

## Members of the European Parliament Elections Act<sup>1</sup>

### Part 1

#### *Electoral territory*

- 1.-(1) 13 Danish members are to be elected to the European Parliament.
- 2.-(1) Denmark constitutes a single electoral region in which all thirteen members are to be elected according to the principle of proportionality.
- (2) The voting and counting of votes take place in the same polling districts and nomination districts as for the elections to the Folketing.
- (3) No elections to the European Parliament are to be held in the Faroe Islands or in Greenland.

### Part 2

#### *Franchise and eligibility*

- 3.-(1) Franchise for the European Parliament is held by every person who on the day of the election
- (i) is entitled to vote as an elector at Folketing (parliamentary) elections,
  - (ii) is a Danish citizen, of voting age in Folketing elections, and is permanently resident in one of the other member states of the European Union, except where deprived of his legal capacity under a guardianship order, cf. section 6 of the Danish Guardianship Act, or
  - (iii) is a national of another member state of the European Union, is of voting age in Folketing elections and is permanently resident in Denmark or registered with the Protocol Department of the Ministry of Foreign Affairs, except where deprived of his legal capacity under a guardianship order, cf. section 6 of the Danish Guardianship Act.
- (2) Permanent residents of the Faroe Islands or Greenland are not entitled to vote in elections to the European Parliament.
- 4.-(1) No one shall exercise the right to vote except if included in the electoral register.
- 5.-(1) No voter may vote both in Denmark and in one of the other member states of the European Union at the same election of members to the European Parliament.
- (2) No person may stand as a candidate in the same election both in Denmark and in one of the other member states of the European Union. The election of a candidate having acted in contravention hereof is void, cf. section 37(3).
- 6.-(1) Any person who is entitled to vote under section 3(1) and who fulfils the franchise conditions at least four weeks before election day, except for the condition as to age, cf. however subsections (2) and (3), is eligible for the European Parliament.

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<sup>1</sup> This Act contains provisions that implement Council Directive 93/109/EC of 6 December 1993 as regards laying down the rules for the exercise of the right to vote and to stand as a candidate in elections to the European Parliament for citizens of the Union residing in a member state in which they are not nationals, OJ 1993 No. L 329, p. 34, and Council Directive 2013/1/EU of 20 December 2012 amending Directive 93/109/EC as regards certain detailed arrangements for the exercise of the right to stand as a candidate in elections to the European Parliament for citizens of the Union residing in a member state of which they are not nationals, OJ 2013 No. L 26, p. 27.

(2) Any person who has been punished for an act which by general standards makes that person unworthy of being a member of the European Parliament is not eligible, cf. section 37(3).

(3) Any person who is entitled to vote under section 3(1)(iii) but who, through an individual judicial decision or an administrative decision provided that the latter can be subject to judicial remedies, has been deprived of his eligibility for the European Parliament in the member state of which he is a national, is not eligible, cf. section 37(3).

(4) Any person may however always stand for an election despite any disqualifying claim pursuant to subsections (2) or (3).

7.-(1) No person may stand as a candidate without his or her consent.

8.-(1) The members are elected for five years. Their terms of office start and expire at times following the rules of the European Community for ordinary MEP direct elections.

9.-(1) The Minister for Economic Affairs and the Interior appoints the date on which the election is to be held based on the rules of the European Community in this respect.

(2) The Minister for Economic Affairs and the Interior announces the date on which the election is to be held in the Official Gazette.

### **Part 3**

#### *Parties entitled to participate in elections to the European Parliament*

10.-(1) Parties which in a parliamentary election held at least six weeks prior to election day have obtained membership of the Folketing, and which six weeks prior to election day continue to be represented therein and parties which at the most recently held European parliamentary elections have obtained membership of the European Parliament and which six weeks prior to election day continue to be represented therein are entitled to participate in elections to the European Parliament.

(2) Furthermore new parties which have registered with the Minister for Economic Affairs and the Interior according to the rules in section 11 are entitled to participate in elections to the European Parliament.

11.-(1) New parties wishing to participate in elections to the European Parliament must register with the Minister for Economic Affairs and the Interior by noon eight weeks before election day. The registration is to be accompanied by declarations from voters in a number corresponding to at least two per cent of all valid votes at the most recently held Folketing (parliamentary) election.

