

# **Local Government Elections Act, No. 5/1998, with subsequent amendments**

## **CHAPTER I**

### **Election day**

#### **Article 1**

General municipal elections shall take place on the last Saturday in May which is not a Saturday before Whitsun.

The Ministry of Social Affairs shall advertise when general regular municipal elections shall take place.

The electoral term of municipal councils is four years.

## **CHAPTER II**

### **Voting rights and eligibility to stand for election**

#### **Article 2**

Every Icelandic national who has reached the age of 18 years when an election takes place and who is legally domiciled in the municipality is entitled to vote in municipal elections.

Where the provisions of Article 9 of the Act on Legal Domicile, No. 21/1990, apply to an individual's situation, he/she is not deemed to be disenfranchised despite having notified a change of residence in accordance with the Nordic Agreement on National Registration, provided the requirements of the first paragraph are satisfied in other respects.

Furthermore, Danish, Finnish, Norwegian and Swedish nationals, who have been legally domiciled in Iceland without interruption for a continuous three-year period preceding election day, [and other foreign nationals who have been legally domiciled in Iceland for a continuous five-year period preceding election day,]<sup>1)</sup> shall be entitled to vote, provided they satisfy in other respects the requirements of the first paragraph.

*1) Act No. 27/2002, Art. 1.*

#### **Article 3**

Any person who is eligible to vote in a municipality, as provided for in Article 2, and who has not been deprived of legal competence shall be eligible to stand for election to a municipal council.

## **CHAPTER III**

### **Register of electors**

#### **Article 4**

Municipal councils shall compile registers of electors for municipal elections based on the core registers of electors provided to them by [The National Registry.]<sup>1)</sup>

*1) Act No. 50/2006, Article 18.*

#### **Article 5**

Persons satisfying the requirements of Article 2, who were registered as legally domiciled in the municipality in accordance with the residents' register of the National Registry three weeks before election day, shall be entered into the register of electors.

#### **Article 6**

The register of electors shall be kept on forms provided by [The National Registry]<sup>1)</sup> for the purpose, following precisely the directions which it has printed on them.

*1) Act No. 50/2006, Article 18.*

#### **Article 7**

Once the register of electors has been compiled [...] it must be signed by the leader of the municipal council or the municipal administrator.

<sup>1)</sup> *Act No. 27/2002, Art. 2.*

#### Article 8

The Ministry of Social Affairs must, no later than 12 days prior to election day, broadcast on the radio and publish in daily newspapers an advertisement concerning the presentation of registers of electors for inspection. The advertisement must indicate where objections shall be submitted and the time limit for objections.

#### Article 9

A register of electors must be available for public inspection at the offices of the municipal council or other suitable location no later than ten days prior to election day.

A municipal council must advertise where the register of electors is available at each location in the manner customary there for publishing official notices.

Once the register of electors has been presented it shall be available to the public during normal office working hours until election day. A certified copy of the register of electors may be used as the one made available to the public.

#### Article 10

A municipal council must immediately examine any objections it receives concerning the register of electors and make appropriate corrections to it. Such corrections may be made up until the day of the election.

A register of electors may not be altered if notification of a new legal domicile has not reached the National Registry prior to the time stipulated in Article 5.

Furthermore, a municipal council shall correct a register of electors up until the day of the election if it receives information of a death or that a person has acquired or, as the case may be, been deprived of Icelandic [...] nationality.

<sup>1)</sup> *Act No. 27/2002, Art. 3.*

#### Article 11

A municipal council must immediately notify the person concerned of corrections to the register of electors as provided for in Article 10 as well as any municipality which may be affected.

A municipal council must, in addition, notify the election board concerned of corrections to the register of electors.

#### Article 12

In the event that a register of electors has not been compiled or presented within the prescribed time limit, or the provisions of this Act have not been complied with in this respect, the District Commissioner shall, immediately upon becoming aware of such, take the necessary measures to have the register compiled without delay and rectify any failure to comply with the law.

### CHAPTER IV Polling sections

#### Article 13

Each municipality shall be one polling section, unless the municipal council has decided to divide it into more than one polling section.

Polling sections shall as a rule be identified by their polling station or numbered to distinguish them from each other.

### CHAPTER V Election boards and election preparations

#### Article 14

Each newly elected municipal council shall elect, when first convened, a presiding election board for a four-year term. Presiding election boards must at all times be prepared to present

themselves without prior notice at meetings on election day to take decisions and rule on election issues if necessary.

In municipalities divided into several polling sections, as many subordinate election boards shall be elected as there are polling sections. Where more than one polling section is served by a single polling station, a district election board shall be elected to supervise election activities at the polling station on behalf of the presiding election board.

Subordinate and district election boards may be elected at a later date than that provided for in the first paragraph.

Each election board shall be comprised of three regular members and three alternates, all of whom must be entitled to vote in the municipality. An election board shall choose its own chairman and secretary from among its members.

In carrying out their duties, election boards make decisions independent of the authority of the municipal council.

In a municipality which is not divided into a number of polling sections a single election board shall serve as the presiding and subordinate election board.

A municipal council may decide that the same election board shall direct municipal and Alpingi (national parliamentary) elections.

[A presiding election board must, with sufficient notice prior to elections, advertise its seat, where it can receive lists of candidates and where it will be present while the elections take place.]<sup>1)</sup>

<sup>1)</sup> Act No. 27/2002, Art. 4.

#### Article 15

All election boards must keep records of their actions and record actions taken.

The presiding election boards shall record the receipt of candidacies, the distribution and receipt of ballots and absentee votes, all types of rulings issued, counting of votes, results of the elections and other similar items. Subordinate election boards shall record all items provided for in this Act or which are of significance for the election procedures.

Municipal councils shall provide the presiding election boards with record books. Presiding election boards shall provide their subordinate and district election boards with record books, unless those election boards are provided with special forms in lieu of record books.

#### Article 16

Any person sitting on an election board must request a replacement if he/she is a candidate for a municipal council in restricted elections by proportional representation.

