

82.

Act of 27 April 1999 amending the Statute of the Provincial Capital Graz 1967, the Municipal Election Ordinance Graz 1992, the Municipal Election Ordinance 1967 and the Municipal Election Ordinance 1960.

The Styrian Parliament has resolved:

Article I

The Act of 4 July 1967, LGBl. No. 130/1967, enacting a statute for the Provincial Capital of Graz (Statute of the Provincial Capital of Graz 1967), as last amended by LGBl. No. 72/1997, is amended as follows:

In the second main section, the following III. section is inserted after II. section:

"Section III

§ 13 o

Establishment of a Foreigners' Advisory Council

In the city of Graz, if more than 1,000 foreigners have their main residence in the city, a foreigners' advisory council is to be established to safeguard the interests of the foreign residents. The number of foreigners registered in the city depends on the reference date.

§ 13 p

Definition

A foreigner within the meaning of this Act is a person who does not have the nationality of a Member State of the European Union or is stateless.

§ 13 q

Membership

(1) The members of the Foreigners' Advisory Council work in an honorary capacity, but the municipal council may grant them attendance fees in an amount to be determined by it.

(2) A member of the Foreigners' Advisory Council loses his/her membership as soon as he/she loses his/her residence permit or main place of residence in the municipality, obtains the citizenship of an EU member state or a circumstance occurs that would justify a reason for excluding him/her from the election.

§ 13 r

Tasks and powers

(1) The Foreigners' Advisory Council represents the interests of the foreign residents of the municipality. It advises the municipality on all matters concerning foreign residents.

(2) The municipality shall inform the foreigners' advisory council of all matters, knowledge of which is necessary for the performance of its duties.

(3) The City of Graz shall provide the Foreigners' Advisory Council with the necessary means and premises to fulfil its tasks.

(4) The Foreigners' Advisory Council shall submit an annual report to the municipal council on the situation of foreign citizens in the municipality.

(5) The Foreigners' Advisory Council shall hold information events at least once a year and in any case at the request of at least five out of 100 of the persons entitled to vote pursuant to section 88 d subsection 1 of the Municipal Election Code Graz 1992, LGBl. no. 42/1992, as amended. These serve the purpose of information and communication between the Foreigners' Advisory Council and the residents of the City of Graz.

§ 13 s

Rules of Procedure

The advisory council shall adopt its rules of procedure. These shall require the approval of the municipal council, which shall be refused if the rules of procedure do not comply with the spirit of this Act.

§ 13 t

Election of the Foreigners' Advisory Council

The provisions of the Municipal Election Regulations of the City of Graz 1992 shall apply to the election of the Foreigners' Advisory Council."

Article II

The Act of 26 May 1992, LGBl. No. 42/1992, enacting Municipal Election Regulations for the Provincial Capital of Graz, as last amended by LGBl. No. 44/1997, shall be amended as follows:

1. the following II a. is inserted after II. Part is inserted:

"II a. Part

Election of the Foreigners' Advisory Council

§ 88 a

Definition,

Size of the advisory board, election period

(1) A foreigner within the meaning of this Act is a person who does not have the nationality of a Member State of the European Union or is stateless.

(2) In the city of Graz, if more than 1,000 foreigners have their main residence in the city, a foreigners' advisory council is to be established to safeguard the interests of the foreign residents. The Foreigners' Advisory Council consists of nine members. The number of foreigners registered in the city depends on the reference date.

(3) The members of the Foreigners' Advisory Council shall be elected on the basis of universal, equal, direct, secret and personal proportional representation. The City of Graz shall form a single electoral body.

(4) The election of the foreigners' advisory council shall be held at the same time as the municipal council election and for the same election period.

§ 88 b

Notice of elections

(1) In the announcement of the elections to the municipal council pursuant to § 2, the elections to the foreigners' advisory council shall also be announced.

(2) The announcement of the election notice for the municipal council election pursuant to § 2 para 1 shall contain the following additional provisions for the election of the Foreigners' Advisory Council:

1. the number of members to be elected to the Länder Advisory Council (section 88a (2)),
2. the provisions on election proposals for the Foreigners' Advisory Council (section 88 h),
3. Right to vote for the Foreigners' Advisory Council (§ 88 d and § 88 g),
4. the indication that the relevant information may be requested by any person entitled to vote in his or her own language,
5. the indication that for the election of the Foreigners' Advisory Council the same electoral districting applies as for the election of the municipal council (§ 88 f).

§ 88 c

Electoral authorities

The electoral authorities established on the occasion of the municipal elections are also appointed to manage and conduct the election of the Foreigners' Advisory Council.