(2) Voters' declarations are to be stated on a form which has been approved in advance by the Franchise Board set up according to section 17 of the Folketing (Parliamentary) Elections Act. The approval remains valid for three years counting from the date of the approval. In connection with approval of the form the Franchise Board will decide whether the name of the new party can be approved, cf. section 12. Approval of the party name remains valid for the same term as approval of the form. An application for approval of a form regarding a new party whose name is non-approvable, cf. section 12, cannot be filed until 30 days before expiry of the period during which the name cannot be approved.

(3) The Franchise Board may extend approval of the form and party name by one year upon request, to be calculated from expiry of the previous approval if there is reason to believe that registration of the party will take place within the time of the extension. In special cases extension may be granted more than once. Any request for extension, apart from exceptional circumstances, must be received by the day the previous approval expires. If a request for extension of approval is received by the ultimate date of the previous approval, the approval shall be upheld until the validity of the request has been decided.

(4) If the party has not been registered within the stipulated time of approval for the party's voters' declaration form, including any extension allowed, cf subsections (2) and (3), the person in respect of which the voters' declaration form has been approved cannot apply for approval of a form carrying the same party name until one year after the previous approval has expired. However, this rule shall not apply if other persons are prevented from obtaining approval of the party name under section 12, cf. section 13 subsections (1)(ii) and (v) and subsection (2) of the Folketing (Parliamentary) Elections Act.

(5) The voters' declarations must, in order to be included, be duly completed, with distinct indication of the name of the voter, CRS number, permanent address, and be signed and dated by the voter in his or her own handwriting. The declarations must furthermore be furnished with a certificate from the municipality where the voter at the time of signing the declaration fulfils the conditions to be included in the electoral register, attesting to the fulfilment by the voter of the conditions of franchise for the European Parliament at the time of issuing the declaration. For voters entitled to vote only according to section 3(1)(ii), attestation that the voter fulfils the franchise conditions for the European Parliament is however to be provided by the appropriate Danish representation in the member state of residence of the community voter. No attestation shall take place where the voter is deceased after the declaration was issued.

(6) A voter's declaration shall however not be counted in if

- (i) it is made one year or earlier before registration of the party, cf. subsection (1), or
- (ii) it is made by a voter who has already made a declaration in respect of a party registered according to subsection (1).

(7) A registration of a party is valid until the next election to the European Parliament.

(8) The Minister for Economic Affairs and the Interior is to keep the voters' declarations for the validity of their registration before destructing them.

12.-(1) A new party cannot obtain approval of a name which is non-approvable under the rules of section 13, subsections (1) and (2) of the Folketing (Parliamentary) Act. The approval can be revoked under the rules of section 13(3) of the Folketing (Parliamentary) Act.

13.-(1) The Minister for Economic Affairs and the Interior assigns to the parties entitled to participate in European elections a letter designation which is to be used for listing the parties in ballot papers. In this assignment due consideration should be given to preserving the same letter designations of the parties as applied in previous elections if at all possible.

(2) The assigned letters are to be published in the Official Gazette in connection with the announcement of approved lists of candidates, cf. section 24(1).

#### **Part 4**

##### *Electoral registers and poll cards*

14.-(1) In years when elections of Danish MEPs are to be held, the local council prepares electoral registers of voters in the municipality. The local council may decide that an electronic electoral list shall be used for one or more or all polling districts.

(2) The same rule as for electoral registers laid down in the Folketing (Parliamentary) Elections Act applies to preparation of the electoral register and to entry on this register of any person holding a franchise under section 3(1)(i). For persons moving from or moving to the Faroe Islands or Greenland the same rules as for moving from or moving to another country apply.

(3) Persons holding a franchise under section 3(1)(ii) and who are not entered in the electoral register pursuant to subsection (2) are entered on a special electoral register in the municipality of the City of Copenhagen upon request. The Minister for Economic Affairs and the Interior may lay down rules for entry in the register and for preparation of the register.

(4) Any person entered in the electoral register pursuant to subsections (2) or (3) is deleted from the electoral register if the Minister for Economic Affairs and the Interior receives information

that the relevant person is included in the electoral register to vote in elections to the European Parliament in another member state of the European Union.

(5) The Minister for Economic Affairs and the Interior lays down the rules for deletion from the electoral register in accordance with subsection (4).

