

## Electoral Rules for the Election of the Student Parliament of UdK Berlin

According to § 19 Par. 3, No. 4 of the reformulated Berlin university law (BerlHG) from July 26, 2011, the student parliament of Universität der Künste decided on the following rules on May 9, 2012.

### § 1 General Provisions

- (1) These electoral rules apply to the election of the student parliament of Universität der Künste (UdK) Berlin.
- (2) Beside it, the provisions for enactment of electoral rules for universities and the electoral rules of UdK Berlin in its respective, valid version, apply if the statute of the student body of UdK Berlin, or this election procedure, does not state otherwise.

### § 2 Election Principles

- (1) According to § 1 Par. 1, elections of councils are conducted after the principle of the personalised, proportional representation according to § 2 of the HWGVO. If only one election proposal is made for an election according to point 1, a majority election is appointed.
- (2) In majority elections a voter has as many votes as there are chairs or positions to be assigned. Accumulation of votes is not permissible. As far as the Berlin university law or these rules do not state otherwise, the candidate with the most votes is elected. Points 1 to 3 apply also if in a list vote only one mandate is to be taken up or only one election proposal is made.
- (3) In case the lists are combined, the number of votes for the combination of lists are added up. After an inquiry into the total number of omitted chairs on the combined lists, this number is divided, by way of calculating mathematical proportion (Hare/Niemayer), upon the single lists at hand. Subsequently, the number of omitted votes is multiplied by the total number of chairs; the product is divided by the total number of votes.

### § 3 Right to Vote

- (1) In the election of the student parliament all ordinarily enrolled students of Universität der Künste Berlin, that pay their semester fee to UdK, and therefore are members of UdK, have a passive and active right to vote.

### § 4 Election Committee

- (1) If the central election committee of UdK does not take up the role of the election committee of the student parliament, the student parliament assigns an election committee, consisting of three members, who themselves must not be candidates for the election of the student parliament.
- (2) The election committee elects a chairperson from its own members and is responsible for the orderly preparation and conduct of the election. The committee decides upon objections and the challenging of an election and has the right to speak and petition right in the student parliament, in matters that concern the election. Its objective is to act in a way that secures a large election turn-out.
- (3) The meetings of the election committee are public as long as they do not deal with personal data worth protecting.

- (4) The election committee takes decisions based on a bare majority. In case of a voting tie. The vote of the chair of the election committee decides upon the matter.
- (5) Within their term, the chair can introduce election guidelines within the framework of these rules.
- (6) The election committee conducts the election and assigns election workers.

#### § 5 Nominations

- (1) Applicants must be eligible voters. Nominations for the university list must encompass at least three applicants. Substitute applicants are not to be submitted. Every university list receives as its label merely its list number which is drawn by lot. Combinations of lists are to be made discernible.
- (2) Nominations are to be handed to the election board, on the designated form provided by the board. They must include the name, the subject of study, the enrolment number, the address, the email address, and the telephone number of the applicant and are to be signed by them.
- (3) Nominations are to be submitted to the election board at least seven days before the election.

#### § 6 Assessment and Publishing of Nominations

- (1) The election board decides upon the legitimacy of the nominations. Nominations that are ambiguous or do not correspond to the provisions of § 5 will not be approved.
- (2) The election board immediately announces the orderly nominations by way of posting at all locations of UdK.
- (3) Every eligible voter can raise an objection to the legitimacy of their nomination within three days after the announcement. The respective election board decides upon the objection.

#### § 7 Electoral Register

- (1) The election board provides an alphabetically ordered list of all eligible voters to vote (electoral register). It contains the name and enrolment number of the students.
- (2) The electoral register is made public for insight two weeks before the election. During this insight period, an eligible voter can raise an objection to the electoral register in written form. If the stated facts are not public, the objector has to provide the necessary evidence.
- (3) The election board decides upon the objections. It makes corrections of the electoral register that are required by the objections or its own assessment.
- (4) The electoral register is decided upon by the election board seven days before the election. After this point eligible voters can no longer be added or removed from the register.