§ 88 d

Requirements for the right to vote

- (1) All foreigners who have been resident in the country before the

The election shall be held in the municipality of Graz if the candidate has reached the age of 18 by 1 January of the year of the election, is not excluded from the right to vote on the qualifying date, has his/her main residence in the municipality of Graz and is not a citizen of a Member State of the European Union.

- (2) § 16 and § 29 par. 1 shall apply mutatis mutandis.

§ 88 e

Electoral rolls

(1) The persons entitled to vote pursuant to § 88 d shall be entered by the municipality in electoral rolls. The municipality shall be responsible for drawing up the electoral rolls.

(2) The municipality shall ensure that a person entitled to vote is not entered in the electoral roll for the municipal council election and in the electoral roll for the election of the foreigners' advisory council at the same time.

(3) The more detailed provisions are set out in the § 88 k to be enacted.

§ 88 f

Place of exercise of the right to vote

§ Section 30 subsection 1 shall apply mutatis mutandis.

§ 88 g

Prerequisite for eligibility

All persons who have been elected to the

Foreigners' Advisory Council are

§ 88 d persons entitled to vote who have reached the age of 19 before 1 January of the year of the election,

have a valid residence permit on the cut-off date and have had their main residence in the city area for at least six months.

§ 88 h

Election proposal

(1) Groups campaigning for election shall submit their election proposals for the election of the Foreigners' Advisory Council to the municipal electoral authority from 8 a.m. at the earliest on the day of the announcement of the election and by 1 p.m. at the latest on the 23rd day before the election day. The day and time of receipt shall be noted on the election proposal.

(2) The election proposal requires the support of at least ten persons entitled to vote pursuant to section 88d. The declaration of support shall state the surname and first name, the date of birth and the residential address of the person entitled to vote. The declarations of support shall be signed personally by the persons entitled to vote and attached to the nomination. A withdrawal of individual declarations of support after receipt of the nomination by the municipal electoral authority shall only be taken note of by the municipal electoral authority if it is proven or made credible to the municipal electoral authority that a supporter of the nomination was induced to sign the nomination by a material error or by fraudulent deception or threat.

(3) The election proposal must contain:

1. the distinguishing designation of the electoral group in words and a possible abbreviated designation consisting of no more than five letters which may form one word;
2. the list of the electoral group, i.e. a list of no more than twice as many candidates as there are mandates to be allocated in the election of the Foreigners' Advisory Council, in the order requested, indicated by Arabic numerals, stating the surname and first name, year of birth, nationality, residence permit, profession and address of the main residence in Graz of each candidate;
3. the name of the representative authorised to accept service (surname and first name, profession, address);
4. the signatures of the persons entitled to vote required pursuant to para. 2.

(4) If no valid election proposal is submitted within the period referred to in subsection 1 or if all election proposals submitted are to be regarded as not having been submitted, the election shall be cancelled.

(5) The more detailed provisions are set out in the § 88 k to be enacted.

§ 88 i

Polling stations, voting time, nature of polling stations, polling booth, ballot box, Prohibition zone, election witnesses, conducting the election

(1) The polling stations designated under section 43 shall also apply to the election of the Foreigners' Advisory Council.

(2) For elections to the Foreigners' Advisory Council, a separate ballot box must be available in each polling station.

(3) The more detailed provisions are set out in the § 88 k to be enacted.

§ 88 j

Election envelopes, ballot papers

(1) Opaque ballot paper envelopes are to be used for the election, which are different from the ballot paper envelopes used for the municipal council election.

(2) Section 60 shall apply mutatis mutandis to the production of the official ballot paper with the proviso that the ballot paper for the election of the Foreigners' Advisory Council shall be produced in a different colour than the ballot paper for the election to the Municipal Council and the District Council.

(3) The more detailed provisions are set out in the § 88 k to be enacted.

§ 88 k

Ordinance

The Provincial Government shall, by decree, lay down the more detailed provisions on the election procedure, applying mutatis mutandis Part I, Parts 2, 3, 4, 5, 7, 8 and 8, 8., 9th, 10th, 11th and 12th sections and sections 29 and 30 of this Act.

§ 88 l

Investigation

(1) The Provincial Government shall, by ordinance, lay down the more detailed provisions on the investigation procedure, applying Part I mutatis mutandis, 13. and 14. of this Act. In this context, particular attention shall be paid to ensuring that the secrecy of the ballot is maintained.

(2) The investigation procedure shall be conducted by the municipal election authority."