14a.-(1) Persons holding a franchise under section 3(1)(iii) are entered upon request, cf. however subsection (2), on the electoral register in the municipality in which they are registered with permanent residence in the national Civil Registration System (CRS). Persons holding a franchise under section 3(1)(iii) who are registered with the Protocol Department of the Ministry of Foreign Affairs are entered upon request, cf. however subsection (2), on the electoral register in the municipality in which they have their private address.

(2) Persons holding a franchise under section 3(1)(iii) are entered in the electoral register subject to similar rules as apply to persons holding a franchise under section 3(1)(i) and who are included in the national register if the relevant persons-

(i) were entered on the electoral register in Denmark at the most recently held election to the European Parliament,

(ii) have since then been permanently resident in Denmark without interruption or since without interruption have been registered with the Protocol Department of the Ministry of Foreign Affairs, and

(iii) have not requested to be deleted from the electoral register.

(3) Information is passed to the appropriate authority in the home member states of the relevant persons as to which persons are entered on the electoral register in pursuance of subsections (1) and (2).

(4) The Minister for Economic Affairs and the Interior lays down detailed rules for entry of persons holding a franchise under section 3(1)(iii) on the register and for giving information in pursuance of subsection (3). The Minister for Economic Affairs and the Interior furthermore lays down rules on the notification of taking up residence in another municipality and moving abroad for persons who hold a franchise according to section 3(1)(iii) and are registered with the Protocol Department of the Ministry of Foreign Affairs.

15.-(1) Prior to the poll, the local council sends out poll cards to voters included in the electoral register and listed in the national register or registered with the Protocol Department of the Ministry of Foreign Affairs. The local council shall nonetheless only issue poll cards upon request to voters who have no permanent place of residence, but who in accordance with the rules of the National Civil Registration Act are registered in the municipality as having vacated their former place of residence. The poll card must contain information about the name and address of the voter, his or her number in the electoral register and about the address of the polling station as well as the day and time of voting.

(2) The Minister for Economic Affairs and the Interior announces that poll cards will be sent out and publishes the day and time of voting in accordance with the rules of the Folketing (Parliamentary) Elections Act.

## **Part 5**

### *Election committees, polling supervisors and appointed electors*

16.-(1) Election committees, polling supervisors and appointed electors are elected in pursuance of the rules in Part 5 of the Folketing (Parliamentary) Elections Act prior to the election. The election committee is to be elected not later than four weeks prior to election day.

(2) No person standing as a candidate for the election is eligible as a member or substitute of an election committee.

17.-(1) The election committee procures poll cards and notices showing the lists of candidates standing for election and any registered coalitions. The election committee is furthermore in

charge of counting the votes in the nomination district to the extent specified in section 28(2) or (3).

## **Part 6**

### *Lists of candidates*

18.-(1) The parties entitled to participate in elections to the European Parliament may nominate candidates for the election.

(2) The candidates nominated for election are entered in lists of candidates.

19.-(1) Lists of candidates must be submitted to the Minister for Economic Affairs and the Interior by noon four weeks prior to election day. A list of candidates cannot be submitted until six weeks prior to election day at the earliest. Lists of candidates are to be submitted using a form approved by the Minister for Economic Affairs and the Interior.

(2) Each party is allowed only one list of candidates, and each list of candidates may include a maximum of 20 named candidates.

(3) The list of candidates must be signed or acceded by the respective candidates and must state their full name, CRS number, nationality, occupation and residential address. Instead of the CRS number, the date of birth must be stated for eligible candidates who hold a franchise according to section 3(1)(iii) and are registered with the Protocol Department of the Ministry of Foreign Affairs. If a candidate does not wish to appear on the ballot paper with his full name, it must be indicated how the name is desired to appear. The surname or middle name and at least one first name must always be stated. Only middle names and surnames which the candidate is entitled to bear under the Names Act, or middle names that have been registered in the national Civil Registration System (CRS) may appear on the ballot paper. A chosen name derived from the first name is allowed to be stated instead of the first name.

(4) The candidates are to be entered on the list of candidates in the order of appearance in which they wish to be stated on the ballot paper. The list of candidates is to contain information on whether the candidates are listed in a particular order (party list), cf. section 35, or whether they are listed in parallel, cf. section 34.

