

# ÅLAND STATUTE SERIES

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Nr 45

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## ELECTION ACT

for Åland

Presented to The President of Finland on May 10<sup>th</sup> 2019

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*Please note: this is an unofficial translation from the original text in Swedish. It is for information purposes only and bears no legal authority.*

In accordance with the resolution of the Parliament, the following provisions are set out:

### Chapter 1 General provisions

#### Section 1

##### *Scope of the Act*

This Act contains provisions on parliamentary elections and elections for local councils.

Basic provisions on elections and on eligibility to stand are set out in the Act on the Autonomy of Åland, the Parliament Act (2011:97) for Åland, the Local Government Act (1997:73) for Åland (the *Local Government Act*) and the Act of Åland (1997:63) on the right to vote and eligibility to stand in municipal elections for persons without right of domicile in Åland.

#### Section 2

##### *Right to vote*

Provisions on the right to vote in parliamentary elections are set out in the Act on the Autonomy of Åland and the Parliament Act for Åland.

Provisions on the right to vote in municipal elections are set out in the Constitution of Finland, the Act on the Autonomy of Åland, the Local Government Act and the Act of Åland on the right to vote and eligibility to stand in municipal elections for persons without right of domicile in Åland.

The right to vote may not be exercised by proxy.

#### Section 3

##### *Timing of elections*

Ordinary parliamentary elections and ordinary municipal elections are held in the year in which four years have passed since the last ordinary election. The year in which an ordinary election is held is known as an *election year*.

The third Sunday in October is *election day*. Ordinary parliamentary elections and ordinary municipal elections are held simultaneously.

If a new election following the dissolution of the Parliament has been held before election day in an election year, the next ordinary parliamentary election shall be held on election day in the fourth year after the new election.

Provisions for repeat elections due to an appeal, new elections following the dissolution of the Parliament and municipal by-elections are set out in chapter 14.

#### Section 4

##### *Electoral districts and voting districts*

In parliamentary elections, Åland is an *electoral district*. In municipal elections, the municipality is an electoral district. If necessary, a municipality may be divided into multiple *voting districts*. The local council makes decisions on the division of the municipality into voting districts. If the division of the municipality is changed after a division into voting districts has taken place, the local council shall adjust the division into voting districts as necessary. The local council shall also determine the voting district to which a person who is not registered to a particular property in the Population Information System shall be assigned.

Provisions on the protection of election secrecy in small voting districts are set out in section 94.

A resolution on voting districts that is adopted and notified to the Government of Åland and to the Local Register Office in the State Department of Åland no later than April shall enter into force on 15 October of the same year. If the resolution is adopted or notified after April, it shall enter into force on 15 October of the following year. If an appeal is made to the Åland Administrative Court, a resolution on voting districts shall nonetheless be observed until the appeal has been resolved unless the Administrative Court decides otherwise. Any decision reached by the Åland Administrative Court regarding an appeal is not subject to appeal.

#### Section 5

##### *Election procedure*

Elections are conducted by organising *advance voting* and *voting on election day*. The Government of Åland and the municipalities shall jointly organise advance voting, and the municipalities shall organise voting on election day.

#### Section 6

##### *Advance polling stations and polling stations*

Advance voting is arranged at *advance polling stations*, which are either *general advance polling stations* or *institutions*.

The local executive makes decisions regarding general advance polling stations in the municipality. Each municipality must have at least one general advance polling station unless the local executive decides, by agreement with the Government of Åland and one or more other municipalities, that there is no need for one.

Institutions are hospitals, operational units of the social services offering round-the-clock treatment, and prisons. The local executive may also determine that other operational units of the social services are to be advance polling stations.

In addition to advance polling stations, advance voting may also take place by post or via the internet as set out in this Act. Voting on election day is arranged at *polling stations*.

The local executive shall make a decision regarding a polling station in each voting district. The polling station may be located outside the voting district if there are special reasons for this.

The municipality shall notify its decisions on advance polling stations and polling stations to the Government of Åland and to the Local Register Office in the State Department of Åland. The general advance polling stations and polling stations notified shall be polling stations for the election even if a rectification request submitted against the decision of the local executive referred to in this section has not been considered, and even if such municipal appeals submitted to the Åland Administrative Court and seeking to amend the decision on a rectification request have not been resolved. A rectification request submitted to the local executive and a municipal appeal against the local executive's decision shall be considered urgently. A decision of the Åland Administrative Court on an appeal is not subject to appeal.

## **Chapter 2**

### **Election authorities**

#### Section 7

##### *Election authorities*

The Government of Åland has overall responsibility for the execution of the election. The other election authorities are the central committee for parliamentary elections, the central municipal election boards, the election boards, the electoral commissions and the election officials.

The election authorities shall perform their duties impartially.

In this Act, the term *central committee* is used to refer both to the central committee for parliamentary elections and the central municipal election boards.

#### Section 8

##### *The central committee for parliamentary elections*

The Government of Åland shall, in good time before an election, appoint a *central committee for parliamentary elections* consisting of a chairperson, a deputy chairperson, three other members and four deputy members. At least one of the members must have completed a final legal examination at a university or comparable higher education institution and have experience of the duties of a judge or be familiar with the legal areas relating to election law.

The central committee for parliamentary elections is quorate when there are five members present.

The registry office of the Government of Åland shall function as the office of the central committee. The Government of Åland shall provide a secretary for the central committee for parliamentary elections. The central committee may appoint staff members to assist with the counting of votes where necessary.

#### Section 9

##### *Central municipal election board*

In January of the election year, the local council of the municipality shall appoint a *central municipal election board* consisting of a chairperson, a deputy chairperson and three other members. The local council shall at the same time appoint five deputy members, who shall be nominated in the order in which they are intended to take the places of the ordinary members.

The central municipal election board is quorate when there are five members present. The provisions of the Local Government Act on remote participation in meetings shall not apply to meetings at which ballots are handled.

The municipal registry office shall function as the office of the central municipal election board. The municipality shall provide a secretary for the central municipal election board. The central municipal election board may appoint staff members to assist with the counting of votes where necessary.

#### Section 10

##### *Election board and electoral commission*

The local executive shall, in good time before an election, appoint an *election board* for each voting district and an *electoral commission* for institutions in which advance voting is to be arranged. If the municipality is not divided into voting districts, there is no need to set up an election board; the central municipal election board shall also function as the election board in such an event. If necessary, multiple electoral commissions may be appointed. An election board shall consist of a chairperson, a deputy chairperson and three other members. The local executive shall also appoint at least three deputy members, who shall be nominated in the order in which they are intended to take the places of the ordinary members.

An electoral commission shall consist of a chairperson, a deputy chairperson and one other member. The local executive shall also appoint at least three deputy members, who shall be nominated in the order in which they are intended to take the places of the ordinary members. The members of the election boards and electoral commissions and the contact details of the respective chairpersons shall be notified to the Government of Åland and to the central municipal election board.

The election board and the electoral commission are each quorate when there are three members present.

#### Section 11

##### *Election officials*

The central municipal election board shall appoint at least two *election officials* for each general advance polling station in the municipality.

#### Section 12

##### *Term of office of election authorities and their members*

The term of office of the central committee for parliamentary elections, a central municipal election board, an election board or an electoral commission lasts until a new committee, board or commission has been appointed.

If a member or deputy member of a committee, board or commission dies, resigns or becomes a candidate in an election being held during the term of office of that member or deputy member, a new member or deputy member shall be appointed. The local executive may, if necessary, appoint a temporary deputy member if a deputy member of the central municipal election board dies or is disqualified or prevented from holding office.

#### Section 13

##### *Meetings of the central committees*

Before an election, the central committee for parliamentary elections and the central municipal election boards shall meet for the first time at the invitation of the chairperson no later than the Monday falling 48 days before election day. Thereafter, the central committees shall meet 33, 30 and 27 days before election day, on election day, the day after the election and no later than four days after the election. The central municipal election boards shall also meet on the Friday before election day.

The central committees may also meet at other times.

In addition to the provisions of paragraph 1, the central committee for parliamentary elections shall meet as often as is necessary in order to perform its duties in accordance with chapter 3 and 10.

#### Section 14

##### *Right to attend meetings of the election authorities*

Each election authority shall decide on rights to attend and speak at its meetings for persons other than those who have the right to participate in the meetings by virtue of their duties under this Act. The provisions of the administrative regulations referred to in the Local Government Act on the rights of persons other than members of a body to attend and speak at the meetings of a body do not apply.

An election observer appointed by the Government of Åland, a competent Nordic authority or a competent international body is entitled to be present while the election authorities referred to in this Act are performing their duties.

#### Section 15

##### *Rules of disqualification*

A person who is a candidate in the parliamentary or municipal election may not be a member or deputy member of the central committee for parliamentary elections or of a central municipal election board. Provisions relating to disqualification of members and deputy members of the central committee for parliamentary elections and of central municipal election boards can be found in sections 24 and 25 of the Administrative Procedure Act (2008:9) for Åland (*Administrative Procedure Act*).

A person who is a candidate in the parliamentary or municipal election may not be a member or deputy member of an election board or electoral commission and may not be an election official. In addition, a spouse, child, sibling or parent of a candidate may not be a member or deputy member of an electoral commission and may not be an election official. Spouse refers here to a married spouse, a domestic partner or a partner in a registered partnership. The provisions of the Administrative Procedure Act on disqualification do not apply to the members of the election board or the electoral commission or their deputies, or to election officials. If a member or deputy member of a committee, board or commission is prevented by disqualification from taking part in a particular decision, the matter may be handled even if the number of participants in the meeting does not reach the prescribed number as a result of the disqualification.