A member of an election board must also request a replacement when a ruling is to be issued on a matter concerning his/her spouse or other person who is a relation by blood or marriage in a direct line or at one lateral remove, or to whom he/she is related in a similar manner as the result of adoption.

#### Article 17

Alternates shall sit as members of electoral boards in the absence of regular members in accordance with the usual rules when their elections are by proportional representation or otherwise in accordance with the order in which they were elected. Should any election board not be fully manned in this manner, the board itself must summon an individual or individuals to fill the required number.

All citizens are obliged to serve if elected to an election board.

### CHAPTER VI Candidacy and agents

#### Article 18

Anyone who is eligible for election, of sound mind and body, and younger than 65 years of age is obliged to serve if elected to a municipal council. No person's name may, however, be placed on a list of candidates without his/her written permission.

A person who has served on a municipal council for one electoral term or longer is not obliged to serve until an amount of time equal to his/her last continuous term of service has elapsed, provided he/she notifies the presiding election board of refusal to be eligible for re-election prior to the expiry of the time limit for notification of candidacy.

#### Article 19

Representatives of municipal councils shall be elected by secret ballot in general elections which may be arranged in one of two ways:

- a. restricted elections by proportional representation, where elections are limited to candidates on electoral lists and representatives on each list are elected in proportion to the quantity of votes cast for the list;
- b. unrestricted elections, where an election is not limited to declared candidates but rather all electors are eligible for election with the exception of those legally exempt from the obligation to serve and who have declared their refusal to serve prior to the election.

#### Article 20

Municipal elections shall as a rule be by restricted proportional representation.

In the event that no list of candidates is submitted prior to the expiry of the time limit for notification of candidacy, or if so few names are on lists of candidates that the municipal council will not be fully manned through restricted elections, the elections shall then be unrestricted.

#### Article 21

When municipal elections are to take place all candidacies must be notified in writing to the presiding election board no later than 12 o'clock noon on the date when three weeks remain until election day.

Care shall be taken to ensure that all candidacies specify clearly a candidate's full name, identification number, position and place of residence, in order that there can be no confusion as to who are standing for election.

#### Article 22

A list of candidates must be accompanied by a written declaration by all persons on the list that they have authorised the inclusion of their name on the list. A list of candidates must also be accompanied by a written declaration of support for the list from electors in the municipality concerned. [The name, identification number and address of each supporter shall be specified.]<sup>1)</sup> Each elector may only declare support for a single list in each election. [No supporters are required in municipalities with 100 residents or less.]<sup>1)</sup>

The minimum number of supporters as provided for in the first paragraph shall be as follows:

- a. in a municipality with [101-500 residents]<sup>1)</sup>, 10 supporters;
- b. in a municipality with 501-2000 residents, 20 supporters;
- c. in a municipality with 2,001-10,000 residents, 40 supporters;
- d. in a municipality with 10,001-50,000 residents, 80 supporters;
- e. in a municipality with over 50,000 residents, 160 supporters.

The maximum number of supporters shall be double the required minimum number of supporters.

[A candidate can withdraw his/her consent to stand for election up until the time limit for submitting lists of candidates expires.

An elector, who has supported a list of candidates, cannot revoke his/her declaration of support after the list of candidates has been submitted to the presiding election board.]<sup>1)</sup>

<sup>1)</sup> Act No. 27/2002, Art. 5.

#### Article 23

Each list of candidates sent to a presiding election board must be accompanied by a written notification from the candidates on the list of two persons who shall be the list's agents. If no

agents are specified for a list or an agent is detained by urgent matters, any of the candidates for a regular councillor's seat may serve as its agents. These agents shall safeguard the interests of those lists they represent when the lists are examined and ruled upon. They shall provide information concerning the lists at the request of the presiding election board. They may themselves be present, or appoint others to attend in their stead, when elections take place at the individual polling stations and at the vote counting. Agents are obliged to abide by the rules of procedure adopted by election boards.

#### Article 24

Once the time limit set for declaring candidacy has expired the presiding election board shall meet on the following day, giving the agents for candidate lists the opportunity to be present at the meeting. If defects are discovered in candidate lists the agents concerned shall be given the opportunity to rectify the defects and may be given a time limit in which to do so to the extent that time and circumstances permit. Should the defects pointed out by the presiding election board not be rectified within the prescribed time limit, the board shall issue a ruling as to whether the list shall be declared invalid as a result. Should the members of the presiding election board disagree on the ruling the majority of votes shall decide the question.

#### Article 25

The presiding election board shall decide questions of eligibility for election. Its rulings may be referred to the municipal council. A ruling by the municipal council may be appealed in the same manner as is provided for in Article 93 if such a ruling results in the loss of eligibility of a prospective representative.

#### Article 26

A list of candidates in a municipality must include at least as many names of candidates as are to be elected as councillors on the municipal council in each instance, and never more than double this number. If a presiding election board receives a list with more names than are prescribed it shall remove from the bottom of the list the names exceeding the prescribed number.

No person may be a candidate on more than one list in the same municipal election.

#### Article 27

In the event that the presiding election board receives a list including the name of a person without the accompanying written consent of this person, or if a person has given written permission for his/her name to appear on more than one list, the presiding election board shall remove this name from the list or lists respectively.

[In the event that the presiding election board receives lists of supporters where the same elector has supported more than one list of candidates, the elector shall not be deemed to be a supporter of any of them.]<sup>1)</sup>

<sup>1)</sup> *Act No. 27/2002, Art. 6*

#### Article 28

In the event that a list of candidates is ruled to be invalid, a copy of the ruling shall be delivered immediately to the agent or agents concerned together with a copy of the list which has been declared invalid.

#### Article 29

In the event that only one list of candidates is submitted, the presiding election board shall extend the time limit by 48 hours. Should no new list of candidates be submitted by the time this time limit expires, the list submitted will be elected unopposed.

