

ELECTORAL CODE

of BELGIUM

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TITLE I VOTERS

Article 1. § 1. In order to be eligible to vote one needs to fulfill the following conditions:

- 1° be a Belgian citizen
- 2° is at least 18 years of age;
- 3° be enlisted in the population register in a Belgian municipality or a population register in a diplomatic post or consulate
- 4° not be in one of the situations or cases of exclusion mentioned in the present Code.

§ 2. The conditions mentioned in § 1st, 2° and 4°, shall be met on the day of the elections. The conditions listed in § 1, 1° and 3°, shall be fulfilled on the date of the closure of the voters' list

§ 3. Voters who fail to satisfy the conditions mentioned in § 1, 1° or 3° between the date or closure of the voters' register and the day of the elections shall be deleted from the voters' register.

Voters who are arrested or convicted after the voters' list has been established, shall be either excluded or suspended from the right to vote and shall be deleted from the voters' register on the day of the elections.

Art. 2 and Art. 3. Abrogated.

Art. 4. The vote takes place in the municipality in which the voter is registered in the voters' list

Art. 5. Abrogated.

Art. 6. Are excluded definitely from the electorate and can therefore not be allowed to vote the individuals who have been perpetually denied the right to vote by condemnation.

Art. 7. The right to vote is temporarily suspended and the persons therefore not allowed to vote during this time:

1° those who are in a state or legal prohibition, under prolonged guardianship according to the bill/law from/or 29 June 1973, and those who are arrested under chapters I to VI or the bill from 9 April 1930 on social protection from abnormal and delinquent habits, substituted by the 1st article or the bill from 1st July 1964.

The voter's electoral incapacity shall end at the same time as the prohibition, the prolonged guardianship or when a confined person is definitely released.

2° those who have temporarily lost their right to vote through a conviction

3° those who handed over to the disposition are xxxx through article 380bis, 3° or the Penal Code or by application or the articles 22 and 23 or the bill or 9 April 1930 on social protection from abnormal and delinquent habits, substituted by the 1st article or the bill from 1st July 1964.

The ineligibility of the persons as defined under 3° ends at the same time as the disposition of the Government

Art. 7bis. The persons who are definitely excluded from the electorate or whose rights to vote have been suspended are listed in an alphabetic order in a register with a separate file for each person. This register is constantly updated by the Council of the burgomasters and lay judges. The registers reproduce exclusively for each of the listed persons the notifications as prescribed under article 13, sentence 2. The files of the suspended voters are destroyed once the incapacity ends. The register cannot be created nor updated by automatic mean. The content of the register may not be made available to a third party.

Art. 8. Article 87 of the Penal Code is not applicable to the incapacities as described in the art. 6 and 7.

Art. 9. Abrogated.

Art. 9bis. Abrogated.

TITLE II ON THE VOTERS' LIST, COMPLAINTS AND APPEALS

Chapter I List of voters

Art. 10. § 1. In the case described in article 105, the Council of the burgomasters and lay judged closes the list of voters 24 days before the Election Day.

In the case mentioned in article 106, the list of voters is closed on the date of the royal decree that fixes the date of the elections. The voters are nevertheless invited to vote on the basis of the list which has been drafted for the regular meeting of the electoral committees if the dissolution of the Chamber of Representatives takes place after the 24th day preceding the date of the regular meeting of the electoral committees meaning an election has to be organized before the scheduled date.

§ 2. The voters' list contains the name, first names, birthdate, gender, main place or residence and the identification number from the national register or individual residents as it is stipulated in article 2, sentence 2 of the law from 8 August 1983. The register uses a continuous numbering and is organized by municipality or if not available, by section of a municipality either by alphabetic order of the voters or by geographic order of the streets.

§ 3. If the elections for the Chamber of Representatives take place on the same day as the elections to the European Parliament, the list of the Belgian voters enlisted in the population register or a Belgian municipality for the elections to the European Parliament equally serves as the list of voters for the election to the Chamber of Representatives.

Art. 11-12. Abrogated.

Art. 13. The public prosecution service of the courts of justice and tribunals are obligated to inform the burgomasters of the municipalities about the conviction or commitment to an institution of voters who have been registered in their population registers as well as the persons concerned once they are no longer open to regular appeals meaning therefore the exclusion from the electorate or the suspension of the right to vote.

The notification indicates:

1. the name, first names, birthplace and birthdate, place or residence of the convicted person or the internee;

2. the jurisdiction which has pronounced this decision and the date of the decision
3. the exclusion from the electorate or the expiration of the suspension from voting rights.

The public prosecution service of the courts of justice and tribunals indicate the date on which the commitment to an institution is supposed to end.