### **Chapter 3**

#### **Voting register and electoral rolls**

#### Section 16

##### *Voter registration authority*

The Government of Åland is the *voter registration authority* under this Act, unless all or part of the function has been transferred to a State authority by a consentaneous decree.

#### Section 17

##### *Voting register*

The voter registration authority shall draw up a *voting register* no later than the Monday falling 41 days before election day. All persons who are eligible to vote in the upcoming elections according to the information in the Population Information System and the right of domicile register shall be entered in the register.

The information is incorporated into the voting register as it appears in the Population Information System and the right of domicile register at midnight on 1 September. For each eligible voter, the following information shall be recorded:

- 1) personal identity code,
- 2) full name,
- 3) address,
- 4) municipality of residence in accordance with the Municipality of Residence Act (FFS 201/1994),
- 5) right of domicile in Åland,
- 6) voting district,
- 7) polling station on election day and address of the polling station,
- 8) date of entry into the voting register,
- 9) whether the person is eligible to vote in the parliamentary election or in the municipal election or in both elections and
- 10) whether an order of non-disclosure for personal safety reasons has been made as provided for in section 36 of the Act on the Population Information System and the certificate services of the Population Register Centre (FFS 661/2009).

Municipality of residence, right of domicile in Åland and the elections in which a person is eligible to vote are indicated as follows:

- 1) if the person has right of domicile in Åland and his or her municipality of residence is in Åland, it is indicated that he or she is eligible to vote in both elections,
- 2) if the person has right of domicile in Åland but his or her municipality of residence is not in Åland, it is indicated that he or she is eligible to vote in the parliamentary election; in such an event, the person's most recent municipality of residence in Åland or most recent population registration municipality under the Municipality of Residence Act and the voting district to which the person was most recently allocated are indicated, or
- 3) if the person does not have right of domicile in Åland but his or her municipality of residence is in Åland and he or she is eligible to vote in the municipal election in accordance with the Act of Åland on the right to vote and eligibility to stand in municipal elections for persons without right of domicile in Åland, the person's municipality of residence, the time from which his or her municipality of residence has continuously been a municipality in Åland and the person's nationality, if he or she is not a Finnish citizen, are indicated.

## Section 18

### *Additional notes in the voting register*

Once the voting register has been drawn up, the voter registration authority shall enter the following information in the register for an eligible voter:

- 1) if the person has died or been declared dead since the voting register was drawn up, the death is indicated,
- 2) if the person has submitted a rectification request and it is pending, this is indicated; if the request has been settled, the way in which it was settled is indicated,
- 3) if the person is not eligible to vote according to a correction of an incorrect indication made by the central committee for parliamentary elections, this is indicated,
- 4) if the eligible voter has voted during the advance voting period, this is indicated with a mention of whether he or she has voted in the parliamentary election or in the municipal election or in both elections, and
- 5) if an order of non-disclosure for personal safety reasons as referred to in section 17, paragraph 2, point 10 has been made in the Population Information System since the voting register was drawn up, this is indicated.

An indication of advance voting may also be given in the voting register in accordance with the provisions of section 29.

## Section 19

### *Voting card*

The voter registration authority shall draw up a *voting card* for each person who has been entered in the voting register. The voting card shall contain the following information:

- 1) the eligible voter's full name, municipality of residence, voting district and polling station on election day and the address of the polling station, but with the municipality of residence replaced with the population registration municipality or most recent municipality of residence in Åland if the person's municipality of residence is not in Åland,
- 2) the eligible voter's address as it appears in the Population Information System at midnight on 1 September,
- 3) the election(s) in which the voter is eligible to vote,
- 4) election day and the advance voting period,
- 5) contact details for the voter registration authority, the central committee for parliamentary elections and the central municipal election board,
- 6) the registers or information systems on which the information on the voting card is based, and
- 7) instructions on how to use the card and on the voting procedure.

The voting card shall be usable as a covering letter in the event of advance voting. The voting card may also contain information in optically readable form to the extent necessary, as well as information on the elections.

The voter registration authority shall send the voting cards to eligible voters with a known address no later than the Thursday falling 31 days before election day.

## Section 20

### *Information on the right to vote and the right to stand as a candidate*

The Government of Åland shall, in good time before an election, inform persons who are entitled to vote in the municipal election but do not have right of domicile in Åland of the provisions applicable to the exercise of the right to vote and the right to stand as a candidate.

## Section 21

### *Review of information*

The information in the voting register, with the exception of personal identity codes, is available for review at the voter registration authority or provided free of charge by telephone by the authority during office hours from the Thursday falling 38 days before election day. The Government of Åland may determine that the information shall also be available for review at other locations at the same time.

The voter registration authority may provide extracts from the voting register. A personal identity code shall only be provided in extracts given to the person to whom the extract relates or to an election authority in accordance with this Act; if the extract is given to any other party, the personal identity code shall be omitted. The extract shall be provided free of charge to the person to whom the extract relates and to the election authority.

The Government of Åland shall provide information on how to obtain information from the voting register and how to submit a rectification request. The information shall also indicate that the rectification request is being handled by the central committee for parliamentary elections.

In cases where the provision of personal information is restricted under an order of non-disclosure for personal safety reasons in accordance with chapter 4, section 36 of the Act on the Population Information System and the certificate services of the

Population Register Centre, only the person's full name and date of entry into the voting register shall be made available for review.

## Section 22

### *Rectification request*

Any person who considers that he or she has been omitted from the voting register in error or that any information in the voting register about him or her is incorrect may submit a written rectification request. The rectification request must be submitted to the voter registration authority before 16.00 on the Monday falling 20 days before election day.

A rectification request may also be submitted on the basis of circumstances that affect the right to vote and that have occurred since the voting register was drawn up.

If an eligible voter's notification of change of address in accordance with the Municipality of Residence Act is received by the local registration authority after 1 September, the eligible voter shall not be entitled to request the rectification of information regarding his or her address, municipality of residence, voting district or polling station on the basis of this notification of change of address.

The Government of Åland shall draw up a form that may be used to submit a rectification request, and shall ensure that these forms are available at the municipal registry offices and at the locations where the information in the voting register is available.

The municipality shall, upon request, provide assistance to any person wishing to request rectification by forwarding a rectification request to the voter registration authority without delay.

The voter registration authority shall forward the rectification request, together with the investigation required in the matter, to the central committee for parliamentary elections for settlement without delay. If a rectification request has been submitted directly to the central committee for parliamentary elections, the committee shall conduct the necessary investigations.

## Section 23

### *Settlement of a rectification request*

The central committee for parliamentary elections shall settle rectification requests no later than the Thursday falling 17 days before election day.

A decision relating to a rectification request shall be served to the person who submitted the request by verifiable service. If the decision means that the person in question is entered in the voting register, the central committee for parliamentary elections shall send a voting card to him or her at the same time.

If the recipient's address is not known, the decision shall be published on the electronic notice board of the Government of Åland until election day. The person's personal identity code may not be shown in the notice. If the decision relates to the person's ineligibility to vote, the basis for the request and for the decision shall not be shown in the notice.

## Section 24

### *Rectification of the voting register by the central committee for parliamentary elections*

If, in the opinion of the central committee for parliamentary elections, a person has been omitted from or included in the voting register without legal basis or that any information in the voting register is incorrect, the central committee shall be entitled to reach a decision, on its own initiative, to correct the register by adding the person to

the voting register, indicating that the person is not eligible to vote or correcting the incorrect information.

A decision to indicate in the voting register that a person is ineligible to vote shall be made in writing and served to the person in question by verifiable service.

If the person in question has died or been declared dead since the voting register was drawn up, no written decision is required.

When a person is added to the voting register, a voting card shall be sent to him or her without delay.

If incorrect information relating to a person included in the voting register is rectified, he or she shall be informed of the rectification without delay unless this is manifestly unnecessary.

## Section 25

### *Delegation of decisions*

The central committee for parliamentary elections may delegate the handling and settlement of rectification requests and the corrections to the voting register that the central committee is entitled to make to a member of the committee or to a person appointed by the committee for that purpose.

The central committee's decisions to delegate the right to make decisions are not subject to appeal.

## Section 26

### *Changes to the voting register*

The central committee for parliamentary elections shall inform the voter registration authority of any changes to the voting register caused by the central committee's settlement without delay. The voter registration authority shall introduce the changes to the voting register no later than 12.00 on the Friday falling 16 days before election day.

## Section 27

### *Appeals*

A decision by the central committee for parliamentary elections to reject or drop a rectification request without examining it and decisions of the central committee under section 22 paragraph 2 may be appealed to the Åland Administrative Court. Appeals shall be lodged no later than seven days after the day on which the person in question was served with the decision or on which the decision was published on the electronic notice board of the Government of Åland. An appeal addressed to the Administrative Court may be sent to the voter registration authority or the central committee for parliamentary elections to be forwarded to the Administrative Court. In other respects, the Administrative Judicial Procedure Act (FFS 586/1996) applies to the lodging of appeals.

The Åland Administrative Court shall inform the applicant and the central committee for parliamentary elections of its decision without delay. If the decision means that a person is to be entered in the voting register or that information about a person is to be changed, the Administrative Court shall also inform the voter registration authority of the decision. If the Administrative Court provides notification of such a decision later than 19.00 four days before election day, the court shall also send the decision without delay to the central municipal election board, which shall add the decision to the electoral roll. Even if the appeal has been rejected or dropped without being examined, the Administrative Court shall notify the voter registration authority of this.