#### Article 30

In the event that a candidate should die before the elections take place, but after the time limit for declaring candidacy has expired or within 72 hours prior to the expiry of the time

limit for declaring candidacy, another person may be substituted for the deceased on the list within one week if at least one-half of those persons supporting a list of candidates so demand, provided that other general requirements for candidacy are satisfied.

#### Article 31

Once the presiding election board has ruled on a list of candidates it shall mark the list of candidates, having regard for the list of the Ministry of Justice of list letters of the political organisations presenting lists in the last Alpingi elections.

If candidate lists are not presented by political parties the election board shall mark them in alphabetical order according to the order in which it received them or in agreement with the lists' agents.

#### Article 32

Once the presiding election board has ruled on the candidacies it shall make them known to the public with an advertisement published at each location in the manner customary there for publishing official notices.

The advertisement shall indicate the letter of the candidate list and names of the candidates on each list in their proper order.

In the event that unrestricted elections are held, the time limit for declaring candidacy is extended as provided for in Article 29, or a person refuses re-election as provided for in Article 18, the presiding election board shall then advertise this in the same manner as candidacies.

#### Article 33

If a candidate is deceased and another is standing for election in his/her stead, in accordance with the authorisation and satisfying the requirements of Article 30, the presiding election board concerned shall publish the list thus amended in an advertisement published at each location in the manner customary there for publishing official notices.

### CHAPTER VII

#### **Election documents**

#### Article 34

The Act on Elections to the Alpingi shall apply concerning election documents used in absentee voting, their composition and handling.

#### Article 35

The presiding election board shall have the ballots prepared which are to be used in casting votes at polling stations.

#### Article 36

Ballots used for casting votes at a polling station must be of durable paper through which printed or written text cannot be distinguished [at least 125 g/m<sup>2</sup> in weight]<sup>1)</sup>. The colour of the ballots shall be changed for each municipal election.

<sup>1)</sup> Act No. 27/2002, Art. 7.

#### Article 37

A heading at the top of a ballot must specify that it concerns municipal elections in a specific municipality, their date and year.

Where restricted proportional elections take place, the candidate lists shall be printed side by side in a row in the order of their letters, with each list allowed a space about 6 cm in width and a length depending upon the full legal number of candidates. Under the letter of each list, which must be large and clearly legible and stand above the middle of the list, the names of the candidates shall be listed in the correct order, together with their position and residence if considered necessary for purposes of identification. The lists shall be separated by bold vertical lines and a space of at least ½ cm in front of the names on each list.

Indication shall be given for each list as to what political or other organisation it represents by printing, in clear type below the list letter and above the names on the list: **List ...** (name of the political or other organisation).

#### Article 38

If elections are unrestricted the ballot shall be divided into two parts. The upper part of the ballot shall be used for names and addresses of regular councillors and the lower part for names and addresses of alternates. The lower part of the ballot shall have a column of numbers corresponding to the number of councillors to be elected.

#### Article 39

Ballots must be folded with the unprinted side facing outward.

No more ballots shall be prepared than are necessary, in the opinion of the presiding election board; the board shall avoid allowing unauthorised persons to see the ballots before it delivers them.

#### Article 40

Ballots must be completed and ready no later than seven days prior to election day and the presiding election board must then deliver, in a secure manner, to each subordinate election board as many ballots as there are electors on the register of electors in its polling section and extra ballots amounting to at least 10% of that number.

The ballots must be delivered in durable packaging, adequately sealed by the presiding election board so that the packaging cannot be opened and ballots obtained without the seal being broken.

The presiding election board must account for any ballots which are not delivered to subordinate election boards when the votes are counted.

#### Article 41

The same ballot boxes shall as a rule be used as are used for elections to the Alþingi. District commissioners or their representatives shall have custody of the ballot boxes between elections and see to it that they are available in good time where they are needed for elections. All the boxes shall be of the same type, no less than 31.5 cm in length, 21 cm in width and 15.7 cm in height, with a hinged cover and secure lock. There shall be a lengthwise slot in the middle of the cover which is at least 15.7 cm in length, 6.5 mm wide at the top and wider at the bottom.

The presiding election board is responsible for ensuring that a sufficient number of ballot boxes with bags are available at any time for use in the municipality.

#### Article 42

The Ministry of Social Affairs shall provide each presiding election board with an offprint of this Act together with explanations and instructions, if considered necessary. A presiding election board must ensure that the subordinate election boards receive such an offprint.

The chairmen of the presiding and subordinate election boards shall preserve these copies and have them generally to hand while the polls are open.

### CHAPTER VIII

#### **Absentee voting**

#### Article 43

A voter may cast his/her vote by absentee voting once there are eight weeks remaining until election day.

In the event that the election day has been decided with shorter notice than eight weeks, a voter shall then have the right to cast his/her vote on the working day following the decision on the election date.

Where elections are unrestricted a voter casting a ballot in absentee voting shall write on the ballot the full names and addresses of the regular councillors and alternates he/she elects.

The alternates shall be listed in the order in which the voter wishes them to come in as replacements.

In other respects the Act on Elections to the Alpingi shall apply *mutatis mutandis* to absentee voting.

## CHAPTER IX Voting at the polls

### Article 44

The municipal council shall decide where the polling station shall be for each polling section.

The polling station shall be advertised to the public with sufficient notice in advance of the opening of the polls.

### Article 45

When polling takes place, polling booths shall be so constructed that they cannot be entered or looked into from the outside.

There may be more than one polling booth. Each polling booth shall have a small table for writing on.

### Article 46

[In the polling hall, as well as elsewhere at the polling station, in the case of restricted proportional elections, a notification of the lists of candidates in the municipality shall be posted in clear view, indicating the names of the political organisations, the letters of the lists and names of the candidates in the same order as on the ballot. The voting instructions issued by the Ministry of Social Affairs for the purpose, shall be posted in the same manner.]<sup>1)</sup>

The Ministry of Social Affairs shall send the presiding election boards in good time a sufficient number of copies of these instructions, and the presiding election boards in turn forward them to the subordinate election boards.

