral committee, one of the polling clerks who are present at any given time must be a member of the electoral committee. <sup>3</sup>If, because of the voting software used, the virtual polling station is located on an external server owned by the provider of the voting software, appropriate monitoring of the voting process must be ensured there throughout the entire duration of the election, with regard to the necessary security measures; apart from that, Sentence 2 above shall apply accordingly.

(2) <sup>1</sup>The Election Administrator shall make their election documents available to eligible voters in electronic format. <sup>2</sup>These shall consist of the poll letter with the log in details as well as information about how the election is conducted and how to use the election portal. <sup>3</sup>On the election portal, voters vote by electronic ballot.

(3) <sup>1</sup>Voters shall cast their votes personally and unobserved by others by electronic means. <sup>2</sup>Voters shall authenticate themselves to the election portal by entering their personalised log in details. <sup>3</sup>The electronic ballot papers must be marked and submitted electronically in accordance with the instructions given in the poll letter and on the election portal. <sup>4</sup>The electronic voting system used must ensure that voters can exercise their right to vote only once and only during the time period set for voting by the Election Administrator. <sup>5</sup>The submitted votes must be stored in anonymous form and in a manner that does not allow any conclusions to be drawn about the order of their receipt. <sup>6</sup>Voters must be able to correct their selections or abort the voting process before the final casting of their votes. <sup>7</sup>It must be ensured that a voter cannot submit their vote(s) until after they have provided an electronic confirmation. <sup>8</sup>A confirmation must appear on screen to let the voters know that their vote(s) has/have been submitted. <sup>9</sup>Once the note stating that the vote(s) has/have been submitted successfully is displayed, the voter shall be deemed to have voted.

(4) <sup>1</sup>When voters enter their votes, the electronic voting system used must not store the votes on the devices used by the voters. <sup>2</sup>It must be ensured that no unnoticed changes can be made by third parties to the votes cast. <sup>3</sup>The ballots must disappear from the screen immediately after the vote(s) has/have been submitted. <sup>4</sup>The electronic voting system used must not allow a hard copy of the vote(s) cast to be printed out after the final casting of the vote(s). <sup>5</sup>The votes cast must be stored in the electronic ballot box in a non-reproducible random order. <sup>6</sup>Logins to the voting system, the making of selections and casting of the vote(s) and the voters' personal information and IP addresses must not be logged.

(5) <sup>1</sup>Eligible voters may also cast their votes in the electronic election in one of the University

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administration's rooms, which is to be determined by the Election Administrator, during regular working hours. <sup>2</sup>An electoral committee shall be appointed for this room in accordance with Subsection (1) Sentence 2 above.

(6) <sup>1</sup>If, due to technical reasons attributable to JMU, voters are unable to cast their votes in the electronic election during the time period set for voting, the Election Administrator may, in consultation with the Board of Elections, extend this time period. <sup>2</sup>Such extension must be publicised.

(7) <sup>1</sup>In cases where, while electronic voting is in progress, malfunctions are noticed that can be remedied without running the risk of the votes already cast becoming known prematurely or being deleted and if there is no possibility for vote manipulation, the Election Administrator may, in consultation with the Board of Elections, remedy these malfunctions or have them remedied and continue with the election; otherwise, the election must be stopped without the votes being counted. <sup>2</sup>If the decision is made to continue with the election, a note must be made in the election record of the malfunction and its duration. <sup>3</sup>If the election is stopped, the Election Administrator shall, in consultation with the Board of Elections, make a decision on how to proceed; a repeat election must take place without undue delay; the Election Administrator shall set the election date and the time period during which voting will be open; Section 7 (2) Sentence 1 above shall not apply to repeat elections.

### **Section 13**

#### **Technical requirements for electronic voting**

(1) <sup>1</sup>Elections shall not be permitted to be held as electronic elections unless the electronic voting system used complies with current technical standards, including, but not limited to, the Federal Office for Information Security's security requirements for online voting products, and it has been proven that it complies with the applicable election principles. <sup>2</sup>The system must have the technical specifications mentioned below. <sup>3</sup>Suitable documentation must be provided to demonstrate that the system complies with the applicable technical requirements.

(2) <sup>1</sup>To maintain the secrecy of the ballot, the electronic ballot box and the electronic electoral register must not be located on the same server hardware. <sup>2</sup>The electoral register should be stored on a JMU-owned server.