The voter registration authority shall make the necessary changes to the voting register immediately. If the appeal has been rejected or dropped without being examined, a note of this shall be added to the register.

Any decision made by the Åland Administrative Court in accordance with this section is not subject to appeal.

## Section 28

### *Validity of the voting register*

The voting register enters into force at 12.00 16 days before election day.

A legally valid voting register shall be adhered to in the election without alterations. The voting register is considered legally valid even if an appeal has been lodged with the Åland Administrative Court and the court has not reached a decision on the appeal before the time mentioned in paragraph 1.

If a person has been noted as being ineligible to vote and the note is manifestly incorrect, the voter registration authority may delete the note from the voting register even after it has entered into force.

A person who, on election day, provides the election board with a decision by the Åland Administrative Court or the Supreme Administrative Court whereby he or she is entitled to vote shall be permitted to vote. The decision or a copy of it shall be handed over to the election board.

## Section 29

### *Note on voting in the voting register*

The Government of Åland shall, no later than 1 September in the voting year, establish whether it is technically possible to execute advance voting such that a note on advance voting is made directly in the voting register. If the voting register is in use during the advance voting period, a note shall be made in the register regarding when, in which election and at which advance polling station a voter has voted. The note may be made by an election official, the chairperson of an electoral commission, the central municipal election board and, at the request of the central municipal election board, by the voter registration authority. If the note proves to be erroneous, it may only be rectified by the central municipal election board or, at the request of the central municipal election board, by the voter registration authority.

Notes relating to voting shall not be public until the election procedure is complete.

## Section 30

### *Electoral rolls*

Once advance voting is complete, the Government of Åland is responsible for ensuring that *electoral rolls* are printed out from the voting register from 19.00 on the Wednesday falling four days before election day.

The electoral rolls shall be printed out by voting district. They shall contain headings specifying the municipality and voting district. The electoral rolls shall list all persons included in the voting register in alphabetical order, unless the Government of Åland has determined that they shall be listed in a different way. The following information is included for each person: full name, personal identity code and the notes made regarding him or her in the voting register.

The Government of Åland is responsible for ensuring that the electoral rolls are sent to the central municipal election boards in good time before election day. The Government of Åland may determine that the information in the electoral rolls shall be sent to the central municipal election boards in machine-readable form.

The central municipal election board is responsible for ensuring that the electoral rolls are made available to the election boards before the election procedure begins on election day.

The electoral rolls are not public until the election procedure is complete. If the voting register is not in use during the advance voting period, the electoral rolls shall, by derogation from paragraph 1, be printed out from the voting register immediately when the register enters into force. The electoral rolls shall then be sent by the Government of Åland to the central municipal election boards without delay.

#### Section 31

##### *Closure of the voting register*

After the result of the election has become final, records shall be printed from the voting register for archive use as determined by the Government of Åland. The voter registration authority shall then ensure that all the information in the register is destroyed.

### **Chapter 4**

#### **Nomination of candidates**

#### Section 32

##### *Right to nominate candidates in parliamentary elections*

In parliamentary elections, candidates may be nominated by an *established political association* and by eligible voters who have formed a *constituency association* specifically for the purpose.

An established political association refers to a registered association that has the real purpose of influencing political affairs in Åland and that has been represented in the current or previous Parliament. An established political association is considered to be represented in the Parliament when a candidate has been elected from a list of candidates drawn up under a designation that includes the name of the association.

#### Section 33

##### *Right to nominate candidates in municipal elections*

In municipal elections, candidates may be nominated by an *established municipal political association* and by a *local association* that has been granted the right by an established political association to nominate candidates in the municipal election in its name, as well as by eligible voters who have formed a *constituency association* specifically for the purpose.

An established municipal political association refers to a registered association that has the real purpose of influencing political affairs in the municipality and that has been represented on the current or previous municipal council.

An established municipal political association is considered to be represented on the municipal council when a candidate has been elected from a list of candidates drawn up under a designation that includes the name of the association.

#### Section 34

##### *Polling representative*

An association that nominates candidates in an election shall appoint a *polling representative* and a deputy polling representative. The polling representative and the deputy polling representative shall be appointed either directly by the members at a meeting or in accordance with the association's rules and regulations. The rights and obligations applicable to the polling representative under this Act shall also apply to the deputy polling representative.

A member or deputy member of a central committee may not be a polling representative. The polling representative of a constituency association must be a member of the association and may not stand as a candidate in the same election. The polling representative of an established political association, an established municipal political association or a local association may stand as a candidate in the same election.

### Section 35

#### *Constituency association*

A constituency association is formed by drawing up a charter that specifies the candidates that the association intends to nominate. The charter shall be signed and dated by all members. Each member shall declare that he or she is eligible to vote in the election in question. The name and title, occupation or position of each member shall be given. A charter relating to the parliamentary election shall also specify the municipalities of residence of the members. A charter relating to a municipal election may specify the members' addresses, home villages or other generally known geographical identifiers. The charter may include authorisation for the polling representative to enter into an electoral alliance on behalf of the constituency association. If no such authorisation is present, the association may not enter into an electoral alliance.

In a constituency association that is formed in order to nominate candidates in the parliamentary election, the number of members must be at least ten times the number of candidates on the list of candidates. In a constituency association that is formed in order to nominate candidates in a municipal election, the number of members must be at least three times the number of candidates on the list of candidates. A candidate may not be a member of his or her constituency association.

A person may not be a member of more than one constituency association for the same election. If a person has joined two or more constituency associations for the same election, his or her signature shall be considered invalid and the receiving central committee shall remove it from all charters in the election.

### Section 36

#### *Decision to nominate candidates*

The decisions of an established political association or established municipal political association to nominate candidates for the Parliament or local council and to submit a notification of candidacy shall be made at an association meeting or in the manner in which the association's rules and regulations state that the voting rights of members shall be exercised. The decisions may also be made by the association's executive board if the association meeting has authorised it to do so.

The decision of a local association to nominate candidates for a municipal election in the name of an established political association shall be made at a meeting.

An association as referred to in this section may determine that the polling representative may not enter into an agreement on an electoral alliance. If no such decision is made, the polling representative is entitled to enter into such an agreement on behalf of the association.

### Section 37

#### *Electoral alliance*

A polling representative who is entitled to do so may, on behalf of the association, collaborate with one or more other associations in an election by entering into an agreement on the formation of an electoral alliance.

Established political associations and established municipal political associations are entitled to nominate their candidates on multiple lists. The lists shall form an electoral alliance without any need to enter into a special agreement.

An agreement on an electoral alliance shall be signed by the polling representatives for the associations forming the alliance. The agreement shall include authorisation for one of the signatories to be the polling representative of the electoral alliance and for one to be the deputy polling representative.

#### Section 38

##### *Number of candidates that may be nominated*

A constituency association, an established political association, an established municipal political association, a local association or an electoral alliance is entitled to nominate a number of candidates no more than twice the number of representatives to be appointed in the election.

#### Section 39

##### *List of candidates*

A list of candidates must clearly show the candidates' names and their titles, occupations or positions, indicated using a maximum of two expressions. A candidate's first name may be supplemented or replaced with a generally known name or shortened first name. A list relating to the parliamentary election shall specify the candidates' municipalities of residence. A list relating to a municipal election may specify the candidates' addresses, home villages or other generally known geographical identifiers.

A list of candidates may not include any information other than that specified in this section unless it is necessary in order to clarify the candidate's identity.

The candidates shall be nominated in the order in which they are intended to be listed in the master list of candidates.

The following must be added to the list of candidates: the candidates' written consent to be nominated as a candidate, their personal identity codes and their declarations that they have not consented to be nominated as candidates on any other list of candidates in the same election. The candidates' names shall have the same form in the declaration of consent as on the list of candidates.

#### Section 40

##### *Names of lists of candidates and electoral alliances*

An individual candidate list or an electoral alliance shall have a name in the master list of candidates.

A list of candidates drawn up by an established political association, an established municipal political association or a local association shall be given the same name as the name of the political association.

An electoral alliance that includes an established political association, an established municipal political association or a local association shall have a name that includes the name of each political association included in the electoral alliance. A constituency association's notification of candidacy or notification of agreement on the formation of an electoral alliance may include a proposed name. The proposed name may not be misleading or unsuitable. The name may include a name that has been entered in the Register of Associations if the association has consented to this in writing.

#### Section 41

##### *Notification of candidacy and notification of an electoral alliance*

A notification of candidacy and a notification of agreement on an electoral alliance shall be submitted no later than 16.00 on the Monday falling 34 days before election

day. The notification shall include a declaration from the polling representative that the candidates are eligible to stand for election and the documents shall be signed by the polling representative. The documents shall include the polling representative's contact details.

Documents relating to parliamentary elections shall be submitted to the central committee for parliamentary elections and documents relating to municipal elections shall be submitted to the central municipal election board of the relevant municipality.

#### Section 42

##### *Documents appended to a notification of candidacy*

An established political or established municipal political association shall append an extract from the minutes of the decision-making body on the matter to the notification of candidacy. The extract from the minutes shall indicate the lists of candidates, the polling representative and the deputy polling representative. An extract from the Register of Associations including the registered name and signatories of the association shall be appended to the notification.