19a.-(1) If a national of another member state of the European Union appears in a list of candidates without also holding a Danish citizenship, a formal declaration using a form approved by the Minister for Economic Affairs and the Interior must be handed in together with the list of candidates, in which the candidate is to state

(i) his or her nationality, date of birth, place of birth, latest address in the home member state and his or her residential address in Denmark;

(ii) that he or she does not stand as a candidate in elections to the European Parliament in any other member states of the European Union;

(iii) in which electoral district or municipality the relevant person was most recently entered on the electoral register for elections to the European Parliament in his or her home member state and

(iv) that he or she has not been deprived of his or her eligibility in his or her home member state through an individual judicial decision or an administrative decision provided the latter can be subject to judicial remedies.

(2) Furthermore, at the time of the list of candidates being handed in, a certificate of eligibility from the appropriate authority in the relevant person's home member state must be handed in from which it appears that the relevant candidate has not been deprived of his eligibility in elections to the European Parliament in the home member state or that the authority has no knowledge as to such deprivation.

20.-(1) No person can stand as a candidate for more than one list of candidates. A candidate having signed or acceded to several lists of candidates is to be considered a candidate of none of the lists of candidates.

(2) A candidate cannot withdraw his or her candidature after the list of candidates has been handed in to the Minister for Economic Affairs and the Interior.

(3) A list of candidates already submitted may be recalled from the Minister for Economic Affairs and the Interior not later than noon four weeks prior to election day.

21.-(1) At the time of handing in the list of candidates, parties may register in respect of one another that the lists of candidates handed in are to form a coalition for election purposes. A form approved by the Minister for Economic Affairs and the Interior must be used for such registration.

22.-(1) Parties entitled and wishing to participate in elections to the European Parliament must no later than at handing in the list of candidates inform the Minister for Economic Affairs and the Interior of the authority within the party that holds the requisite competence to exercise the party's powers in connection with handing in and recalling lists of candidates and registrations of coalitions for election purposes. The specified authority is considered competent to the Minister for Economic Affairs and the Interior until further notice is issued by the party.

23.-(1) The Minister for Economic Affairs and the Interior checks whether the lists of candidates handed in on time fulfil the conditions stated in sections 19 and 19a. The Minister for Economic Affairs and the Interior furthermore checks whether the candidates qualify for approval or whether a candidate is to be deleted from the lists of candidates, cf. section 23a.

(2) Where a list of candidates does not meet the said conditions, or whether one or more of the candidates must be deleted from the list of candidates, the Minister for Economic Affairs and the Interior is to notify the authority of the relevant party as stated in section 22 accordingly. Within 24 hours of being notified the party may remedy any shortcomings or hand in a fresh list of candidates. The Minister for Economic Affairs and the Interior then decides whether the list of candidates is valid and which candidates qualify for approval, cf. however subsection (3).

(3) If a list of candidates that has been handed in on time carries the name of a candidate who is a national of another member state of the European Union, the Minister for Economic Affairs and the Interior sends the declaration specified in section 19a(1) to the competent administrative authority of the home member state in order to obtain information held in the home member state regarding the eligibility of the candidate concerned.

(4) If the Minister for Economic Affairs and the Interior receives information from the competent administrative authority in the home member state that invalidates a declaration of eligibility made by a candidate who is a national of another member state of the European Union and who appears on a list of candidates to stand in elections to the European Parliament in Denmark, cf. subsection (3), cf. section 19a(1)(iv), the information cannot however render the list of candidates void or cause the candidate concerned to be deleted from the list of candidates, cf. section 6(4).

(5) The decisions of the Minister for Economic Affairs and the Interior pursuant to subsection (2) are notified to the authority of the relevant party specified in section 22.

(6) Where in a list of candidates a candidate is a national of one of the other member states of the European Union without also holding a Danish citizenship, the Minister for Economic Affairs and the Interior is to notify the relevant person whether his or her candidature is approved or not. Furthermore, the Minister for Economic Affairs and the Interior is to inform the candidate's home member state if he is approved to stand as a candidate in elections in Denmark.

23a.-(1) Any candidate that does not fulfil the conditions of eligibility as specified in section 6(1) is to be deleted from the list of candidates.

(2) Any candidate having signed or acceded to several lists of candidates, cf. section 20(1), is to be deleted from the list of candidates.

24.-(1) The Minister for Economic Affairs and the Interior publishes the lists of candidates approved, their assigned letter designations and the lists of candidates having formed a coalition for election purposes in the Official Gazette.

(2) The Minister for Economic Affairs and the Interior advises the election committees of the approved lists of candidates, their assigned letter designations, any coalition registered for election purposes and how and in which order the names of the candidates are to appear on the ballot papers.