(3) <sup>1</sup>The voting servers must be protected against cyber attacks; in particular, they must be configured to only allow authorised access. <sup>2</sup>Authorised access shall include, but not be limited to, verifying a voter's eligibility to vote, storing the votes cast by voters, registering a voter's casting of their vote and carrying out checks to prevent voters from voting more than once (voting data). <sup>3</sup>Suitable technical measures must be taken to ensure that in the event of a server or server area being down or malfunctioning no votes can get irretrievably lost.

(4) <sup>1</sup>The method used for the transmission of the voting data must be designed to ensure that these data are protected against attempts at unauthorised access or decryption. <sup>2</sup>The transmission channels for verifying a voter's eligibility to vote as well as for registering a voter's casting of their vote on the electoral register and storing the votes cast in the electronic ballot box must be separated from each other in such a way that it is not possible at any time to link a vote to a voter.

(5) <sup>1</sup>The data must be transmitted in encrypted form to prevent unnoticed changes to the voting data. <sup>2</sup>When the voting data are being transmitted and processed, it must be ensured that it is not possible to access the content of a vote when registering the casting of the vote on the electoral register.

(6) <sup>1</sup>Voters must be provided with information about suitable protective measures to protect the

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computer used for voting against third-party interference in accordance with current technical standards; voters must be made aware of available free sources of suitable software. <sup>2</sup>Before they cast their votes, voters must provide a binding confirmation by electronic means to confirm that they have read the security instructions.

## **Section 14**

### **Voting by post**

(1) Elections shall also be permitted to be held as postal elections if it is not possible to hold an electronic election.

(2) If an election is held as a postal election, all eligible voters shall be sent their postal vote papers without undue delay after the list of accepted nominations has been published.

(3) <sup>1</sup>Voters voting by post must mail or hand in their sealed official return envelopes containing sealed ballot paper envelopes with their marked ballot papers to the Election Administrator in good time to ensure that their marked ballots are received by the Election Administrator by the end of the time period set for voting at the latest. <sup>2</sup>Marked ballots received by the Election Administrator after this time shall not be considered as votes cast.

(4) <sup>1</sup>The Election Administrator shall designate the number and location of the counting room or rooms for the examination of the ballot papers and the counting of the postal votes; an electoral committee shall be appointed for each of the counting rooms in accordance with Section 12 (1) Sentence 2 above. <sup>2</sup>No later than after voting has closed, the ballot paper envelopes shall be removed from the official return envelopes that were received in time and, after the voters' casting of their votes has been registered on the electoral register, shall be placed in ballot boxes.

## **Section 15**

### **Counting of votes**

(1) The votes cast must be counted without undue delay after voting has closed; counting should be completed at the latest on day seven after voting has closed.

(2) <sup>1</sup>If an election is held as an electronic election, the electoral committee shall be responsible for administrating the voting servers and, in particular, for counting the votes and archiving the election documents. <sup>2</sup>Without undue delay after electronic voting has closed, the Election Administrator shall arrange for the votes cast to be counted using a computer-based system and shall establish the result by means of a printout of the results of the count, which shall be signed by two members of the electoral committee. <sup>3</sup>All datasets on the electronic election must be stored in an appropriate manner. <sup>4</sup>Technical means must be provided that make the counting process reproducible for each voter at any time.

(3) <sup>1</sup>If an election is held as a postal election, the ballot papers shall be checked for validity after the ballot boxes have been opened. <sup>2</sup>A cast ballot shall be invalid

1. if no candidate or list has been marked,
2. if it is identifiable as unofficial,
3. if the voter did not comply with the provisions of Section 14 (3) Sentence 1 above,
4. if it has a mark or writing on it that does not serve the purpose of marking the candidate or list for which the voter is voting or if it contains a reservation,
5. in cases where a voter gave more than three votes to any one candidate, with respect to the votes given to this candidate that exceed the allowed number,
6. if, even after deduction of any votes that are invalid according to No. 5 above, the voter cast more votes than they were entitled to,

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7. if, in the case of a list election, the voter marked more than one list or split their votes between different lists; Section 11 (2) Sentence 1 above shall remain unaffected,
8. if it does not make the voter's intent clear beyond any doubt.