A local association shall append to the notification of candidacy an extract from the minutes of the meeting at which the decision to nominate candidates was made. The extract from the minutes shall specify the polling representative and an authorisation for the representative to register the association's list of candidates under the name of the established political association. The established political association's notice of the entitlement of the local association to nominate candidates in the municipal election in the established political association's name shall also be appended to the notification. The local association shall specify the name and contact details of the association's polling representative and deputy polling representative and append their authorisations.

#### Section 43

##### *Prohibition of appeal against the decisions of an association*

The provisions of the Associations Act (FFS 503/1989) on the voidness or contesting of the decisions of an association do not apply to a decision made by an association in a matter referred to in this chapter.

### **Chapter 5**

#### **Processing of notifications of candidacy**

#### Section 44

##### *Decision on the submission of documents*

At their first meeting in accordance with section 13, the central committees shall decide on the time and place of submission of the notification of candidacy and of the notification of agreement on an electoral alliance.

The decision of the central committee for the parliamentary election shall be published on the electronic notice board of the Government of Åland in accordance with the provisions of the Administrative Procedure Act on service to the public. The notice shall also include the date and time of the election procedure and information on advance voting and the advance voting period.

The central municipal election board's decision shall be published in the manner in which municipal notices are published. The notice shall also indicate the number of local councillors to be elected in the municipality.

#### Section 45

### *Processing of notifications*

Notifications of candidacy, notifications of agreement on an electoral alliance and all other documents that have been submitted shall be processed at the meeting held by the central committees on the Tuesday falling 33 days before election day.

A notification that has not been received within the allotted time frame shall be rejected. If a person who has been nominated on a list of candidates has died or is not eligible to stand for election, the central committee shall delete the candidate's name from the list. If a person has consented in writing to be nominated on multiple lists of candidates, the central committee shall delete the candidate's name from all the lists. If a notification cannot be approved for any other reason, the polling representative shall be informed of this immediately. Notifications that have been submitted within the allotted time frame and on which the central committee has no remarks to make shall be approved.

The order of the lists of candidates and electoral alliances shall be determined at the meeting by drawing lots.

### Section 46

#### *Rectification and supplementing of documents*

If a polling representative has been informed that a notification cannot be approved, the polling representative is entitled to supplement the notification, rectify the submitted documents and rectify information regarding a candidate on the list of candidates no later than 16.00 on the Friday falling 30 days before election day.

If a constituency association's charter has not been signed by a sufficient number of eligible voters, it may only be supplemented if the number has decreased because the central committee has deleted persons who have joined two or more constituency associations for the same election.

### Section 47

#### *Master list of candidates*

At the meeting held 30 days before election day, the central committees shall settle the rectifications and supplements made in response to remarks on the notifications of candidacy or the notifications of agreement on an electoral alliance.

At the meeting, the central committees shall compile a preliminary master list of candidates, in which the candidates shall be assigned sequential numbers in the order determined in the list of candidates and by the drawing of lots. The master list for the parliamentary election shall start at number 2 and the master list for the municipal election at number 502.

Lists of candidates belonging to the same electoral alliance shall be combined in the master list. The lists of candidates and electoral alliances shall be clearly separated from each other in a way that makes it clear which lists of candidates belong to each electoral alliance.

For lists of candidates belonging to the same electoral alliance and for lists of candidates outside electoral alliances, the proposed name shall be given. If a central committee does not approve such a name, or if no proposed name has been notified, the committee shall determine an alphabetical name. Such an alphabetical name shall only indicate the order of the electoral alliance or list of candidates in the master list.

### Section 48

#### *Confirmation and publication of the master list*

At the meeting held 27 days before election day, the central committees shall rectify the preliminary master list of candidates as necessary. If a candidate has died or is not

eligible to stand for election, the candidate's name shall be deleted from the list of candidates. The master list of candidates shall then be confirmed with final effect.

The master list of candidates for the parliamentary election shall be published on the electronic notice board of the Government of Åland in accordance with the provisions of the Administrative Procedure Act on service to the public. The master lists for the parliamentary election and for each municipality shall be published in the manner in which municipal notices are published.

#### Section 49

##### *Printing and distribution*

The central committees shall arrange the printing of a sufficient number of copies of the master list of candidates. The master list for the parliamentary election shall be printed on white paper, and the master list for the municipal election shall be printed on green paper. A sufficient number of copies of the master list of candidates for the parliamentary election shall be sent to the central municipal election boards no later than 18 days before election day for forwarding to the election boards. The master list of candidates for the municipal election shall be sent to the local executive and the election boards in the municipality within the same time frame.

The central municipal election boards shall send the Government of Åland as many copies of the master list of candidates for the municipal election as are determined by the Government of Åland. The Government of Åland shall send a sufficient number of copies of each master list to the central municipal election boards for forwarding to the electoral commissions and election officials.

#### Section 50

##### *Right of scrutiny for polling representatives*

The polling representatives shall have access to the preliminary master list of candidates. The central committees shall notify the representatives of the manner in which the lists can be accessed.

The polling representatives are entitled to be present at the meeting at which the master list of candidates is finally confirmed.

#### Section 51

##### *Prohibition of appeal*

The central committee's decisions referred to in this chapter are not subject to appeal.

### **Chapter 6**

#### **General provisions on the election procedure**

#### Section 52

##### *Notice of the election procedure*

The central committee for parliamentary elections shall give notice of advance voting on the electronic notice board of the Government of Åland no later than 20 days before election day in accordance with the provisions of the Administrative Procedure Act on service to the public. The notice shall include information on the advance voting period, all general advance polling stations and the option to vote by post and via the internet.

The central committee for parliamentary elections shall give notice of the election procedure on the electronic notice board of the Government of Åland later than seven days before election day in accordance with the provisions of the Administrative Procedure Act on service to the public. The notice shall include information on all voting districts and polling stations by municipality.

The central municipal election board shall give notice of the election procedure no later than seven days before election day in the manner in which municipal notices are published. The notice shall include information on the municipality's voting districts and on where the polling station for each voting district is located.

### Section 53

#### *Provisions on advance polling stations and polling stations*

The general advance polling stations and polling stations shall be accessible to all voters without assistance.

The central municipal election board shall ensure that all advance polling stations and polling stations in the municipality have suitable space for voting. There shall also be sufficient space for voters waiting their turn to vote.

The premises shall contain *voting screens* guaranteeing the protection of election secrecy. The master list of candidates for each election shall be available. It must be clear to voters which candidates have been nominated for each election.

It is prohibited to give speeches, publish or distribute printed or written exhortations or carry out any other activity that exposes voters to influence or to attempts to influence them, or that restricts their electoral freedom in any way, in or immediately outside advance polling stations and polling stations.

The election officials, electoral commission or election board are entitled to take measures to maintain order and ensure that the election procedure goes ahead without disruptions.

### Section 54

#### *Ballots*

Advance voting at an advance polling station, postal voting and voting on election day shall involve the use of *ballots*. The ballots shall be of standard size, 148 × 210 mm. They shall be folded in half and have a heading on the inside specifying the election in which they are to be used. On the right-hand side of the fold there shall be a continuous circle with a diameter of 90 mm. The abbreviation Nr... shall be printed in the middle of the circle. On the left-hand side of the fold there shall be a hatched circle that covers the candidate number that has been marked down when the ballot is folded.

The Government of Åland shall arrange the printing of ballots both for the parliamentary election and for the municipal election. The ballots for the parliamentary election shall be white and those for the municipal election shall be green. The ballots shall be designed in a way that ensures that election secrecy is maintained. The ballots may not contain anything other than what is set out in this section.

The Government of Åland shall send a sufficient number of ballots to each central municipal election board. The ballots shall be sent in a closed wrapping with a note specifying the number of ballots. The consignments shall be sent in accordance with the provisions of section 60 before advance voting takes place and in good time before voting on election day.

### Section 55

#### *Completion of the ballot*

The candidate's number on the master list shall be marked down on the ballot sufficiently clearly so that there is no doubt as to which candidate is intended. No other marks may be placed on the ballot. The mark on the ballot shall be made within a voting screen or in some other way guaranteeing that election secrecy is maintained.

The voter is entitled to receive new ballots on request. The voter shall tear up the originally issued ballots in full view of the election authority.

## Section 56

### *Basic provisions on voting*

A voter is entitled to vote for a candidate who is listed on the master list of candidates. A voter shall cast his or her vote in person. The general advance polling stations and polling stations shall be equipped in a way that allows all voters to complete their ballots without assistance. The election official, a member of the electoral commission or a special polling assistant shall assist with the voting on request. A voter whose ability to make a mark on the ballot is hampered by a disability, illness or injury may appoint a person of his or her choice as an assistant when voting. A nominated candidate or a spouse, child, sibling or parent of a candidate may not be an assistant. Spouse refers here to a married spouse, a domestic partner or a partner in a registered partnership.

The person assisting a voter is responsible for following the voter's instructions scrupulously and shall keep what he or she has learned in the course of the vote secret.

## Section 57

### *Election stamp*

The Government of Åland shall approve and provide the *election stamps* to be used during voting at the advance polling stations and polling stations.

## Chapter 7

### **Common provisions on advance voting**

## Section 58

### *Right to vote in advance*

All eligible voters may vote in advance at the general advance polling stations. Any eligible voter who is receiving care or has been admitted to an institution that the local executive has determined shall be an advance polling station may vote in advance in that institution. Provisions on advance voting at advance polling stations are set out in chapter 8.