<sup>1)</sup> Act No. 27/2002, Art. 8.

### Article 47

The polls shall open at each polling station at 9 am; a presiding election board may, however, decide that the polls shall open later, but no later than at 12 noon. A fully constituted election board must be present when the polls are opened. If all members are not present alternates shall replace them; should alternates not be present either the member or members of the election board who are present shall invite a respected person or persons from among the voters to sit on the election board and remain in their seats until the others arrive.

The time of opening of the polls must be advertised at each location with such notice and in the manner customary there for publishing official notices.

### Article 48

While voting is in progress, only one member of the election board may leave at a time; during such absence his/her duties shall be entrusted to another member of the election board [unless an alternate is available]<sup>1)</sup>.

<sup>1)</sup> Act No. 27/2002, Art. 9.

### Article 49

The election board shall sit at a table in the polling hall. Apart from the lists' agents, no one may be inside the polling hall except those electors, one for each polling booth, who are casting their votes.

Polling commences with the chairman of the election board presenting the packaged ballots. Having done so, the chairman opens the package and counts the ballots together with the other members of the election board and agents. The number of ballots shall be recorded in the election board's record book with the signatures of the election board and agents below it.

#### Article 50

[If the election board has received a ballot box containing absentee votes it must check whether the box's seals are complete and undamaged. The chairman shall then open the box and the election board count the absentee votes, comparing these with the accompanying lists, cf. Article 66 of the Act on Elections to the Alþingi, No. 24/2000. The election board shall then open each sending envelope and examine whether the absentee vote shall be taken into consideration, cf. Article 68. If the vote is to be taken into consideration, a special mark shall be placed provisionally by the name of the voter in the register of electors, while the unopened ballot envelope, together with the accompanying letter shall be replaced in the sending envelope and this placed to one side and preserved while polling takes place. If the absentee vote is not to be taken into consideration, the ballot envelope and accompanying letter shall be preserved in the same manner; the reason for the vote not being taken into consideration shall be written on the sending envelope.

Any absentee votes, which have been received by the election board or are received while polling is underway, must be numbered in a continuous sequence and their number recorded in the record book. These votes shall be dealt with as described in the first paragraph.

If an elector is not on the register of electors in the polling section, the election board shall investigate where the elector is registered and, if possible, deliver the vote to the proper polling section; otherwise the absentee vote shall be preserved until polling is completed.

In a municipality where a special presiding election board has been elected, the election board may commence the sorting of votes as provided for in the first paragraph on the day prior to election day, so that the absentee votes may be delivered to the proper polling section on election day.]<sup>1)</sup>

<sup>1)</sup> Act No. 27/2002, Art. 10.

#### Article 51

An election board shall investigate which of the voters on the register have waived their right to vote in the polling section in order to vote in another polling section and shall make a note of such by the names of the individuals concerned in the register and those copies of the register used during the voting.

#### Article 52

[The chairman of the election board and one of the other members of the election board shall each have in front of them a copy of the register of electors. They shall place a mark by the name of each voter as soon as he/she has cast a vote.]<sup>1)</sup>

<sup>1)</sup> Act No. 27/2002, Art. 11.

#### Article 53

[Before polling commences]<sup>1)</sup>, the election board and agents shall make sure that the box is empty and then lock it.

<sup>1)</sup> Act No. 27/2002, Art. 12.

#### Article 54

[Electors shall cast their votes in the order in which they present themselves.

An election board may decide that in the polling hall there shall not be any persons other than those involved in the holding of the elections, apart from the voters who are going to cast their votes. The election board may, in addition, limit the number of electors in the polling hall, if necessary to maintain order.

The election board must, in other respects, ensure that no prohibited election propaganda or election violations take place at the polling station or in the near vicinity, nor other activities which would interfere with or hinder the carrying out of the elections.]<sup>1)</sup>

<sup>1)</sup> Act No. 27/2002, Art. 13.

#### Article 55

A voter shall identify him-/herself to the election board at a polling station by producing an identification certificate or personal identification card or by other means which the election board deems to be satisfactory. If the person is then entitled to vote according to the register of electors one of the members of the election board shall present him/her with a ballot.

#### Article 56

The election board may not prevent any person who is listed on the register of electors from casting a vote unless said person has waived the right to vote in this polling section and cast a vote at another location.

The election board may not allow any person who is not listed on the register of electors to cast a vote unless said person can prove with an attest that his/her name is listed on the register of electors for another polling section in the same municipality where he/she has waived the right to vote; the attest must be issued by the subordinate election board of that polling section. A subordinate election board, or the chairman of a subordinate election board on its behalf, issuing such an attest must enter this in the record book of the subordinate election board and the original shall be submitted, with the record book of that election board where it is presented and used, to the presiding election board; it shall also be noted in that record book, with the name and address of the voter specified. An attest shall also be valid if signed by the leader or administrator of the municipal council on its behalf. The subordinate election board of a polling section should be notified before election day of what voters in the polling section have been given an attest by the municipal council.

#### Article 57

Once a voter has received the ballot presented to him/her by the chairman, the voter shall take the ballot into the polling booth [where the elector alone may be]<sup>1)</sup> and to the table located there. On the table there must be at least two normal, dark pencils, which the election board shall provide and make sure to have sufficiently well sharpened.

There shall also be a card the same size as the ballot, marked with raised list letters and in Braille, with a hole in front of each letter and with a slot underneath so that blind persons can [insert their ballot and] place a cross, through this hole, in front of the list which is to receive their vote and can thus vote privately and without assistance.

<sup>1)</sup> Act No. 27/2002, Art. 14.

#### Article 58

In restricted proportional elections a voter casts a vote by marking with the pencil a cross on the ballot in front of the letter of the list which he/she chooses from among those available.

If the voter wishes to change the order of names on the list chosen, he/she may place the number 1 before the name which he/she desires to rank first, the number 2 before the name to be ranked second, the number 3 before the name to be ranked third, etc. to the extent which the list is to be altered.