<sup>3</sup>In cases of doubt, the Board of Elections shall decide whether a ballot is valid or not. <sup>4</sup>The valid votes received by each candidate and, in the case of a list election, in addition the valid votes received by each list shall be added up.

## **Section 16**

### **Establishing the election results**

(1) <sup>1</sup>Once counting is completed, the Election Administrator shall establish, for each election and each group, the total number of ballots cast, the number of invalid ballots as well as the number of valid votes received by the individual lists and the number of valid votes received by the individual candidates. <sup>2</sup>In addition, the Election Administrator shall establish how many seats the individual lists will be allocated, who are the elected candidates and, in accordance with Subsection (5) below, in which order the replacement members will be considered. <sup>3</sup>The Election Administrator shall make the established election results public in an appropriate manner. <sup>4</sup> Due to his position, the Election Administrator must correct the established election results if, within four months after their establishment, any spelling mistakes, mathematical errors or similar inaccuracies are noticed.

(2) <sup>1</sup>The number of seats that fall to the individual lists within the groups shall be determined according to the d'Hondt highest quotients method. <sup>2</sup>The number of valid votes received by each list shall be divided successively by 1, 2, 3, 4 etc. until as many quotients have been determined as there are seats to be filled. <sup>3</sup>In each round, the list with the highest quotient shall be allocated the seat.

(3) <sup>1</sup>If, according to the highest quotients method, more seats fall to a list than there are candidates on it, the remaining seats shall fall to the other lists in the order of the next lower quotients. <sup>2</sup>If there is a tie for the last seat to be allocated in any given group, it shall be broken by lots to be drawn by one of the members of the Board of Elections. <sup>3</sup>Lists that did not receive any votes cannot be allocated any seats.

(4) <sup>1</sup>Within the lists, the seats must be allocated to the candidates on the lists in the order of the number of votes they received. <sup>2</sup>If two or more candidates received the same number of votes, the successful candidate shall be determined based on the order in which the candidates were nominated in accordance with Section 8 (2) above.

(5) <sup>1</sup>The candidates on a list that were not elected shall be considered as replacement members for the seats allocated to the list in the order described in Subsection (4) above. <sup>2</sup>If replacement members are not or no longer available for any given list, the replacement member shall be determined in accordance with Subsection (3) above, which shall apply accordingly; when the election results are being established, making reference to this provision shall be sufficient.

(6) <sup>1</sup>In the case of a candidate-centred election, Subsections (2) to (5) above notwithstanding, the successful candidates shall be the ones who received the highest number of votes. <sup>2</sup>If two or more candidates received the same number of votes, the successful candidate shall be determined by lots to be drawn by one of the members of the Board of Elections. <sup>3</sup>The candidates that were not elected shall be considered as replacement members in the order of the number of votes they received; if two or more candidates received the same number of votes, the order of consideration shall be determined by lots to be drawn by one of the members of the Board of Elections; candidates that did not receive any votes shall not be considered as replacement members.

(7) In the cases referred to in Article 35 (1) Sentence 2 BayHIG, Subsections (2) to (5) above shall apply accordingly.

(8) If more than two seats on the Senate for representatives of the group referred to in Section 2 (2) Sentence 1 No. 1 above fall to any given Faculty (Article 35 (1) Sentence 3 BayHIG), the remaining seats in excess of the number two shall be allocated to those candidates from other Faculties to whom the remaining seats would fall according to Subsections (2) to (5) above.

## **Section 17**

### **Election record; retention of election documents**

(1) <sup>1</sup>Records must be prepared of the deliberations of the Board of Elections and the decisions taken by it as well as of the poll and of the activities of the electoral committees. <sup>2</sup>The records of the activities of the electoral committees shall be signed by the members of the electoral committees in question, the other records by the chairperson of the Board of Elections.

(2) The election records should, in particular, record details of the conduct of the poll, the results of the election and any incidents that may have occurred.

(3) If an election was held as an electronic election, the datasets referred to in Section 15 (2) above, if an election was held as a postal election, the ballot papers and election records referred to in Section 15 (3) above, shall be retained until the end of the term of office of the elected representatives.