Any eligible voter who is unable to vote at a general advance polling station or polling station during the election procedure, either because he or she is outside Åland or as a result of illness, disability or any other similar circumstance, may vote in advance by post in accordance with the provisions of chapter 9.

Any eligible voter whose municipality of residence is not in Åland on 1 September of the election year may vote in advance in the parliamentary election via the internet in accordance with the provisions of chapter 10.

## Section 59

### *Advance voting period*

The *advance voting period* begins 15 days before election day and ends five days before election day.

## Section 60

### *Advance voting documents*

A ballot, ballot envelope, covering letter and covering envelope shall be used in advance voting by post and at an advance polling station. No advance voting documents shall be used in advance voting via the internet. The covering letter and covering envelope used in voting at an advance polling station shall be distinct from those used in advance voting by post.

The Government of Åland shall send ballots and all other advance voting documents to the central municipal election boards no later than 34 days before election day. The

central municipal election boards shall forward the ballots and other advance voting documents to the election officials and the electoral commission of the municipality and to those intending to vote in advance by post.

#### Section 61

##### *Review of the advance voting documents*

The central municipal election boards shall hold a meeting where they shall review the advance voting documents received by the board no later than 19.00 on the Friday before election day. A vote shall be disregarded if:

- 1) the advance voting consignment arrives late,
- 2) the person who voted in advance has verifiably died,
- 3) the person who voted in advance is not listed in the voting register or electoral roll as eligible to vote,
- 4) the covering letter is so deficient or unclear that it is impossible to determine who the voter is,
- 5) an inappropriate marking has been made on the ballot envelope,
- 6) it is to be disregarded under the order of priority set out in paragraph 3. If a voter has voted multiple times during the advance voting period, the votes shall be considered in the following order:
  - 1) voting at an advance polling station,
  - 2) postal voting,
  - 3) voting via the internet.

Advance voting consignments that are received late may not be opened. If a vote is disregarded, the ballot envelope may not be opened. An open ballot envelope shall be sealed in a way that maintains election secrecy.

#### Section 62

##### *Note in the electoral roll*

If the covering letter and ballot envelope can be approved, the central municipal election board shall make a note in the electoral roll of the election(s) in which the voter has exercised his or her right to vote, unless a note was made in the voting register at the time of voting. At the same time, a note of the voters who have exercised their rights to vote by voting in advance via the internet shall also be made in the electoral roll.

#### Section 63

##### *Processing the ballot envelopes*

The ballot envelopes received from the advance polling stations may not be opened and shall be processed separately from the advance voting consignments received by post.

The central municipal election board shall, in a way that maintains election secrecy, open approved ballot envelopes from voters who have voted in advance by post. The central municipal election board shall, without opening the folded ballot, stamp it and then enclose it in a new ballot envelope.

Ballot envelopes relating to municipal elections and parliamentary elections shall be sorted separately from each other. The approved ballot envelopes shall be counted and the number checked against the notes made in the electoral roll.

The central municipal election board shall send the ballot envelopes relating to the parliamentary election to the central committee for parliamentary elections in a sealed consignment, and also indicate the number of envelopes in the consignment. The ballot envelopes shall be sent in the manner and within the time frame determined by the central committee for parliamentary elections. The central municipal election board

shall store the ballot envelopes relating to the municipal election securely until election day.

#### Section 64

##### *Protection of election secrecy if the number of advance votes is small*

If 50 or fewer voters in a municipality have voted in advance in the parliamentary election, the central committee for parliamentary elections shall decide at its meeting on election day that the advance votes shall be reviewed and counted by the central committee together with the votes from another municipality.

If 25 or fewer voters in a municipality have voted in advance in the municipal election, the central municipal election board shall decide at its meeting on the Friday before election day that the advance votes shall be reviewed and counted by the central municipal election board together with the ballots from one of the municipality's voting districts.

If a decision is made in accordance with paragraph 2, the central municipal election board shall inform the affected election board. Once voting is complete on election day, the ballots shall be removed from the ballot box, counted and placed in a wrapping in such a way that election secrecy is maintained. The chairperson and deputy chairperson of the election board, or one of them together with another member, shall immediately hand over the ballots to the central municipal election board. A note on the procedure shall be made in the election record.

#### Section 65

##### *Counting advance votes*

The approved ballot envelopes shall be opened at the meeting of the central committees on election day. The meeting may be started and opening may begin at 12.00 at the earliest, provided that the central municipal election board has not decided that the advance votes in the municipal election shall be counted together with the votes cast in a voting district on election day. The minutes of the committee shall record the number of ballot envelopes. The ballot envelopes shall then be opened and the votes counted in the manner defined in section 91 for counting votes in an election board.

The result of the counting of advance votes may not be published before the election procedure is complete at 20.00.

The central committee for parliamentary elections is responsible for ensuring that the advance votes cast via the internet are not counted and reported before 20.00 on election day.

#### Section 66

##### *Prohibition of appeal*

An election authority's decisions in any matter relating to advance voting in accordance with chapters 7–10 of this Act are not subject to appeal.

### **Chapter 8**

#### **Advance voting at an advance polling station**

#### Section 67

##### *Organisation of voting*

The election officials appointed by the central municipal election board are responsible for advance voting at general advance polling stations. There shall be at least two election officials present at each general advance polling station. The electoral commission of the municipality is responsible for advance voting at an institution.

Advance voting at an institution shall be organised only for those who are receiving care or have been admitted to that institution.

The voting procedure at an advance polling station shall be organised in such a way that election secrecy is maintained.

The central municipal election board shall send election stamps and all other equipment to the election officials and the electoral commission of the municipality before advance voting takes place.

Once advance voting is complete, the election stamps, surplus advance voting documents and lists of voters who have voted in advance shall be sent immediately to the central municipal election board.

#### Section 68

##### *Voting times*

A general advance polling station shall be open for voting during the advance voting period at the times determined by the local executive. Voting times may not fall on working days before 08.00 or after 20.00 or on Saturdays before 09.00 or after 18.00.

Advance voting at an institution shall be arranged during the advance voting period during one or, at most, two days at the times determined by the electoral commission. The election officials and electoral commission shall ensure that information on voting times and on the advance voting procedure is available in a clearly visible place at the advance polling station.

#### Section 69

##### *Execution of voting*

In order to vote at an advance polling station, the voter shall report in person to the election official or electoral commission to receive a ballot and any other advance voting documents for either election or for both elections. The voter must be able to prove his or her identity.

Once the voter has placed his or her mark on the ballot, it shall be folded and then stamped with the election stamp by the election official or electoral commission. The voter shall then immediately enclose the ballot in the ballot envelope in full view of the election official or electoral commission. The ballot envelope shall be sealed. No marks may be placed on the ballot envelope.

#### Section 70

##### *Covering letter and covering envelope*

The covering letter shall contain the following information on the voter:

- 1) full name,
- 2) personal identity code, if a marking as referred to in section 71 is made on the covering letter,
- 3) personal identity code or date of birth and current address, if no marking is made.

The voter shall sign the declaration on the covering letter stating that he or she has, personally and in such a way that election secrecy has been maintained, completed the ballot, had it stamped and placed it in the ballot envelope, which has then been sealed.

The covering letter shall be addressed to the central municipal election board of the municipality in which the voter is eligible to vote. The voting card may be used as a covering letter if the voting register is not in use at the advance polling station.

The name of the central municipal election board specified in the covering letter or on the voting card shall be noted on the covering envelope.

The voter shall hand over the ballot envelope, the covering letter or voting card and the covering envelope to the election official or electoral commission.

## Section 71

### *Noting a vote*

When the voting register is in use at the advance polling station, the election official or electoral commission shall

- 1) check in the register that the voter is eligible to vote,
- 2) make a note in the register that the voter has cast his or her vote, and
- 3) make a marking in the covering letter to indicate that the note referred to in point 2 has been made in the register; if the vote was cast in an institution, the name of the institution may not be included in the marking.

When the voting register is not in use, a list of those who cast votes shall be kept at the advance polling station. The list shall not be public until voting is complete on election day.

## Section 72

### *Completion of voting*

The election official or the chairperson of the electoral commission shall certify in the covering letter or on the voting card that voting has taken place as stipulated. If a marking as referred to in section 71 is not made in the covering letter, the certification shall also include the date of the vote and the name of the advance polling station or, if voting took place in an institution, the municipality in which the institution is located. The ballot envelope and covering letter or voting card shall then be enclosed in the covering envelope, which shall be sealed.

The election official and electoral commission shall store the covering envelopes in their possession with care and in a reliable manner.

## Section 73

### *Forwarding of covering envelopes*

The election official or electoral commission shall ensure without delay that the covering envelopes addressed to the central municipal election board of the election official's or electoral commission's own municipality are sent to the central municipal election board in the manner indicated by the board, and that the covering envelopes addressed to other central municipal election boards are sent to them immediately by post or by any other reliable means.

## **Chapter 9**

### **Advance voting by post**

## Section 74

### *Postal voting documents*

Any person who intends to vote in advance by post shall order postal voting documents in writing from the central municipal election board of the municipality in which that person is entitled to vote. The order shall be made personally using a special form or in any other way that securely establishes the identity of the person placing the order. The documents may be ordered before the advance voting period, but the order must be received by the central municipal election board before the advance voting period has ended.

## Section 75

### *Duties of the central municipal election board*

The central municipal election board shall send the postal voting documents, together with instructions, without delay to the address specified by the person who

placed the order. If the master lists of candidates for the elections in question have been confirmed, they shall be enclosed.