(3) The Minister for Economic Affairs and the Interior decides the detailed rules of the procurement, content and design of the ballot papers.

## **Part 7**

### *Voting on election day*

25.-(1) Voting takes place on election day according to the rules of Part 7 in the Folketing (Parliamentary) Elections Act, except for the derogations that follow from no candidate being allowed to stand on a non-party basis, cf. however subsection (2) and (3).

(2) On application a voter may cast his vote on election day at a different polling station in his residential municipality from the one to which the voter is affiliated according to the electoral register, cf. section 14, if a voter's disability or poor health justifies the change in polling station. Section 47a(2)-(4) of the Folketing (Parliamentary) Elections Act shall apply accordingly, with changes as required by the nature of the election. An application may not be submitted, however, until four weeks prior to the election day.

(3) The Minister for Economic Affairs and the Interior may lay down rules of no voting by personal appearance at the polling station on election day for voters holding a franchise under section 3(1)(ii).

(4) A candidate may not render assistance in voting as polling supervisor or appointed elector.

## **Part 8**

### *Advance voting*

26.-(1) In elections to the European Parliament advance voting is allowed under the rules in Part 8 of the Folketing (Parliamentary) Elections Act, cf. however subsections (2) and (3).

(2) In Denmark advance voting can take place at the designated place or places in the municipalities where any voter can vote in advance within the last three months prior to election day, however not later than on the last weekday but one preceding election day. In the Faroe Islands, in Greenland, in foreign countries, in Danish ships in foreign trade and in Danish off-shore installations outside Danish territory advance voting can take place within the last three months prior to election day.

(3) The Minister for Economic Affairs and the Interior may lay down rules for voters enfranchised in pursuance of section 3(1)(ii) that they may vote in advance only at defined Danish diplomatic or consular representations.

(4) The advance voting material comprises a ballot paper, an envelope, a covering letter and a cover. The Minister for Economic Affairs and the Interior decides the specific content and design of the advance voting material. The Minister for Economic Affairs and the Interior procures the advance voting material. The Minister for Economic Affairs and the Interior can decide that covering letters and the covers provided by the local council may serve as covering letters and covers provided by the Minister for Economic Affairs and the Interior.

(5) A candidate may not render assistance in voting as vote receiver.

(6) Advance voting procedures and reception and control of advance votes are subject to the rules of Part 8 of the Folketing (Parliamentary) Elections Act.

## **Part 9**

*Reception and control of advance votes*

27.-(1) When the voting is over the polling supervisors are to make sure that the non-distributed ballot papers and the ballot papers returned in substitution are counted and bound in separate packages.

(2) Unless counting of the votes takes place on the same day as the voting, cf. section 28, the polling supervisors must furthermore make sure that the ballots put into the ballot boxes are removed for instant packaging. The ballots so removed must neither be sorted nor counted. The packages are to be sealed and kept and duly safeguarded by the local council until the counting of votes begins. The local council can decide that the ballots cast be kept in the ballot boxes being used until the counting of votes begins.

28.-(1) The Minister for Economic Affairs and the Interior states when the votes are to be counted. Vote counting is public. The count establishes how many votes were cast in the poll for each list of candidates and how many of these were cast for each individual candidate.

(2) If the votes are counted on polling day, the count takes place at the respective polling stations, the result of the poll is reported, the final tabulation of the result of the poll in the nomination district takes place (the recount), the election records are signed and the voting material is packaged pursuant to the rules of Part 9 of the Folketing (Parliamentary) Elections Act with the derogations following from sections 29 and 30.

(3) If the count does not take place on polling day, the election committee is in charge of the vote count for the nomination district as one. The electoral committee decides where the count is to take place. The local council makes sure that the electoral registers and polling cards as well as the ballot papers and the advance voting material are at hand at the votes are counted.

(4) No candidate standing for a list of candidates is allowed to participate in counting the number of votes cast for the list of candidates concerned. No candidate standing for a list of candidates is allowed to participate in the tabulation of votes cast for the list of candidates concerned reflecting the distribution between personal votes for each individual candidate and list coalition votes, cf. section 30(1).

(5) The Minister for Economic Affairs and the Interior lays down the detailed rules for implementation of the vote counting procedure.