If a voter wishes to reject a candidate on the list chosen he/she may draw a line through the candidate's name.

#### Article 59

In unrestricted elections the voter casts a vote by writing on the ballot in the polling booth the full names and addresses of councillors on that part of the ballot intended for the election of councillors.

On the part of the ballot intended for the election of alternates a voter shall write the names of up to as many alternates as are to be elected and their addresses, in the order in which he/she wishes them to replace councillors.

#### Article 60

A voter shall take care, whichever way the vote is cast, not to mark the ballot in any other way than provided for in this Act.

#### Article 61

A voter may not make any alteration to lists not voted for, neither by drawing a line through names on them nor by changing the order of names.

#### Article 62

[Once a voter has dealt with the ballot in accordance with the above, he/she shall fold the ballot as it was folded when received, leave the polling booth and go to the ballot box, placing the ballot in the box in the presence of an election board representative. An elector must make sure that no one can see how he/she cast a vote.]<sup>1)</sup>

<sup>1)</sup> *Act No. 27/2002, Art. 15.*

#### Article 63

If a voter states to the election board that he/she is not capable of voting in the prescribed manner due to poor eyesight or inability to use his/her hands, a person from the election board named by the voter shall assist him/her in the polling booth; a person providing such assistance is bound by an oath of confidentiality not to reveal what passed between them there. Note shall be made of the assistance in the record book and the reasons given. [Assistance shall only be given if an elector him-/herself can unambiguously tell the person giving the assistance how he/she wishes to cast the ballot.]<sup>1)</sup> A member of the election board may in no case offer assistance to a person requiring help in accordance with this Article.

<sup>1)</sup> *Act No. 27/2002, Art. 16.*

#### Article 64

If a voter allows others to see what is marked on a ballot, that ballot is invalid and may not be placed in the ballot box. If a voter does this by accident, or places a voting mark wrongly on a ballot or makes marks on the ballot inadvertently, he/she is entitled to receive a new ballot. The voter must in such case return the previous ballot to the election board.

Once a voter has placed a ballot in the ballot box, he/she shall leave the polling hall.

#### Article 65

A voter who has cast a vote in absentee voting [...] may cast a vote at the polls, in which case the vote cast in absentee voting shall be disregarded in the voting.

<sup>1)</sup> *Act No. 27/2002, Art. 17.*

#### Article 66

Polls may not be closed until eight hours have elapsed from the time they were opened and not until half an hour has elapsed since the last voter appeared. Polls may, however, be closed once everyone on the register of electors has cast a vote and after five hours have elapsed if the entire election board and the agents agree thereto and provided half an hour has elapsed since the last voter appeared.

Polls shall, however, be closed no later than 10 pm on election day. Voters who have presented themselves prior to that time, however, shall be entitled to cast their votes.

#### Article 67

[Once polling has concluded the election board shall check once more, in the presence of list agents, the absentee votes which it has received and which have not been recalled.

If the person from whom the vote originates is listed on the register of electors and is entitled to vote and has not voted at the poll, the election board shall place a mark by the name of the elector on the register of electors.

If the absentee vote is not to be taken into consideration, cf. Article 68, it must be inscribed as provided for in the first paragraph of Article 50.

If a voter who has sent in an absentee vote is not on the register of electors in the polling section the election board shall make express mention of this in the record book and send such absentee votes separately to the presiding election board.]<sup>1)</sup>

<sup>1)</sup> *Act No. 27/2002, Art. 18.*

#### Article 68

[An absentee vote shall not be taken into consideration if:

- a. the sender is not on the register of electors,
- b. the sender has already voted,
- c. the sender has waived his/her right to vote in this polling section, cf. Article 51,
- d. the sender is deceased prior to election day,
- e. the sending envelope contains anything more than one accompanying letter and one ballot envelope,
- f. it is evident that the prescribed election documents provided by the Ministry of Justice have not been used,
- g. the rules adopted concerning absentee voting have not been complied with, or
- h. the vote has not been cast during the time specified in Article 57 and the fifth paragraph of Article 58 of the Act on Elections to the Alpingi, No. 24/2000.

In the event that more than one absentee vote is received from the same voter which could be taken into consideration only the vote most recently cast shall be taken into consideration.]<sup>1)</sup>

<sup>1)</sup> *Act No. 27/2002, Art. 19.*

#### Article 69

In the event of a dispute within the election board or between the election board and a list agent, as to whether an absentee vote is valid or invalid, the exact details of the dispute shall be entered precisely in the record book and the presiding election board shall subsequently rule on its validity.

#### Article 70

The election board shall place those ballot envelopes whose validity is not disputed into the ballot box without opening them.

#### Article 71

[Once polling has closed and the valid ballot envelopes have been placed in the ballot box, the chairman shall immediately place in a special envelope all the ballots which have been spoiled, cf. Article 64, place in another envelope all the absentee votes which are disputed, cf. Article 69, and place in a third all the unused ballots which are left over. When the envelopes have been sealed all three of them shall be placed, together with the key to the ballot box, in the main envelope and seal it. The envelopes sent by the presiding election board for the purpose shall be used.

Next the chairman shall, once recording is complete and the record book has been signed by the election board and list agents, if they are present, place everything, the ballot box, main envelope and record book, or copy of the record book signed by the election board and list agents, if they have been in attendance, as well as absentee votes which are to go to another polling section, cf. the fourth paragraph of Article 67, in a package sealed by the election board, with agents permitted to place their own seals on the packaging. These materials shall be addressed to the presiding election board and sent to it immediately by secure means. The presiding election board must give a recognition of receipt.

Once an election board has dispatched the election documentation in this fashion the sealed election documentation and the seal of the election board may not be in the possession of the same person.]<sup>1)</sup>

<sup>1)</sup> *Act No. 27/2002, Art. 20.*

#### Article 72

[If the presiding election board is present at a polling station and the counting of votes takes place immediately, an election board may deliver the ballot box unsealed to the presiding election board in the presence of list agents.