If a voter who has ordered postal voting documents has an address in the municipality, the central municipal election board shall, by special request, arrange for the postal voting documents to be brought directly to the voter and for the documents to be collected.

The central municipal election board shall draw up a list of voters to whom postal voting documents are sent and a list of voters who submit postal voting documents. The lists shall not be made public before voting is complete on election day.

The central municipal election board may delegate the duties described in this section to a person appointed by the board.

#### Section 76

##### *Time of voting*

Advance voting by post may take place no earlier than 27 days before election day. Postal votes with covering letters dated earlier than this shall be disregarded by the central municipal election board. In order to be considered, the postal voting documents must have been received by the central municipal election board no later than 19.00 on the Friday before election day.

#### Section 77

##### *Execution of voting*

When voting by post, the voter shall place his or her mark on the ballot or on each of the ballots, and then enclose the folded ballot(s) in their respective ballot envelopes, which shall then be sealed. No marks may be placed on the ballot envelopes. The voter shall ensure that election secrecy is maintained. The covering letter shall be completed in accordance with the instructions, and the ballot envelope, containing a ballot and the covering letter, shall then be placed inside the covering envelope. Instead of a covering letter, the voter may enclose his or her voting card, which shall be signed by the voter.

The voter shall address the covering envelope to the central municipal election board and send it by post or by other means. The voter himself or herself is responsible for ensuring that the covering envelope is received by the central municipal election board within the allotted time period.

### **Chapter 10**

#### **Advance voting via the internet**

#### Section 78

##### *Organisation of voting*

Advance voting via the internet shall be organised in parliamentary elections if a reliable system for electronic voting via the internet is available. If the Government of Åland does not have access to a reliable system that can be used for electronic voting via the internet by four months before election day at the latest, a decision shall be made not to organise advance voting via the internet.

#### Section 79

##### *Reliable system*

A system for electronic voting via the internet shall be considered reliable if it meets accepted standards for electronic voting via the internet and if it fulfils the following basic requirements:

1) the system shall guarantee that election secrecy is maintained throughout the process,

- 2) the system shall ensure the integrity of the system and of the lists of eligible voters and candidates,
- 3) the system shall apply a secure method of identifying and authenticating the voters who use it,
- 4) only voters who are eligible to vote via the internet shall have access to the system and be able to use it to vote,
- 5) it shall be possible for a vote to be changed by the person who cast that vote,
- 6) a voter shall be able to exercise his or her right to vote by specifying the number of a nominated candidate or by selecting the option that indicates that he or she is exercising his or her right to vote without voting for any of the nominated candidates,
- 7) the person who has voted shall be able to verify that the vote cast is stored in the intended electronic ballot box,
- 8) it shall be possible to verify, by means that are independent of the system, that
  - a) the votes that are counted were cast by voters who are eligible to vote and
  - b) that all votes that have been cast by voters who are eligible to vote are counted in the way in which they are cast, and
- 9) it shall be possible to revise the system; the revision system shall be open and transparent and actively report potential risks and threats.

## Section 80

### *Voting times*

During the advance voting period, advance voting via the internet shall be organised during the period determined by the Government of Åland. Voting via the internet shall take place over a consecutive period of at least 120 hours, unless the central committee for parliamentary elections decides otherwise as provided for in section 83. During the period, short breaks in voting may occur if required for the maintenance of the system.

## Section 81

### *Execution of voting*

When voting via the internet, the voter shall cast his or her vote in such a way that election secrecy is maintained.

In order to vote via the internet, the voter shall identify himself or herself and authenticate his or her identity in the manner specified.

Any person who votes in advance via the internet may vote via the internet multiple times. The last vote cast shall be counted, and previous votes shall be nullified.

## Section 82

### *Electronic ballot box*

Votes cast via the internet shall be stored in an electronic ballot box for which the central committee for parliamentary elections is responsible.

The central committee shall appoint at least five persons who shall be responsible for opening the electronic ballot box. When those persons are appointed, emphasis should be placed on their enjoying a high degree of general trust, representing different sectors of society and both genders, and having an insight into the need for security and the protection of privacy in an election. A person who is a candidate in a parliamentary or municipal election may not be appointed.

The electronic tools required in order to open the electronic ballot box shall be distributed among the persons appointed under paragraph 2. It shall not be possible to open the ballot box if at least three of those persons are not present at the same time.

## Section 83

### *Decision to suspend voting*

If there are disruptions to the system for voting via the internet during the advance voting period, if the system is breached or if, for any other reason, it cannot be guaranteed that the system will function reliably, the central committee for parliamentary elections shall make a decision to postpone, suspend or discontinue voting via the internet until the reliability of the system can again be guaranteed.

If, when a decision is made under paragraph 1, it is not possible to ensure that the votes that have already been cast via the internet have been processed correctly in the system, the central committee for parliamentary elections shall decide to nullify the votes.

If a decision under paragraph 1 causes the period for advance voting via the internet to become significantly shorter, the central committee for parliamentary elections may decide to extend it, but only within the advance voting period. The central committee for parliamentary elections shall immediately inform the Government of Åland of any decisions under this section and publish them on the electronic notice board of the Government of Åland. The information shall also be published on the website on which advance voting via the internet takes place.

#### Section 84

*Noting votes cast via the internet in the voting register* If the Government of Åland has established in accordance with section 29, paragraph 1 that the technical readiness to carry out advance voting is not in place such that a note on voting during the advance voting period is made directly in the voting register, the central committee for parliamentary elections shall, once the advance voting period has ended, notify the relevant central municipal election board of the voters who have voted via the internet during the advance voting period. The notification shall take the form of a list drawn up by voting district, in alphabetical order by last name. The voter's personal identity code shall be given where necessary. The central municipal election board shall have access to the notification at the meeting held on the Friday before the election. The list shall not be public until voting is complete on election day.

#### Section 85

##### *Notification of other voting*

The central municipal election board shall notify the central committee for parliamentary elections of the voters who have voted via the internet and who have also voted in any other way during the advance voting period, by the means determined by the central committee for parliamentary elections. The voter's personal identity code shall be given where necessary. The central committee for parliamentary elections shall have access to the notification no later than 12.00 on election day.

The central committee for parliamentary elections shall ensure that the votes cast via the internet by the voters referred to in paragraph 1 are nullified. The votes and information on who has voted shall be deleted from the electronic ballot box before it is opened and the votes counted.

#### Section 86

##### *Checking and reviewing*

The Government of Åland shall arrange checks of the functioning of the internet voting system on an ongoing basis during the period in which voting via the internet takes place and immediately after election day. The processes may be reviewed by an independent body with sufficient knowledge and experience of similar systems. The Government of Åland shall arrange for verification of the votes in the electronic ballot box in order to ensure that they have been registered as intended, that they have been stored as they were registered and that they have been counted as they were stored. The verification shall be carried out by an independent body.

## **Chapter 11**

### **Voting on election day**

#### Section 87

##### *Organisation of voting*

The election board is responsible for voting on election day.

In the polling station there shall be a special *polling assistant* appointed by the election board, whose duty is to assist voters in casting their votes. A nominated candidate or a spouse, child, sibling or parent of a candidate may not be a polling assistant. Spouse refers here to a married spouse, a domestic partner or a partner in a registered partnership.

#### Section 88

##### *Voting times*

On election day, the polling station shall be open for voting between 09.00 and 20.00. When the polling station closes at 20.00, any persons who have arrived are entitled to cast their votes.

#### Section 89

##### *Start of voting*

When voting on election day starts, the chairperson or deputy chairperson of the election board shall demonstrate to those present that the ballot box is empty, and then seal the box and open the consignment of ballots.

#### Section 90

##### *Execution of voting*

Any person intending to vote shall report to the election board in the voting district in which he or she is listed on the electoral roll. The voter must be able to prove his or her identity to the election board.

The voter shall receive a ballot for each election or both elections, once the election board has established that he or she is listed on the electoral roll as an eligible voter in the relevant election(s) and that he or she has not voted in advance. The polling assistant shall, at the request of the voter, assist with the voting. The voter is also entitled to appoint a member of the election board as an assistant for voting if this does not delay the election procedure.

Once the voter has placed his or her mark on the ballot, the folded ballot shall be stamped with the election stamp and then placed in the ballot box. The election board shall note on the electoral roll that the voter has exercised his or her right to vote.

#### Section 91

##### *Final measures of the election board*

Once the chairperson or deputy chairperson of the election board has declared the election procedure complete, the cast ballots shall be removed from the ballot box immediately. The ballots for the parliamentary election and municipal election shall be separated from each other and shall be counted separately. Similarly, the number of persons who have exercised their right to vote in each election according to the notes on the electoral roll shall be counted.

If the central municipal election board has decided pursuant to section 64 or 94 that the ballots shall not be reviewed and counted in the election board, they shall immediately be placed in a wrapping and submitted to the central municipal election

board in the manner determined by it. A note on the procedure shall be made in the election record.

The ballots shall then be opened and reviewed. A ballot that cannot be approved shall be set aside. The remaining ballots shall be sorted by candidate number. The number of ballots shall then be counted for each candidate. The election board shall immediately order and count the ballots. The board is entitled to appoint special personnel as needed to assist with the counting. The results of the preliminary vote counting shall be notified to the central committee for each election without delay.

All the ballots, ordered by candidate, shall then be placed in wrappings, one for each election. The ballots not approved by the election board shall also be placed in the wrapping. The wrapping shall be sealed carefully and as prescribed by the Government of Åland. The address of the receiving central committee, the contents of the consignment and the sender shall be written on the wrapping.