29.-(1) A ballot paper cast at the polling station is invalid if-

- (i) it is blank;
- (ii) the voter's vote on the ballot paper is not marked with a cross, cf. section 48(1)(ii) in the Folketing (Parliamentary) Elections Act;
- (iii) it cannot be definitely decided which of the list of candidates the voter intended to vote for;
- (iv) the ballot paper must be assumed not to have been handed out at the polling station; or
- (v) the ballot paper has been given a special mark of identification.

(2) An advance ballot paper is invalid if-

- (i) it is blank;
- (ii) it cannot be definitely decided which of the candidates or which list of candidates the voter intended to vote for;
- (iii) an envelope contains something else or more than one ballot paper;
- (iv) the ballot paper is assumed not to have been procured by the Minister for Economic Affairs and the Interior; or
- (v) the ballot paper has been given a special mark of identification.

(3) Following presentation to the Parliamentary Election Scrutiny Committee, the Minister for Economic Affairs and the Interior may lay down detailed rules for assessment of ballot papers, including advance ballot papers.

30.-(1) Counting of how many votes were cast for each candidate in the list of candidates (personal votes) and how many votes were otherwise cast for the list of candidates (list votes) are subject to the following rules-

(i) If the voter has put a cross against the name of a candidate, or against both the name of a candidate and the name of the party in the list of candidates to which the candidate is affiliated, the vote shall be deemed to have been cast in favour of such candidate (personal vote). Similar rules shall apply if, on the advance ballot paper, the voter has indicated the name of a candidate or both the name of a candidate and the name or letter designation of the list of candidates for which the candidate stands.

(ii) If the voter has put a cross against the name of a party or against the names of several candidates, or has placed a cross across the entire field of the list of candidates or in any other way has cross marked the ballot paper to the effect that there is doubt as to which of the candidates in the list of candidates the voter intended to give his vote, the vote is deemed to have been cast in favour of the list of candidates (list vote). Similar rules apply if, on the advance ballot paper, the voter has indicated the party name or the letter designation of a list of candidates or the names of several candidates appearing on the same list of candidates.

(2) The vote count specified in subsection (1) is established for each polling district and the nomination district as a whole.

(3) The vote count result specified in subsection (1) for the nomination district as a whole is entered in the election records and announced to those present. The vote count result specified in subsection (1) for each polling district forms an attachment to the election records.

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

## **Part 10**

### *Tabulation of the election*

31.-(1) After receiving the certified copies of all election records, the Minister for Economic Affairs and the Interior works out the overall tabulation of the election on this basis.

### *Allocation of seats to lists of candidates*

32.-(1) The votes falling to each list of candidates of all nomination districts taken together are added up list by list. For registered coalitions votes are also added up for such coalition lists of candidates.

(2) The aggregate number of votes cast for each coalition and the number of votes cast for each list of candidates not having entered into a coalition are divided by 1, 2, 3 etc. until such divisional operations equivalent to the maximum number of seats expected to be allocated to the coalition or the list of candidates have been made. The coalition or the list of candidates that receives the highest resulting quotients qualifies for the first seat. The second highest quotient is entitled to the second seat and so on and so forth, until all seats have been allocated. Any equality of two or more quotients is to be settled by drawing lots.

(3) The number of seats allocated to a coalition are to be divided among the lists of candidates constituting the coalition according to the procedure specified in subsection (2).

(4) If a list of candidates is allocated more seats than there are candidates in the list of candidates, these excess seats are to fall to the list with which the exhausted list has entered into a coalition. If the exhausted list has not entered into a coalition with other lists, or if these lists are also exhausted, the seats are to be allocated to non-exhausted lists and coalitions in the order of priority of their entitlement to further seats according to the rules in subsections (2) and (3).

*Selection of candidates*

33.-(1) The personal votes of the candidates and of the number of list votes, cf. section 30(1) and (2) are added up to establish which of the candidates in a list of candidates have been elected.

(2) The number of personal votes cast for each candidate and the number of list votes cast for each list of candidates are added up for all nomination districts taken together.

34.-(1) If the candidates are standing in parallel, cf. section 19(4), the seats of the list of candidates are allocated to the candidates by order of their number of personal votes. Any equality of votes is to be settled by drawing lots.

(2) A list of non-elected candidates (list of substitutes) shall be prepared for each list by order of their number of personal votes.