As soon as the elections are concluded and an election board has compiled the necessary reports from the register of electors it shall send those copies of the register of electors used in the elections in sealed packages to the presiding election board.]<sup>1)</sup>

<sup>1)</sup> *Act No. 27/2002, Art. 21.*

#### Article 73

The presiding election board shall ascertain whether the number of voters who have cast votes according to the polling section records of the subordinate election boards accords with the votes delivered and the recorded notes of the subordinate election board.

#### Article 74

The list agents are entitled to ensure that the election board and voters conduct themselves in accordance with the law during the election proceedings and any of them may complain to the election board concerning anything he/she deems unsatisfactory.

In the event that an agent deems any aspect of the elections proceedings to be unlawful, and this is not rectified, he/she is then entitled to have the dissenting opinion recorded immediately in the record book.

Should an election board refuse to record any comment from an agent concerning the election proceedings, the agent is entitled to do so and sign under the entry.

### CHAPTER X

#### **Conducting the counting of votes**

#### Article 75

A presiding election board shall, with sufficient notice prior to the election, advertise the time and location where it will convene to open the ballot boxes and count the votes, unless there is only one polling section and vote counting is done following the closing of the polls. Subordinate election boards are responsible for ensuring that the ballot boxes and election documents which are to accompany them are delivered into the hands of the presiding election board, unless valid cause prevents them from so doing. Counting of votes shall always take place as soon as possible, in the assessment of the presiding election board.

If elections are postponed as provided for in Article 89 counting of votes may never take place until elections are completed everywhere.

#### Article 76

Counting of votes shall take place in public, so that voters have the opportunity of being present, to the extent that the premises allow.

In the event that list agents are not present at the counting, the presiding election board shall summon respected persons from the same political organisation or connected to the lists, if possible, to safeguard the list's interests.

#### Article 77

In the presence of persons referred to in the second paragraph of Article 76, the presiding election board shall open the voting returns from each polling section of the municipality, unless counting takes place following the closing of the polls, once they have had the opportunity of verifying for themselves that all the seals are undamaged. If the presiding election board has received a letter containing an absentee vote this shall be dealt with as provided for in Article 67. Immediately upon the opening of each ballot box, the ballots it contains shall be emptied without inspection into a suitable empty container with a lid, taking care to ensure that ballots from individual polling sections become well mixed together.

The ballots shall then be removed from the container in the presence of list agents, sorted according to the letter of the list marked on each ballot and counted under the direction of the presiding election board.

In unrestricted elections the counting of votes shall be done with the chairman of the presiding election board reading aloud the names written on the ballot and handing fellow board members the ballot for examination; the latter shall record the votes as they are read.

The sorting of votes and preparations for their counting may be commenced behind closed doors prior to the closing of the polls.

#### Article 78

A vote shall be declared invalid:

- a. if the ballot is unmarked,
- b. if it is not possible to determine what list is indicated or if it is not possible to determine with certainty whether what is written on an absentee vote can apply to any of the lists of candidates,
- c. if more than one list letter is marked or if names are numbered on more than one list or if more than one list letter is written on an absentee ballot,
- d. if there is marking on a ballot exceeding that which is prescribed or unusual marking which can be assumed to have been made deliberately to make the ballot recognisable,
- e. if the ballot is not the one which the election board or director has legally handed over,
- [f. if the envelope of an absentee ballot contains anything more than one ballot.]<sup>1)</sup>

<sup>1)</sup> *Act No. 27/2002, Art. 22.*

#### Article 79

A ballot shall not be deemed invalid despite being flawed if it is clear how the vote is cast, unless it clearly violates the above-mentioned provision. Thus a vote shall be valid even if the mark is not in front of the letter but, for example, behind it, even if the cross is misshapen, even if the word "list" unnecessarily accompanies a list letter on an absentee ballot, even if the name of a political organisation is marked instead of the letter of a list, etc.

A list shall be deemed to have received a vote even if there is no mark by the letter of the list if a name or names on it have been numbered or a cross placed by a name, provided there are no other flaws to it.

In unrestricted elections a vote shall not be deemed invalid even if a person's first name or last name are missing if it is nonetheless clear to whom it refers.

#### Article 80

Absentee votes cast for a list prior to an amendment to it as provided for in Article 33 shall be deemed to have been cast for the list as amended.

#### Article 81

[Should the presiding election board and list agents agree that any ballot is invalid it shall be deemed to be so. Should there be disagreement among members of the election board as to the validity of a ballot the majority of votes shall determine the outcome. Disputed ballots shall be ruled upon as soon as they appear. It shall be entered in the record book how many ballots are invalid and the reasons for this.

In the event of a dispute between the election board and any of the agents as to whether a ballot is valid or invalid, these ballots shall be placed in two special envelopes, one for ballots which the election board has ruled to be valid and the other for ballots which it has ruled to be invalid.

Once votes have been counted under the close scrutiny of agents, the presiding election board shall enter the results of the elections in the record book and announce them to persons in attendance. A check shall be made that the total number of votes is equal to the total number of persons who have voted in the municipality, according to the reports of the subordinate election boards, and that this fits with the total number of unused ballots.]<sup>1)</sup>

<sup>1)</sup> *Act No. 27/2002, Art. 23.*

#### Article 82

If the voting returns from any polling section have not been received by the presiding election board at the advertised time provided for in Article 75, the presiding election board shall nonetheless open the ballot boxes and other election documentation at the time which was advertised. List agents shall be notified, wherever possible, as to when those returns will be opened so that they have the option of being present.

#### Article 83

Once counting of votes is completed, the presiding election board shall place all the used ballots in a sealed package and preserve them. Valid ballots shall be kept separate from invalid ballots.

Once the deadline for submitting complaints has passed, or a final ruling on the elections issued, if complaints have been submitted concerning the elections, the presiding election board shall destroy the sealed ballots and enter a declaration to this effect in the record book of the election board.

The same shall apply to the collection and preservation of registers of electors.