#### § 8 Process of the Election

- (1) The election of the student parliament principally makes use of a voting box. The selection of the voting locations is made with the objective of securing a high election turn-out. However, the possibility of postal voting of single eligible voters is always given.
- (2) The election board determines the election dates and makes them, as long as not stated otherwise, public at least three weeks before the election. Announcements of

the election board are made through posters. Additional nonbinding announcements can be made on the internet.

- (3) Location and opening hours of the voting rooms as well as particularities on the assessment and publicising of the election result are communicated through this election announcement.
- (4) The election announcement contains information on the matter and type of election such as
  1. Voting eligibility and electability,
  2. Insight into the electoral register,
  3. Objection to the electoral board,
  4. Filing deadline and form of the nominations,
  5. Publishing of the nominations,
  6. Request, sending and return of the postal voting documents.
- (5) Upon decision of the student parliament, every eligible voter can be sent a voting card at least seven days before the beginning of the election.

#### § 9 Duration of the Voting Process

The voting process should take at least two and a maximum of four days. It is to be scheduled in such a way that a high election turn-out is secured.

#### § 10 Personalised Proportional Election

- (1) In the proportional election the eligible voters have one vote each. The vote is cast for a list in which the eligible voters mark one of the candidates listed on the voting paper. The mark applies to the candidate as well as to the respective list.
- (2) The chairs are divided upon the lists in relation to the total number of omitted votes by way of calculating mathematical proportion (Hare/Niemayer). In case of equal decimal numbers, the chair draws by lot (corresponds to § 2 Par. 3 P. 3 & 4 of the university law of election principles (HWGVO) from the 3rd of April 1992 version of the 26th of August 1998).
- (3) In case of a voting tie, the order of the list is decisive. In case of equal decimal numbers of distinct lists, the decision is drawn by lot by the election committee, in case the numbers of cast votes do not differ from each other. In this case the list with the most votes gets the chair.

#### § 11 Majority Election

- (1) If only one list is admitted for an election, a majority election is appointed.
- (2) In a majority election the voters have as many votes as there are vacant chairs and positions. Accumulation of votes is not permissible. The person with the most votes is elected. Refusals are only applicable if there is not more than one applicant for the respective position and if the number of applicants equals or falls below the number of positions. In these cases, the voting paper should indicate the voting options YES and NO for each applicant.
- (3) In case of a voting tie, the lot drawn by the chair of the election committee is binding. If an applicant does not receive any votes, they are not eligible to be appointed as a representative or succeeding member.

#### § 12 Voting Paper

- (1) The voting paper lists the admitted nominations in the order determined by § 6 Par. 2.
- (2) The voting paper includes the list numbers, the name and subject of study of all applicants to each nomination. Combinations of lists are to be marked accordingly.
- (3) In majority votes, the voting paper should indicate the voting options YES and NO for each applicant, § 11 Par. 2 point 4 applies accordingly.
- (4) Next to the name of each applicant, a small square must be printed on which the vote can be indicated.

### § 13 Voting Box Election

- (1) Canvassing in the voting rooms is not permitted. Inside the voting room, the election worker acts on behalf of the head of the university. During the election process the election judge and the minute maker must be present in the voting room at all times. The polling site is to be marked if a separate room is not available.
- (2) Before beginning the election process, the election committee sets up one, or more, voting booths. The voting booths must be overlookable for the election workers; they may not be able to look inside. The voting box is located on the table of the election worker and is to be closed with a lid. The electoral register is to be found there, too.
- (3) When entering the voting room, the voter presents their student card and their personal id, or another valid document containing a passport photo. The voter receives the voting paper, enters the voting booth, and makes their mark on the paper inside. The minute keeper finds the voter's name in the electoral register and indicates their vote. Subsequently, the voter disposes their voting paper in the voting box. Finally, the voter gets back their identification papers.
- (4) The election committee can decide whether an eligible voter may enter their vote only at one or several locations. In the first case, a register of the designated voters is to be made accessible at the location. In the second case, a register of all eligible voters is to be made accessible at all locations; the student card of the voter is to be marked by the minute keeper on the lower left corner of the backside to prevent the possibility of a double vote.
- (5) A protocol is to be made about the election process. The protocol must include the following information:
  1. Beginning and end of the election process,
  2. Members of the election administration and their respective attendance times,
  3. Number of the enveloped voting papers that have been submitted,
  4. Received and forwarded voting documents,
  5. particular incidents.
- (6) Those who vote by voting box must not make use of the postal vote.