Article III

The Act of 14 June 1967, LGBI. No. 115/1967, enacting a Municipal Code (Styrian Municipal Code 1967) for the municipalities of the Province of Styria with the exception of the cities with their own statutes, as last amended by LGBI. No. 1/1999, is amended as follows:

In the first principal section, the following VI. section shall be inserted after the V. section:

"VI. section

Establishment of a Foreigners' Advisory Council

§ 38 b

Institution

In municipalities in which more than 1,000 foreigners have their main place of residence, a foreigners' advisory council is to be set up to safeguard the interests of the foreign residents. In

other municipalities, a foreigners' advisory council may be established by resolution of the municipal council.

foreigners' advisory council be established. The number of foreigners registered in the municipality depends on the cut-off date.

The provisions of the Municipal Election Regulations 1960 shall apply to the election of the Foreigners' Advisory Council."

§ 38 c

Definition

A foreigner within the meaning of this Act is a person who does not have the nationality of a Member State of the European Union or is stateless.

§ 38 d

Membership

(1) The members of the Foreigners' Advisory Council work in an honorary capacity, but the municipal council may grant them attendance fees in an amount to be determined by it.

(2) A member of the Foreigners' Advisory Council loses his/her membership as soon as he/she loses his/her residence permit or main place of residence in the municipality, obtains the citizenship of an EU member state or a circumstance occurs that would justify a reason for excluding him/her from the election.

§ 38 e

Tasks and powers

(1) The Foreigners' Advisory Council represents the interests of the foreign residents of the municipality. It advises the municipality on all matters concerning foreign residents.

(2) The municipality shall inform the foreigners' advisory council of all matters of which knowledge is necessary for the performance of its duties.

(3) The municipality shall provide the Foreigners' Advisory Council with the necessary means and premises to fulfil its tasks.

(4) The Foreigners' Advisory Council shall submit an annual report to the municipal council on the situation of foreign citizens in the municipality.

(5) The Foreigners' Advisory Council shall hold information events at least once a year and in any case at the request of at least five out of 100 of those entitled to vote pursuant to section 87(1) of the Municipal Election Act 1960, LGBI. no. 6/1960, as amended. These shall serve to provide information and communication between the Foreigners' Advisory Council and the residents of the municipality.

§ 38 f

Rules of Procedure

The advisory council shall adopt its rules of procedure. These shall require the approval of the municipal council, which shall be refused if the rules of procedure do not comply with the spirit of this Act.

§ 38 g

Election

Article IV

The Act of 25 January 1960, LGBL. No. 6/1960, on the Election of Municipal Representatives for the Municipalities of the Province of Styria with the Exception of the Cities with their Own Statute (Municipal Election Act 1960), as last amended by LGBL. No. 43/1997, shall be amended as follows:

After the First Principal Part, a Second Principal Part shall be inserted:

"Second main part Election of the Foreigners' Advisory Council

Definition, size of the advisory board, election period

§ 84

(1) A foreigner within the meaning of this Act is anyone who is not a national of a Member State of the European Union or is stateless.

(2) In municipalities in which more than 1,000 foreigners have their main residence, a foreigners' advisory council shall be established to safeguard the interests of the foreign residents. In other municipalities, a foreigners' advisory council may be established by resolution of the municipal council. The number of foreigners registered in the municipality is determined by the reference date.

(3) The Foreigners' Advisory Council consists of five members in municipalities where more than 1000 foreigners have their main residence. In municipalities in which less than 1,000 foreigners have their main residence and a foreigners' advisory council is established on the basis of a resolution of the municipal council, it consists of three members.

(4) The members of the Foreigners' Advisory Council shall be elected on the basis of universal, equal, direct, secret and personal proportional representation. The eligible voters of each municipality shall form a single electoral body.

(5) The election of the foreigners' advisory council shall be held at the same time as the municipal council election and for the same election period.

Notice of elections

§ 85

(1) In the announcement of the elections to the municipal council pursuant to § 2, the elections to the foreigners' advisory council shall also be announced.

(2) The announcement of the election notice for the municipal council election pursuant to section 2 subsection 2 shall contain the following additional provisions for the election of the Foreigners' Advisory Council:

1. the number of members of the Foreigners' Advisory Council to be elected (section 84(3)),
2. the provisions on election proposals for the Foreigners' Advisory Council (section 91),
3. the legal provisions on the right to vote and stand for election to the Foreigners' Advisory Council (§ 87 and § 90),
4. the indication that the relevant information may be requested by any person entitled to vote in his or her own language,

5. the indication that for the election of the Foreigners' Advisory Council the same electoral districting applies as for the election of the municipal council (§ 89).