## **Section 18**

### **Acceptance of seats; filling of vacant seats with replacement members**

(1) <sup>1</sup>The Election Administrator must notify the elected candidates of their election, without undue delay, in writing or per email with a request for confirmation of receipt. <sup>2</sup>An elected candidate shall be deemed to have accepted their seat if the Election Administrator does not receive, on the third day after receipt by the candidate of the notification at the latest, a written or electronic message from the candidate stating that they are declining the seat for cause (Article 26 (1) Sentence 3 BayHIG). <sup>3</sup>The decision as to whether there are sufficient grounds for declining a seat for cause shall be made by the Board of Elections. <sup>4</sup>If an elected candidate declines their seat in a legally effective manner, it shall be filled with the replacement member who is next in line according to the order of replacement members specified in Section 16 (5) or (6) Sentence 3 above. <sup>5</sup>If there are no replacement members available, the seat in question shall remain vacant; there shall be no by-election.

(2) <sup>1</sup>Once an elected candidate has accepted their seat, they shall not be permitted to resign from office unless important reasons stand in the way of their serving in the office in question. <sup>2</sup>The decision as to whether such important reasons exist shall be made by the University Board; a resignation from office in accordance with Section 36 (2) GO for reasons of incompatibility must always be regarded as an important reason and shall not require a decision by the University Board.

(3) <sup>1</sup>In cases where an elected representative's membership of a committee ends, Subsection (2) in conjunction with Subsection (1) above shall apply accordingly; Article 50 (1) Sentence 2 BayHIG shall remain unaffected. <sup>2</sup>The decision referred to in Subsection (1) Sentence 3 above shall be made by the University Board.

## **Section 19**

### **Electoral scrutiny**

(1) Any eligible voter may contest the election in the group to which they belong within seven days after the election results have been established and announced, giving reasons for the contestation; to contest the election, they must file a written statement with the Election Administrator.

(2) A contestation shall be deemed to be justified if essential rules and regulations relating to the right to vote, the right to stand for election or the election procedure were violated and this violation led or could have led to the incorrect distribution of seats.

(3) A contestation of the election on the grounds of an eligible voter having been prevented from exercising their right to vote because of them not having been entered in the electoral register or them not having been entered in the electoral register in the correct group or on the grounds of a person having voted in the election who, although on the electoral register, was not eligible to vote shall not be permitted.

(4) <sup>1</sup>The Board of Elections shall decide on the contestation by a majority of the votes of its members, with the Election Administrator serving as the chairperson and being entitled to vote.

<sup>2</sup>The decision must be accompanied by a written justification and instructions on the available legal remedies and must be served on the contesting person and on the person directly affected.

<sup>3</sup>If the contestation is justified, the Board of Elections must, in the event of an incorrect count, correct the election results or must annul the election to the extent necessary and order that the election be repeated to said extent; unless otherwise decided in the electoral scrutiny procedure, the repeat election shall be conducted using the same nominations lists and the same electoral register as the annulled election; if a violation affects the distribution of seats in one group only, only the election in this group will have to be annulled and repeated. <sup>4</sup>A repeat election must take place without undue delay; the Election Administrator shall set the election date and the time period during which voting will be open; Section 7 (2) Sentence 1 above shall not apply to repeat elections.

## **Section 20**

### **Deadlines**

(1) <sup>1</sup>If requests or nominations must be submitted before a particular deadline, this deadline shall end at 16:00 on the indicated end date. <sup>2</sup>Section 7 (2) Sentence 3 and Sentence 4 shall remain unaffected.

(2) The deadlines referred to in Section 4 (4) and (5), Section 8 (10), Section 14 (2), Section 18 (1) and Section 19 (1) above are preclusive periods.

## **Section 21**

### **Provisions governing early elections**

(1) The rules and regulations set out in this document shall also apply to early elections held after the dissolution of the Senate, a Faculty Board or the Student Parliament in accordance with Article 30 (3) Sentence 3 BayHIG unless specific provisions for such cases are set out in Subsection (2) below.

(2) <sup>1</sup>The representatives on the Senate, the Faculty Boards and the Student Parliament shall be elected for the remainder of the term of office of the members of the dissolved committee. <sup>2</sup>If an early election is held during the final six months of the term of office on the dissolved committee of the representatives of any given group, the representatives of this group shall be elected in the early election for the remainder of the term on the dissolved committee and for the subsequent term. <sup>3</sup>The Election Administrator shall set the election date and the time period during which voting will be open; Section 7 (2) Sentence 1 above shall not apply to early elections.

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## **Section 22**

### **Entry into force**

These rules and regulations shall enter into force one day after their publication.