### § 14 Postal Vote

- (1) Eligible voters are sent the documents for a postal vote for the election of the student parliament to their private address. This is to be marked in the electoral register. Particulars are indicated by the election committee in the election announcement.
- (2) Documents for a postal vote are
  1. the voting slip,
  2. the voting paper/s,
  3. the envelope for the voting paper,

4. the envelope for the voting slip (envelope for the return of the postal vote documents).
- (3) Those who vote postally mark their voting papers personally, dispose them in the envelope for the voting paper, seal the envelope, and place it with the voting slip inside the envelope for the voting slip. An eligible voter must sign the voting slip to assure that they marked the voting paper themselves. Voting slips for the postal vote are not replaced.
- (4) Documents for a postal vote must be sent to the voter by the election committee at least seven days before the election.
- (5) Those who make use of the postal vote must not participate in the voting box election.

#### § 15 Handling of Postal Votes

- (1) The postal vote must have been received by the election committee before the end of the election procedure.
- (2) Received postal vote envelopes are opened by the election committee immediately, the voting slip is assessed and the participation in the postal vote is registered.
- (3) A postal vote is invalid if the voting paper is not accompanied by a voting slip which indicates the authenticity of the voter, the name of the postal voter is not included in the electoral register, or an indication of voting by voting box is found in the electoral register. The reasons for rejecting the postal vote are to be noted in the protocol; the respective, unopened voting paper envelopes are to be destroyed.

#### § 16 Validity of Voting Papers

- (1) The applicant voted for is to be marked with an x on the respective square on the voting paper. The vote is also valid if the square is marked in a different way, as long as the mark does not resemble a letter or number.
- (2) A voting paper is invalid if
  1. it is not marked,
  2. it is obviously not made by the election committee,
  3. the marking fails to successfully indicate the intention of the voter,
  4. it contains more than the marking,
  5. in case of a personalised proportional election, more than one applicant is marked,
  6. in case of a majority election, more votes are cast than the voter is meant to give,
  7. a postal vote does not contain the voting slip and the necessary authentication of the voter.
- (3) If a voting paper envelope contains fewer voting papers than designated, the present voting papers are valid if paragraph 1 applies. If a voting paper envelope contains fewer voting papers than designated, several voting papers count as one vote if their marking is for the same applicant or if only one paper is marked; otherwise, they are invalid. If during simultaneous strike votes or elections of the StuPa voting papers for these respective elections are received, if their marking is identical or only one paper is marked, the accidental votes in the envelope remain valid.

#### § 17 Assessment of the Election Result

- (1) After the completion of the election process, the election committee counts the votes cast for applicants, calculates the necessary maximum numbers for the assignment of mandates and determines the election result.

- (2) Counting and determination of the election result take place in public.
- (3) The determination of the election result necessarily contains information on
  1. The number of eligible voters
  2. The election turn-out in absolute numbers and percentages
  3. The number of total votes cast (including multiple submission by postal vote)
  4. The number of valid votes cast
  5. The number of invalid votes cast (including multiple submission by postal vote)
  6. The number of persons on the individual lists and / or votes omitted to applicants
  7. The names of the elected applicants
  8. The decimal numbers (after Hare/Niemeyer)
- (4) The preliminary election result is announced immediately by the election committee; the official end result is made public after the election documents have been reviewed and after a decision has been made regarding received election challenges.