## Section 92

### *Election record*

The election board shall keep an *election record* for the election procedure. Records shall be kept separately for the parliamentary election and for the municipal election. The record must include

- 1) the date and time at which the election procedure began and ended,
- 2) the members of the election board present as well as any personnel appointed by the board to count the votes,
- 3) the polling assistants appointed by voters,
- 4) the number of eligible voters,
- 5) the number of voters who voted in advance and on election day, 6) the total number of ballots handed in and the number of ballots cast for each candidate,
- 7) the date and time at which the ballots were placed in wrappings and sealed, and
- 8) the polling representatives or persons authorised by them who were present when the ballots were ordered and counted.

The authorisations for those persons who were present with authorisation shall be appended to the record.

When the record has been completed, it shall be read out, adjusted and signed by the chairperson or deputy chairperson and at least one other member of the election board. The record and appendices shall then be placed in a wrapping, which shall be sealed and on which the address of the receiving central committee, the contents and sender shall be written. If the ballots have not been reviewed and counted in the election board, the appendices for the joint counting duties shall not be appended. A note regarding this shall be made in the record.

## Section 93

### *Submission of documents*

The chairperson and deputy chairperson of the election board, or either of them together with another member of the election board, shall submit the ballots and election record to the relevant central committee without delay. The receiving central committee may require the consignments to be submitted by any other means.

The electoral roll and other documents shall be submitted to the central municipal election board for archiving.

## Section 94

### *Protection of election secrecy in small voting districts*

If the number of persons eligible to vote in a voting district is not more than 100, the central municipal election board shall, in good time before the election, decide that the

ballots from the voting district in question shall be combined with the votes from at least one of the municipality's other voting districts. The votes shall be mixed together and then reviewed and counted by the central municipal election board. The provision shall not apply to municipalities formed of one voting district.

The central municipal election board shall inform the central committee for parliamentary elections of any decision made under this section.

#### Section 95

##### *Prohibition of appeal*

An election authority's decisions referred to in this chapter are not subject to appeal.

### **Chapter 12**

#### **Establishment of the election result and issuing of authorisations**

#### Section 96

##### *Review of ballots*

The central committee for parliamentary elections and the central municipal election boards shall, no later than 12.00 on the day after election day, begin the review of the ballots and the election boards' calculations, and establish which ballots are invalid.

#### Section 97

##### *Invalid ballots*

A ballot is invalid if

- 1) the ballot envelope contains more than one ballot,
- 2) an inappropriate marking has been made on the ballot envelope,
- 3) more than one candidate number has been marked on the ballot in such a way that it is not completely clear which candidate is intended,
- 4) a special character has been placed on the ballot or some other invalid mark has been made on it,
- 5) the candidate number has been marked on something other than a ballot provided by an election authority, or if
- 6) the ballot is not stamped.

A mark on the ballot that only clarifies the candidate for which the voter intended to vote shall not be considered an invalid mark. Ballots that are considered invalid shall be set aside and placed in a special wrapping grouped by voting district. The wrapping shall be sealed and stored with the approved votes.

#### Section 98

##### *Vote counting procedure*

The central committees shall count the total number of approved votes cast in favour of each candidate in the course of advance voting and voting on election day.

The counting of votes shall be carried out as follows:

- 1) the *number of votes* for a candidate shall be determined by counting the total number of approved ballots on which the candidate's number has been marked and the number of votes cast for the candidate via the internet,
- 2) the number of votes for a list of candidates shall be determined by counting the total number of votes for all the candidates on the list and
- 3) the number of votes for an electoral alliance shall be determined by counting the total number of votes for all the electoral alliance's lists of candidates.

#### Section 99

##### *Counting of votes in special cases*

If a candidate who has received votes in the election is not eligible to stand for election or has died, the votes cast for the candidate shall still be counted for the list of candidates and the electoral alliance.

#### Section 100

##### *Establishment of the election result*

The central committees shall establish the election result at a meeting to be held no later than the fourth day after election day. The election result shall be calculated as follows:

1) All the candidates on the same list of candidates shall be listed in order by number of votes cast. The candidates shall then be given preliminary *comparative indices* such that the first ranked candidate receives the full number of votes on the list as his or her comparative index, the second receives half of that number, the third receives one third, the fourth receives one quarter and so on. For candidates who are not part of an electoral alliance, the preliminary comparative index is also the candidate's final comparative index. 2) Candidates who are part of the same electoral alliance shall then be listed according to their preliminary comparative indices such that the candidate with the highest preliminary comparative index is ranked first. The candidates in the electoral alliance shall then be assigned final comparative indices such that the first ranked of the candidates receives the full number of votes for the electoral alliance as his or her final comparative index, the second receives half of that number, the third receives one third, the fourth receives one quarter and so on. 3) All the names of the candidates nominated in the relevant election shall be listed again in descending order according to their final comparative indices, and the final comparative index shall be noted beside each candidate's name. In the event of a tied vote or tied comparative indices, the order of the candidates shall be determined by drawing lots.

The election result shall be established by selecting, counting from the start of the list of candidates referred to in paragraph 2, point 3, as many candidates as are to be appointed in the election.

When there is a break in the proceedings of the central committee, all ballots and calculations shall be kept stored such that no external parties have access to them.

#### Section 101

##### *Polling representatives' right to be present*

The polling representatives, or persons authorised separately in writing for each election authority by the polling representatives, have the right to be present at the central committees' meetings for reviewing and counting ballots and establishing the election result.

#### Section 102

##### *Deputies*

The next candidate on the same list of candidates after the elected candidates shall be appointed as deputy to a Member of Parliament. If all the candidates on the list of candidates have been elected, the candidate in the electoral alliance with the highest final comparative index after the elected candidates shall be appointed if the list of candidates is part of an electoral alliance.

If a deputy cannot be appointed from the same list of candidates or electoral alliance, the candidate with the highest final comparative index after the elected candidates shall be appointed.

In the parliamentary election, if the first deputy is appointed jointly for three or more elected candidates, a second deputy shall be appointed.

Deputy members on local councils shall be appointed in accordance with the provisions of section 39 of the Local Government Act.

If a seat has become vacant and there is no appointed deputy, the central committee shall, where necessary, meet in order to appoint a deputy in accordance with the provisions of this section.

## Section 103

### *Publication of the election result*

The central committee for parliamentary elections shall publish the election result together with appeal instructions on the electronic notice board of the Government of Åland, in accordance with the provisions of the Administrative Procedure Act on service to the public. In addition to the names, titles, occupations or positions and places of residence of the elected candidates, their numbers of votes and final comparative indices shall also be published, as well as who has been appointed as deputy to each elected candidate. The central committee for parliamentary elections shall also inform the Government of Åland, the Governor and the central municipal election boards of the election result. The central municipal election board shall inform the elected candidates and the local executive of the election result and publish it together with appeal instructions in the manner in which municipal notices are published. In addition to the names, titles and occupations or positions of the elected candidates, their numbers of votes and final comparative indices shall also be published.

## Section 104

### *Authorisations*

The central committee for parliamentary elections shall grant authorisations to those who have been elected to the Parliament and to any deputies who shall take the place of a member.

The wording of the authorisation for a Member of Parliament shall be as follows:

“At the parliamentary election held on ....., (title or occupation) N.N., resident of ....., was elected as a Member of the Parliament of Åland. The term of office shall proceed until the next parliamentary election has been held and the working year of the previous Parliament has ended.”

If a Member of Parliament’s seat becomes vacant on the basis of the provisions of section 7 or 10 of the Parliament Act for Åland, the central committee for parliamentary elections shall grant authorisation to the person who is to sit in the Parliament for the corresponding period. The wording of such an authorisation shall be as follows:

“At the parliamentary election held on ....., (title or occupation) N.N. was elected as a Member of the Parliament of Åland. However, because the seat has become vacant in accordance with the provisions of section 7 or 10 of the Parliament Act (2011:97) for Åland, (title or occupation) M.M., resident of ....., has been appointed to replace N.N. as a Member of Parliament for the period during which the seat is vacant.”

The authorisations shall be signed and dated.

## Section 105

### *Minutes of the central committees*

Minutes shall be taken at the meeting of the central committees to establish the election result. The minutes shall state the time of the meeting, the members and other persons present and the decisions made by the committee. The number of advance votes shall be specified in the minutes. The number of invalid ballots and ballots that have not been completed shall be specified separately for ballots cast in advance voting and separately for each voting district. The central municipal election board shall specify the number of advance votes cast by post and the number cast via the internet separately.

If the central municipal election board has counted the votes from two or more voting districts together, or the advance votes together with the votes from a voting district, a note to that effect shall be made in the minutes.

The minutes shall be signed by the secretary and authenticated by the chairperson.

## Section 106

### *Final measures of the central committees*

The central committees shall place all the ballots in wrappings, which shall be sealed. The electronic ballot box containing votes cast via the internet shall also be sealed. The ballots and the electronic ballot box shall be stored until the following election is held and has become legally valid.

A copy of the master list of candidates and all calculations shall be sealed and stored as an appendix to the minutes. The documents from the parliamentary election and the electronic ballot box shall be stored in the archive of Åland and the documents from the municipal elections in the archive of each municipality.

## **Chapter 13** **Appealing the election result**

### Section 107

#### *Decisions subject to appeal*

Decisions on the establishment of the election result are subject to appeal in accordance with the provisions of this chapter.