35.-(1) If the candidates are standing in a special order (party list), cf. section 19(4), the election of candidates is established as follows-

(i) The total number of votes of the list of candidates, cf. section 32(1)(i), are divided by a figure which is the number of seats allocated to the list of candidates increased by one. The resulting figure is increased, even if an integer, to the nearest integer. This figure is hence the distribution figure of the list of candidates,

(ii) Candidates having obtained a personal vote equivalent to or higher than the distribution figure are elected,

(iii) Candidates having obtained fewer personal votes than the distribution figure are allocated, in order of appearance on the list of candidates and until the list votes are exhausted, such a number of list votes that the total sum of personal votes and list votes constitutes the distribution figure. Candidates obtaining a number of votes equal to the distribution figure calculated in this way are elected,

(iv) where this is insufficient to fill the seats allocated to the list of candidates, the other candidates are elected in the order of the number of votes obtained (personal votes and list votes taken together). If two or more candidates have obtained the same number of votes the candidate(s) heading the party list is/are the one(s) elected.

(2) Candidates elected pursuant to subsection (1)(ii) and (iii) are elected in the order of appearance on the party list.

(3) A list (list of substitutes) of non-elected candidates is prepared for each list by order of their number of personal votes (personal votes and allocated list votes).

36.-(1) The Minister for Economic Affairs and the Interior subsequently sends to the Folketing-

(i) Copies of the election records,

(ii) Computations of the allocations of seats, cf. section 32,

(iii) Tabulations that establish which candidates have been elected, cf. sections 34-35,

(iv) Lists of non-elected candidates, cf. sections 34(2) and 35(3).

(2) If a national of another member state of the European Union has been standing as a candidate in the election without also holding a Danish citizenship, the Minister for Economic Affairs and the Interior is to send to the Folketing the formal declaration and any information received from the competent administrative authority in the candidate's home member state regarding the candidate's eligibility according to the procedure in section 23(3). If the competent administrative authority in the candidate's home member state has not provided information regarding the candidate's eligibility, the Minister for Economic Affairs and the Interior shall notify the Folketing accordingly.

(3) If the Minister for Economic Affairs and the Interior receives information that a candidate who was standing in the elections in Denmark has also been standing in the election in one of the other member states of the European Union, the Minister for Economic Affairs and the Interior is to notify the Folketing accordingly.

## Part 11

### *Parliamentary approval of the election*

37.-(1) The Folketing decides finally and conclusively whether to approve the Ministry for Welfare's computations and tabulations or whether to arrange for new computations and tabulations. The Folketing may furthermore order the Minister for Economic Affairs and the Interior to obtain voting material, etc. on behalf of the Folketing.

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

(3) Any doubts being raised about the validity of the election of a member, cf. section 5(2), or about the eligibility of a member, cf. section 6, is to be settled by Folketing decision which shall be final and conclusive.

38.-(1) Any voter may complain of elections to the European Parliament. Complaints are to be addressed to the Folketing and forwarded to the Minister for Economic Affairs and the Interior. Complaints must be received by the Minister for Economic Affairs and the Interior not later than on the weekday after election day. In complaints about the election the Folketing's decision shall be final and conclusive.

39.-(1) In case that the Folketing decides that the poll is invalid or partly invalid, the Folketing decides finally and conclusively on the extent of and procedure for a re-election.

40.-(1) The Folketing notifies the European Parliament of the election results with a view to scrutinising the seats according to the rules of the European Community thereon.

41.-(1) Any doubts being raised during the member's term of office regarding the validity of his election, cf. section 5(2) or whether a member has been deprived of his eligibility, cf. section 6, is to be settled by Folketing decision which shall be final and conclusive.

42.-(1) The office of member of the European Parliament is irreconcilable with the office of

- (i) a member of the government,
- (ii) a member of the Folketing
- (iii) a member of the European Commission,
- (iv) a judge, Advocate-General or registrar at the European Court of Justice or the Court of the First Instance
- (v) a member of the management board of the European Central Bank,
- (vi) a member of the European Court of Auditors,
- (vii) the European Ombudsman,
- (viii) a member of the the Economic and Social Committee under the European Community or the European Atomic Energy Community,
- (ix) a member of committees or bodies set up under the treaties establishing the European Community and the European Atomic Energy Community with a view to administering the funds of the Communities or being engaged in the permanent performance of direct administration,
- (x) a member of the boards of directors or management of the European Investment Bank, or an employee of same, or
- (xi) a public servant or other employee of the institutions of the European Communities or associated specialised bodies or organisations or in the European Central Bank in active duty.