#### Article 84

Following the completion of vote counting the results of the elections shall be announced, mentioning specifically how many ballots were blank and how many were invalid.

### CHAPTER XI Election results

#### Article 85

In restricted proportional elections all the votes received by each list shall be counted to give the total number of votes for each list.

The following procedure shall be used to determine how many candidates have been elected from each list:

1. The total number of votes for each list shall be divided by the numbers 1, 2, 3, 4, etc. The resulting figures for each list shall be recorded.
2. The list with the highest resulting figure elects the first representative. This number is then eliminated. The list which now has the highest resulting figure elects the second representative. This process shall continue until as many representatives as are to be elected have been selected.
3. In the event that there are too few names on a list when representatives are selected as provided for in Point 2, this list shall be disregarded in further selection.
4. In the event that two or more resulting figures are equal when their turn comes as provided for in Point 2 their order shall be decided by lot.

#### Article 86

In order to determine which candidates have been elected from each list the election board shall calculate the number of votes of candidates in the following manner:

The election board shall consider those ballots where no changes have been made to the list. There the top name on the list is deemed to be in first place, the next name in second place, etc. The election board next considers all the ballots where electors have made any changes to the order of candidate and counts the number of votes for each candidate in each place on the list.

The names of the candidates on the lists are now arranged so that the one who has received the most votes in first place, pursuant to the second paragraph, shall be awarded that place. Disregarding this candidate, the candidate who then has received the most votes in first and second place together shall be awarded second place, etc. until a sufficient number of the list candidates have been ranked in their places that it is clear who shall be its regular representatives and who shall be alternates.

When one or more regular representatives have been elected from a list in restricted proportional elections those candidates on the list who were not elected shall be alternates.

#### Article 87

When elections are unrestricted, those persons who receive the most votes as regular representatives shall be the properly elected representatives. If two or more persons have received an equal number of votes and both or all of them cannot be elected, selection shall be determined by lot.

Where elections are unrestricted the alternates shall be equal in number to the regular representatives. Alternates shall be selected by number of votes as follows: the first alternate shall be the person receiving the most votes in first place on the list of alternates together with the votes he/she received as a councillor; the second alternate shall be the person receiving the most votes in second place on the list of alternates together with the votes he/she received as a councillor and in first place on the list of alternates. Election of other alternates shall be determined in the same manner until the seats of all of the councillors to be elected are filled. Should two persons receive an equal number of votes for a place as alternate, which of them is to be elected shall be determined by lot. The person who is not selected shall be selected as the next alternate, with the following alternates shifted downwards.

#### Article 88

A presiding election board must send a report on the elections to Statistics Iceland on the form provided by the latter.

### CHAPTER XII

#### **Postponement/suspension of elections and repeat elections**

#### Article 89

Should elections in a polling section be impossible on the prescribed election day due to bad weather or for other uncontrollable circumstances, the presiding election board shall, within one week, announce a new date for polling. Notice of polling shall be advertised in the manner customary there for publishing official notices.

A presiding election board may suspend elections in a polling section after they have commenced if it deems that uncontrollable circumstances, such as bad weather, prevent continuation of polling and all members of the election board agree on the suspension. If elections have been suspended, polling must be arranged anew in the manner prescribed in the first paragraph of this Article.

Once elections have been suspended, the procedure provided for in Article 71 shall be followed *mutatis mutandis* and, in addition, the register of electors and the copies of it used by the election board shall be placed with other election documentation in the bag which is sealed. Once polling begins on the subsequent election day, the election board shall open the sealed bag and the envelopes it contains in the presence of candidates or their agents. If a candidate or his agent is not present the election board shall select a respected person to serve as agent for the candidate. If this provision cannot be satisfied the seal may, however, be broken, the envelopes opened and the elections commence once one hour has passed from the opening of the polls. The provisions of Chapter IX of this Act shall apply *mutatis mutandis* to a subsequent election day.

Should voting returns from a polling section not be delivered to the presiding election board, although the elections have taken place, the presiding election board shall have new elections held in the polling section in all respects in the same manner as prescribed above.

#### Article 90

Should a repeat election be required because an election is declared invalid, pursuant to Article 93 of this Act, the incumbent municipal council in the municipality, in consultation with the presiding election board, shall announce new elections in the municipality and decide on the election day as soon as possible and no later than within one month.

Elections shall take place in all other respects as provided for by this Act to the extent possible.

#### Article 91

In the event that an extraordinary election is held because an election has been declared invalid, with the subsequent election taking place within six months of the previous one, the previous register of electors shall be used.

If an election is held later, a new register of electors shall be prepared.

### CHAPTER XIII

#### **Prohibited election propaganda and election violations**

##### Article 92

The following are considered prohibited election propaganda and election violations:

- a. offering a person money or other benefit to influence whether or not the person votes or how he/she casts a vote, depriving a person or threatening to deprive a person of employment or benefits for the same purpose, promising a person money or other payment if elections turn out one way or another, making it difficult for other persons to get to a polling station or vote in absentee voting, or using coercion measures in connection with an election;
- b. to attempt to influence voting, either through public speaking, printed or written addresses or advertisements, by wearing or displaying a symbol of a political organisation, a symbol of a list or other such identification at an actual polling station, i.e. in the polling hall, polling booth or other location in or on the facilities where polling takes place or in the near vicinity;
- c. to have a symbol of a political organisation, symbol of a list or other similar identification on a motor vehicle while polling is in progress, or to use a megaphone for propaganda purposes during this same time;
- d. to give inexact or misleading information concerning oneself or others, such as name, age, place of residence in Iceland, address or other information, which leads or could lead to a person being entered on the register of electors who is not entitled to be there, or to a person not being entered or being removed from the register of electors who is entitled to be there, or to a person being allowed to vote in place of another who is on the register of electors. This includes especially a person professing ostensibly to have legal domicile in a municipality for the sole purpose of being entered on the register of electors there;
- e. publishing misleading voting instructions;
- f. distorting the voting returns, whether this is done by destroying or altering votes cast or by any other means.