#### § 18 Challenging of an Election

- (1) Every eligible voter can challenge the election within a period of three working days after the announcement of the preliminary election result. The objection is to be justified and submitted to the election committee in written form.
- (2) According to paragraph 1, the objection is not valid if the submitter could have voiced an objection to the electoral register or a nomination for the same reasons.
- (3) The objection is justified if provisions on the right to vote, the eligibility, the election process or the determination of the election result were violated, unless the violation was not likely to change the distribution of mandates.
- (4) If the objection is justified, the election committee declares the partial or total invalidity of the election. If merely the determination of the election result is incorrect, it is corrected by the election committee. The electoral board informs the objector of its decision with a reasoning and, in case of rejection, provides legal foundation.

#### § 19 Repeated Election, By-Election

- (1) If an election is declared totally or partly invalid, it is to be repeated immediately in accordance with the decision.
- (2) A repeated election is conducted, following the same provisions, nominations and - if the semester has not ended since the previous election - on the base of the same electoral register as the original election, if the decision according to § 19 does not request changes concerning the nominations and electoral registers. Persons that have lost their eligibility to vote in the meantime are to be removed from the nominations.
- (3) If an election fails to assign all the vacant mandates, a motion for a by-election is brought forward. The motion is to be accompanied by a nomination.
- (4) Motions for the conduct of a by-election can be brought forward to the election committee within 30 calendar days after the election. The election committee may determine that a by-election is conducted by postal vote.

#### § 20 Appointments and Deadlines

- (1) The appointment of voting dates aims to provide the requirements for a high election turn-out. Elections are to be appointed in a way that they can be completed before the end of the lecture period.
- (2) The deadlines stated in the HWGVVO or in these rules are not to be scheduled after the last day of the respective period at 3 pm, this does not apply to electoral acts. If a deadline ends on a Saturday, Sunday or a national holiday, the next working day or, in case the deadline is calculated regressively, the previous working day is decisive.
- (3) Deadlines are only obstructed by the academic Christmas break and the lecture-free period.
- (4) The electoral register is made accessible for inspection for a period of one week, two weeks before the election. It is closed seven days before the election. Afterwards, eligible voters can no longer be added or removed from the register.
- (5) The deadline announcing nominations ends seven days before the election. Nominations can still be announced on the same respective day.
- (6) Every eligible voter can file an objection against the legitimacy of a nomination within three days after its announcement. The election committee decides upon the objection.
- (7) Documents for a postal vote must be sent to the voter on the seventh day before the election. The election committee must receive the postal vote before the end of the election process.
- (8) Voting papers are to be counted by the election committee immediately after the closing of the voting site on the last day of the election.
- (9) The preliminary election result is to be made public immediately after the counting has been completed.
- (10) Every eligible voter can object to the election within a deadline of three working days after the announcement of the preliminary election result. After the end of the deadline, the election committee publishes the official final result through a poster or digitally, if requested.

#### § 21 Retention of the Election Documents

The election documents are retained by the election committee until the end of the eighth week after the announcement of the official final result. The written nominations are retained until the constitution of the elected student parliament. Afterwards, they are destroyed, if they are not needed for an election review process or for a following lawsuit. After the respective decision becomes final, the documents are destroyed.

#### § 22 Constitutional Meeting

- (1) The election committee hands the names, address- and contact data of all ordinary and representative members of the student parliament to the current chair of the student parliament and the general student committee within three days of the announcement of the preliminary end result.
- (2) The student election committee sends the invitations to the constitutional meeting of the student parliament and conducts the meeting until the election of the chair.

#### § 23 Coming into Effect, Termination

- (1) These electoral rules come into effect on the day after their publication in the journal of Universität der Künste Berlin.

(2) Simultaneously, the electoral rules for the election of the student parliament and the councils of student representatives of UdK Berlin of May 20, 2009 (UdK-Journal 8/09 of August 17, 2009) are terminated.