(2) A member having exited the European Parliament on account of an office under subsection (1) may upon termination of the office have his or her name entered on the list of substitutes in question by order of his or her number of votes.

43.-(1) If a member's seat in the European Parliament is vacant, the nearest entitled candidate according to the list of substitutes, cf. sections 34(2) and 35(3) takes his or her seat. The rules of sections 32(4), 37(3) and 40 apply correspondingly.

## Part 12

### *Other provisions*

44.-(1) The election records, poll books, electoral registers, poll cards, ballot papers and other voting material which the election committee or the local council has received shall be kept in safe custody or be destroyed as prescribed by the rules of section 104 of the Folketing (Parliamentary) Elections Act.

45.-(1) Expenses in connection with elections to the European Parliament are defrayed as prescribed in the rules in section 105 of the Folketing (Parliamentary) Elections Act.

46.-(1) Unless the offence carries a higher penalty according to other legislation, any person violating the following sections is punishable by a fine or detention for a term of not more than four months

(i) section 25(1) cf. section 51 of the Folketing (Parliamentary) Elections Act, or  
(ii) section 26(1) cf. section 59(2) and section 62 of the Folketing (Parliamentary) Elections Act.

(2) Punishment by a fine for violation of the provisions of the rules may be laid down in rules issued in pursuance of the law.

(3) Sections 116 and 117 of the Criminal Code equally apply to elections to the European Parliament.

47.-(1) Any person voting or standing as candidate both in the elections in Denmark and in one of the other member states of the European Union is punishable by a fine unless the offence carries a higher penalty pursuant to other legislation.

47a.-(1) If a Danish citizen who is permanently resident in another member state of the European Union in connection with applying for entry on the election register in the election to the European Parliament in the resident country has made a declaration that he or she has not been deprived of his or her entitlement to vote in Denmark, the Minister for Economic Affairs and the Interior is to confirm or deny such a declaration to the resident country as requested.

(2) If a Danish citizen who is permanently residing in another member state of the European Union in connection with standing as a candidate in elections to the European Parliament in the member state of residence has made a declaration that he has not been deprived of his right to stand in elections to the European Parliament in Denmark, the Minister for Economic Affairs and the Interior, on receiving a notification from the competent administrative authority in the member state of residence, provides information regarding the eligibility of the person concerned to stand as a candidate in elections to the European Parliament in Denmark, cf. subsections (3) and (4). Information is submitted to the competent administrative authority in the member state of residence within five working days from the reception of the notification or, where possible, within a shorter time-limit if so requested by the competent administrative authority in the member state of residence.

(3) If the Danish citizen concerned is under a guardianship order depriving him of his legal capacity, cf. section 6 of the Guardianship Act, the Minister for Economic Affairs and the Interior notifies the competent administrative authority in the member state of residence that the person concerned is not eligible to stand as a candidate in elections to the European Parliament in Denmark.

(4) If the Danish citizen concerned is not under a guardianship order depriving him of his legal capacity, cf. section 6 of the Guardianship Act, the Minister for Economic Affairs and the Interior informs the competent administrative authority in the member state of residence that

the Minister for Economic Affairs and the Interior has no knowledge of the person concerned having been deprived of his eligibility to stand as a candidate in elections to the European Parliament in Denmark. If the Folketing has previously decided that the person concerned is not eligible to stand as a candidate in elections to the European Parliament, cf. section 6(2), the Minister for Economic Affairs and the Interior notifies the competent administrative authority in the member state of residence accordingly.

### **Part 13**

#### *Commencement and amendment provisions*

49.-(1) This Act shall enter into force on 1 January 1989.

(2) This Act cancels the Danish Representatives to the European Parliament (The Assembly of the European Communities) Elections Act, cf. Consolidated Act No. 309 of 22 June 1983.

(3) The rules and regulations issued in pursuance of the Danish Representatives to the European Parliament Elections Act, cf. Consolidation Act. No. 309 of 22 June 1983 as amended by Act No. 159 of 11 April 1984 shall remain in force until repealed or replaced by rules issued in pursuance of this Act.

50.-(1) (Omitted)

*Ministry for Economic Affairs and the Interior, 10 April 2014*

By order

HANS B. THOMSEN

/Nicoline Nyholm Miller