### CHAPTER XIV

#### **Election complaints**

##### Article 93

A person wishing to lodge a complaint against municipal elections must deliver such complaint to the District Commissioner concerned within seven days of the declaration of the election results.

The District Commissioner in question shall appoint a three-person committee to rule on the complaint immediately upon its receipt. The opinion of the presiding election board must be sought concerning the complaint; the election board shall deliver its opinion within a week of receiving the complaint and the ruling committee issue its ruling within a week of that time.

The ruling of the committee may be referred to the Ministry of Social Affairs; notice of the complaint must be received by the Ministry within one week and any documents accompanying the complaint must be posted within that same period.

In the event that a complaint is submitted within the time limit provided for in the first paragraph and the committee declares an election invalid, the incumbent municipal council

shall not be dissolved until a new election has taken place and the committee has ruled on any complaints which may be submitted resulting from it.

#### Article 94

Flaws in candidacies or elections shall not lead to the invalidation of elections unless they can be presumed to have influenced the outcome of the elections.

### CHAPTER XV

#### **The newly elected municipal council**

#### Article 95

The presiding election board shall issue confirmation of election to regular municipal council representatives and an equal number of alternates. The presiding election board shall, if necessary, issue confirmation of election to other alternates taking a municipal council seat who were elected in restricted proportional elections.

Furthermore, the presiding election board shall send the newly elected municipal council an account of the results of the elections.

#### Article 96

A newly elected municipal council shall take office 15 days following election day and the incumbent municipal council step down at the same time.

A municipal council representative may demand postponement of implementation of any decisions of the municipal council taken after election day until the newly elected government takes office; such issues shall then be dealt with anew at its first sitting. In the event where a question is of such urgency that implementation of a decision cannot be postponed and this remedy cannot be availed of, then authorisation to deal with the question must exist in the budget, legislation or general administrative provisions or by authorisation from the Ministry.

#### Article 97

In the event that the Ministry declares elections invalid after a newly elected municipal council has taken office, this government shall remain in office until new elections have taken place and any complaints which may have arisen been ruled on.

Once the electoral term of the outgoing municipal council is concluded and until the legally elected municipal council takes office pursuant to the provisions of this Article, the sitting government may not carry out any payments nor undertake any obligations on behalf of the municipality except as authorised in the budget, by law or by general administrative provisions, or by authorisation from the Ministry.

### CHAPTER XVI

#### **Alternates take seats in government during the electoral term**

#### Article 98

A municipal council shall rule as to whether a councillor is no longer eligible to be a local representative.

If a municipal councillor is no longer eligible, he/she shall withdraw from the government, subject to the provisions of the Local Government Act concerning a municipal councillor's temporary move out of the municipality.

The ruling of the municipal council may be referred to the Ministry of Social Affairs, whose ruling may be taken to a court.

#### Article 99

Alternates shall take their seats in the municipal council in accordance with the provisions of the Local Government Act.

## CHAPTER XVII

### **Expenses**

#### Article 100

Expenses incurred in municipal elections, including expenses due to a ruling committee as referred to in Article 93, shall be borne by the municipal treasury.

## CHAPTER XVIII

### **Penalties**

#### Article 101

Any municipal council, election board, supervisor of absentee voting or public official knowingly conducting the implementation of this Act illegally or acting negligently, shall be liable to fines, unless more severe punishment is prescribed by other provisions of this or other Acts.

#### Article 102

The following shall be liable to fines:

- a. if a person stands for election to a municipal council knowing that he/she is not eligible for election,
- b. if a person is a candidate on more than one list,
- c. if a voter deliberately invalidates his/her ballot in regular polling or absentee voting,
- d. if a voter deliberately reveals how he/she votes or has voted,
- e. if a person spies on how a voter votes or has voted,
- f. if a voter pretends poor eyesight or other inability to receive assistance in voting,
- g. if a person deliberately neglects to deliver a ballot which has been entrusted to him or deliberately delays the returning of votes and election documents,
- h. if a person provides inexact or misleading information on him-/herself or others in the manner referred to in sub-paragraph d of Article 92, unless more severe punishment is prescribed by other provisions of this or other Acts,
- i. if a person publishes misleading voting instructions.

#### Article 103

The following shall be liable to a fine, unless more severe punishment is prescribed in other Acts:

- a. if a member of an election board or supervisor of absentee voting spies as to how a voter votes or has voted or knowingly provides misleading voting instructions,
- b. if a member of an election board or supervisor of absentee voting, who provides assistance, reveals how a voter whom he/she has assisted, has voted,
- c. if a member of an election board, supervisor of absentee voting, postman or party offering to transport election documents or ballot boxes delays the return of same,
- d. if a person hinders others from going to the polls or voting by absentee voting,
- e. if a person votes at two locations in the same municipal elections,
- f. if a person offers money or other benefit to another person or promises another person money or other benefit in order to influence whether the latter votes or how he/she votes, or if a person deprives another person or threatens to deprive another person of employment or benefits for the same purpose,
- g. if a person accepts money or other benefit for voting, not voting or voting in a certain manner.

#### Article 104

The following are liable to [...] <sup>1)</sup> imprisonment of up to four years:

- a. if a person uses coercion measures or violence or threatens violence to interfere with another's freedom to vote, either by preventing the person from voting or by forcing the person to vote in a manner against his/her own wishes;
- b. if a person knowingly distorts the voting by losing a vote, altering a vote, damaging or losing voting returns, creating ballots which are very similar to those used in elections

and either making use of these or allowing others to make use of them, confusing the counting of votes or by other means.

<sup>1)</sup> *Act No. 82/1998, Art. 241.*

Article 105

All fines provided for in this Act shall accrue to the National Treasury.

CHAPTER VI

**Entry into force**

Article 106

This Act shall enter into force at once. ...

*[This translation is published for information only.  
The original Icelandic text is published in the Law Gazette.  
In case of a possible discrepancy, the original Icelandic text applies.]*