Electoral authorities

§ 86

The electoral authorities established on the occasion of the municipal elections are also appointed to manage and conduct the election of the Foreigners' Advisory Council.

Requirements for the right to vote

§ 87

- (1) All foreigners who have been resident in the country before the

The voting rights of voters who have reached the age of 18 by 1 January of the year of the election, are not excluded from the right to vote on the qualifying date and have their main residence in the municipality and are not nationals of a Member State of the European Union.

- (2) § 20 and § 21 shall apply mutatis mutandis.

Electoral rolls

§ 88

(1) The persons entitled to vote pursuant to section 87 shall be entered by the municipality in electoral rolls. The municipality shall be responsible for the establishment of the electoral rolls.

(2) The mayor as the registration authority shall provide the data required to register the persons entitled to vote.

(3) The municipality shall ensure that a person entitled to vote is not entered in the electoral roll for the municipal council election and in the electoral roll for the election of the foreigners' advisory council at the same time.

(4) The more detailed provisions are set out in the § Section 94 of the Ordinance to be enacted.

Place of exercise of the right to vote

§ 89

§ Section 37(1) shall apply

mutatis mutandis.

Prerequisite for eligibility

§ 90

All persons entitled to vote under section 87 who have reached the age of 19 before 1 January of the year of the election, have a valid residence permit on the reference date and have had their main residence in the municipality for at least six months are eligible for election to the Foreigners' Advisory Council.

Election proposal

§ 91

(1) Groups campaigning for election shall submit their election proposals to the municipal electoral authority by 1 p.m. on the 21st day before the election day at the latest. The electoral authority shall note on the nomination the day and time of its receipt.

(2) The nomination must be signed by at least ten persons entitled to vote pursuant to section 87. The

persons entitled to vote shall sign their consent and their

first names, year of birth and residential address. The municipal electoral authority shall not take note of a withdrawal of individual signatures after receipt of the nomination by the municipal electoral authority, unless it is shown to the satisfaction of the municipal electoral authority that a signatory of the nomination was induced to sign by a material error or by fraudulent deception or threat and that the withdrawal of the signature took place no later than 14 days before the election day.

(3) The election proposal must be a single, coherent submission and must contain:

1. the distinguishing electoral group designation in words and any abbreviated designation consisting of no more than five letters which may form one word;
2. the party list, i.e. a list of no more than twice as many candidates as there are councillors to be elected in the municipality, in the order requested, indicated by numbers, stating the surname and first name, year of birth, nationality, residence permit, occupation and address of the main residence in the municipality of each candidate;
3. the name of the representative authorised to accept service (surname and first name, profession, residential address);
4. the signatures of the persons entitled to vote required pursuant to para. 2.

(4) If no valid election proposal is submitted within the period referred to in subsection 1 or if all election proposals submitted are to be regarded as not having been submitted, the election shall be cancelled.

(5) The more detailed provisions are set out in the § Section 94 of the Ordinance to be enacted.

**Polling stations, voting time, nature
of polling stations, polling booth,
Ballot Box, Prohibition Zone,
Witnesses, Conducting the Election**

§ 92

(1) The polling stations designated under section 50 shall also apply to the election of the Foreigners' Advisory Council.

(2) For elections to the Foreigners' Advisory Council, each polling station must have its own ballot box as defined in the § 52 subsection 6 must be present.

(3) The more detailed provisions are set out in the § Section 94 of the Ordinance to be enacted.

Election envelopes, ballot papers

§ 93

(1) Opaque ballot paper envelopes are to be used for the election, which are different from the ballot paper envelopes used for the municipal council election.

(2) Section 66 shall apply mutatis mutandis to the production of the official ballot paper with the proviso that the ballot paper for the election of the Foreigners' Advisory Council shall be produced in a different colour than the ballot paper for the election to the Municipal Council.

(3) The more detailed provisions are set out in the § Section 94 of the Ordinance to be enacted.

Ordinance

§ 94

The Provincial Government shall, by decree, issue the detailed provisions on the election procedure, applying mutatis mutandis the First Principal Part, 2nd, 4th, 5th, 7th and 8th Sections, of this Act.

Investigation

§ 94 a

(1) The Provincial Government shall, by decree, regulate the detailed provisions on the investigation procedure, applying the provisions of Chapter One, Section 9, of this Act mutatis mutandis. In doing so, particular attention shall be paid to ensuring that the secrecy of the ballot is maintained.

(2) The investigation procedure shall be conducted by the municipal electoral authority."

Article V

This Act shall enter into force on the first day of the month following its promulgation, i.e. 1 September 1999.

Governor First Deputy Governor Klasnic
Schachner-Blazizek