### Section 108

#### *Right to appeal decisions on parliamentary elections*

An appeal against a decision on the establishment of the result of a parliamentary election may be made by any person whose rights or interests are violated by the decision. Any person nominated as a candidate in the election or any established political association that has submitted a notification of candidacy may appeal on the basis that the decision is unlawful.

Any person who is eligible to vote in the parliamentary election may also appeal on the basis that the election was poorly conducted and that this may have influenced the election result.

### Section 109

#### *Right to appeal decisions on municipal elections*

An appeal against a decision on the establishment of the result of a municipal election may be made by any person whose rights or interests are violated by the decision. Any person nominated as a candidate in the election, any established municipal political association or any established political association that has submitted a notification of candidacy may appeal on the basis that the decision is unlawful.

Any person who is eligible to vote in the municipal election or any member of the municipality may also appeal on the basis that the election was poorly conducted and that this may have influenced the election result.

### Section 110

#### *Filing and processing of appeals*

Appeals are filed with the Åland Administrative Court within 14 days from the publication of the election result.

The Administrative Judicial Procedure Act also applies to the appeal procedure and the processing of appeals.

Appeals shall be handled on an urgent basis.

### Section 111

#### *Decisions of the appellate authority*

If an election authority has made unlawful decisions or taken unlawful measures and if it is evident that such unlawfulness may have influenced the election result, the election procedure shall be carried out again unless the election result can be rectified.

If the central committee for parliamentary elections or a central municipal election board has acted unlawfully when calculating or establishing the election result and if such unlawfulness has influenced the election result, it shall be rectified.

#### Section 112

##### *Service of decision*

With regard to parliamentary elections, the decision of the Åland Administrative Court shall be served to any person who has appealed, the central committee for parliamentary elections, the polling representative and the Government of Åland. If the decision means that the election result is to be rectified or that a repeat election is to be held, this shall be published without delay on the electronic notice board of the Government of Åland in accordance with the provisions of the Administrative Procedure Act on service to the public.

With regard to municipal elections, the decision of the Åland Administrative Court shall be served to any person who has appealed, the local executive, the central municipal election board, the polling representative and, if the decision means that the election result is to be rectified or that a repeat election is to be held, the Government of Åland. The central municipal election board shall publish the Administrative Court's decision without delay in the manner in which municipal notices are published.

#### Section 113

##### *Appeal of the decision of the Administrative Court*

The decision of the Åland Administrative Court may be appealed to the Supreme Administrative Court within 30 days from service of the decision. If the decision means that the election result is to be rectified or that a repeat election is to be held, the persons mentioned in sections 108 and 109 respectively are entitled to appeal the decision. When the decision of the Supreme Administrative Court is served and published, the provisions applicable to the decision of the Åland Administrative Court under section 112 shall apply.

### **Chapter 14**

#### **Repeat elections, new elections and by-elections**

#### Section 114

##### *Repeat election following an appeal*

In the event of a repeat parliamentary election following an appeal, election day shall be the first Sunday after 50 days have passed since the decision of the appellate authority became legally valid. A repeat election for the local council of a municipality shall be held on the same day as a repeat parliamentary election. If only a repeat election for a local council is being held, election day shall be a date determined by the central municipal election board.

The procedure for a repeat election shall be executed by the same election authorities as that for the nullified election. In the event of a repeat election for the local council of a municipality, advance voting shall be organised at an advance polling station only in the municipality in which the repeat election is being held. Advance voting via the internet shall not be arranged in the event of a repeat election.

In the event of a repeat election, the same legally valid voting register and the same master list of candidates shall be used as in the nullified election unless the appellate authority has decided otherwise. Voting cards shall not be sent to the eligible voters. When a repeat election is held, the provisions on ordinary elections shall be observed accordingly in all other respects.

Members of Parliament or members of local councils who were elected in the nullified election shall continue to hold their seats until the result of the repeat election has been established.

The result of a repeat parliamentary election shall be notified immediately to the Parliament and the result of a repeat election for a local council shall be notified to the local council of the municipality in question immediately.

## Section 115

### *New election following the dissolution of the Parliament*

In the event of a new election following the dissolution of the Parliament, election day shall be the first Sunday after 50 days have passed since the decision to dissolve the Parliament.

In the event of a new parliamentary election, the provisions on ordinary elections in this Act shall apply accordingly. Advance voting via the internet shall not be arranged. If a new voting register is drawn up, 1 September as the crucial date in section 16 shall be replaced by the day 46 days before election day.

## Section 116

### *Municipal by-elections*

In the event of a failure in a municipality to elect a sufficient number of local council members in the municipal election, or in the event of a reduction in the number of local council members such that it falls below three quarters of the number determined in accordance with section 38 of the Local Government Act, the central municipal election board in the first event and the chairperson of the local council in the second event shall notify the Government of Åland of the circumstance; the Government of Åland may then decide whether a municipal by-election is to be held if there is good reason for doing so. At the same time, the Government of Åland shall decide how many members are to be elected.

In the election, the provisions of this Act shall apply accordingly in line with the instructions notified by the Government of Åland. Advance voting at an advance polling station shall only be organised in the municipality in which the municipal by-election is being held. Deputies shall also be elected for the local council members appointed in the election. If a new voting register is drawn up, 1 September as the crucial date in section 17 shall be replaced by the day 46 days before election day.

## Chapter 15

### **Special provisions**

## Section 117

### *Division of expenses*

The Government of Åland is responsible for

- 1) the expenses for the central committee for parliamentary elections,
- 2) the expenses for the voting register and electoral rolls,
- 3) the expenses for the election officials and general advance polling stations,
- 4) the expenses in the municipal election for printing ballots, voting cards and documents for advance voting,
- 5) the expenses for advance voting via the internet,
- 6) the acquisition of and expenses for the sealing instruments required by central committees and election boards.

The municipality is responsible for the expenses for the central municipal election board, election boards and electoral commissions. The Government of Åland shall, however, reimburse the municipality for half the expenses for the fees, daily allowances and reimbursement of travel costs paid to members, deputy members and assistants on election boards and electoral commissions.

In the event of a repeat or new parliamentary election, the Government of Åland is responsible for all expenses. In the event of a repeat election for the municipalities' local councils or a municipal by-election, the municipality is responsible for all expenses.

## Section 118

### *Responsibility in official activities*

If a member of the central committee for parliamentary elections, the central municipal election board, the election board or electoral commission or an election official or any other person in the capacity of an election authority pursuant to this Act neglects his or her duties, he or she shall be punished as a public official is punished for an offence in public office.

#### Section 119

##### *Provisions on punishments*

The provisions on electoral offence, electoral bribery, fraudulent voting and falsification of election results in chapter 14, sections 1–4 of the Criminal Code of Finland (FFS 39/1889) shall apply in relation to parliamentary elections and municipal elections in Åland.

In addition to the provisions on punishments in paragraph 1, the provisions on endangerment of data processing and possession of a data system offence device in chapter 34, sections 9a and 9b of the Criminal Code of Finland and the provisions on message interception, aggravated message interception, interference in an information system, aggravated interference in an information system, computer break-in, aggravated computer break-in and identity theft in chapter 38, sections 3, 4, 7a, 7b, 8, 8a and 9a of the Criminal Code of Finland shall apply in Åland.

The provisions on corporate criminal liability in chapter 9 of the Criminal Code of Finland apply to endangerment of data processing, message interception, aggravated message interception, interference in an information system, aggravated interference in an information system, computer break-in and aggravated computer break-in.

#### Section 120

##### *Rescheduling of particular days in specific cases*

If election day for a repeat election, new election or by-election pursuant to this Act falls on New Year's Day, Epiphany, Easter Sunday, May Day Eve, May Day, Whit Sunday, Autonomy Day, Independence Day, Christmas Eve, Christmas Day, Boxing Day or New Year's Eve, election day shall be the following Sunday instead.

If a particular day pursuant to this Act falls on a public holiday, an ordinary Saturday, Autonomy Day, Midsummer Eve or Christmas Eve, the appointed date shall be the following working day. This does not apply to an appointed date for the election procedure, a day for the starting and ending of advance voting or a day for the announcement of the election result.

The Government of Åland is entitled to reschedule a day as determined in this Act to the nearest appropriate day as necessary if it has been decided following an appeal that the election procedure is to be carried out again, if a decision has been made to hold a new parliamentary election as a result of the dissolution of the Parliament or if the Government of Åland has decided that a municipal by-election is to be held.

#### Section 121

##### *Templates and instructions*

The Government of Åland shall establish the necessary templates for the documents and forms used in elections and shall provide the necessary instructions.

The Government of Åland shall provide ballot boxes and the documents, forms and other equipment required in the course of the election procedure.

#### Section 122

##### *Entry into force*

This Act shall enter into force on June 1<sup>st</sup> 2019. Measures necessary for the implementation of the Act may be undertaken before the Act's entry into force.

This Act's entry into force repeals the Act of Åland (1970:39) on parliamentary elections and municipal elections. After this Act's entry into force, provisions of other legislation relating to the central municipal committee shall apply to the central municipal election board. Following this Act's entry into force, the central municipal committees appointed pursuant to the repealed

Act shall be called central municipal election boards, and shall retain their posts until the end of their terms of office. Other election authorities that have been appointed pursuant to the repealed Act shall also retain their posts for the remainder of their terms of office.

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Mariehamn on May 16<sup>th</sup> 2019

KATRIN SJÖGREN  
Head of Government

Nina Fellman  
Minister