The clerks of the courts and tribunals inform the burgomasters of the municipalities about the exclusion and the expiration of the exclusion.

The Minister of Justice determines the modality in which this notification is issued and the Interior Minister defines the way in which the municipality administrations handle, store or in case of a change of residence, transfer them.

Art. 14. Abrogated.

Art. 15. At the latest on the 25th day before the Election day in the case described in article 105, or immediately after the list of voters according to article 10 and article 180bis, § 6, 1st sentence has been established as stipulated in article 106, the municipal authority sends two specimen of the register to the governor or magistrate he appoints.

However, for the municipalities Comines-Warneton and Fourons, the copies mentioned in the 1st sentence have to be sent to the commissioner of the municipal district of Mouscron and to the commissioner of the district of Tongres respectively.

Art. 15bis. From the municipalities of Fourons and Comins-Warneton, two additional copies of the voters' register with names listed in alphabetical order are send to the governors of the Provinces of Liège and West Flanders, respectively or to the appointed magistrates following the same procedure and deadlines as indicated under article 15.

Art. 16. On the date of closure of the voters' list, the Council of burgomasters and lay judges informs the citizen by publishing a bulletin in the usual form, inviting them to verify until the 12th day before the Election Day the voters' list during the opening hours of the municipal administration to check if they themselves or any other person is listed or listed correctly. This bulletin explains the procedure of complaints and appeals as stipulated in articles 18 and following.

Art. 17. § 1. The municipal administration is obligated to hand out copies of the completed list of voters to persons acting on behalf of a political party, asking for a copy by registered mail sent to the burgomaster of the municipality no later than on the 33th day before the Election Day and who commit in writing to present a candidates' list to the Chamber.

Each political party may obtain two specimen or copies of this voters' register free of charge, either on paper or on a chosen electronic standard device, only after having delivered a list of candidates to the Chamber in the electoral constituency where the municipality is situated in which the demand for the delivery of the list has been handed in according to the 1st sentence.

Persons listed under the 1st sentence can order additional copies of the lists against a fee which has been defined by the Council of burgomasters and lay judges.

If the political party is not presenting any list of candidates, it is no longer allowed to use the voters' list for electoral purposes, on pain of penalties enacted in article 197bis.

§ 2. All persons figuring in the documents of presentation of the candidates for the election, can get specimen or copies of the voters' list for a fee, after having put in the necessary demand mentioned in § 1er, 1st sentence.

The municipality administration verifies that the applicant runs for the election as a candidate before handing out the documents.

If the applicant is erased from the candidates' list, he is no longer allowed to use the voters' register for an electoral purpose, on pain of penalties enacted in article 197bis.

§ 3. The municipality administration is not allowed to deliver specimen or copies of the voters' register to other persons than the ones having ordered it according to § 1, 1st sentence or to § 2, 1st sentence. The persons who have received the specimen or copies are not allowed to pass them on to a third party.

The specimen or copies of the voters' list that have been delivered according to §§ 1 and 2, may only be used for electoral purposes at all times, even outside the time period between the date of delivery of the list and the date of the elections.

The specimen or copies of the voters' list delivered according to §§ 1 and 2 may not contain the identification numbers from the national Register on individual persons.

Chapter II Complaints before the Council of burgomasters and lay judges

Art. 18. From the date on which the voters' list is closed, all persons who have been unjustifiably listed, omitted or removed from the voters' list or for whom the mention on the register are not accurate in comparison to article 10, § 2, can make a complaint before the Council of burgomasters and lay judges no later than on the 12th day before the elections.

Art. 19. From the date on which the voters' list must be closed, all persons who satisfy the criteria of electorate may make a complaint in the electoral district where they are registered in the voters' list before the Council of burgomasters and lay judges against the registration, cancellation or removal of names from the voters' register or against any other mention that is not accurate as mentioned in article 10, § 2 no later than on the 12th day before the elections.

Art. 20. Complaints against article 18 or article 19 are introduced upon request and must be delivered to the secretary of the municipality or the Council of burgomasters and lay judges against receipt and together with all the supporting documents by registered mail.

The public officer who receives the complaint is legally obligated to record it on the day of delivery in a special register and to hand out a receipt; to create a file for each complaint, to number and sign the pieces and to enlist them with their reference number in the inventory listings enclosed to each file.

Art. 21. If the person concerned declares to be incapable of writing, the complaint may also be made orally. The complaint is received by the secretary of the municipality or his deputy.

The public officer who receives the complaint will write a protocol in which he states that the person concerned has declared to be incapable of writing.

The protocol contains the arguments of the person concerned. The public officer dates and signs the protocol, passes it on to the person concerned to read the document before handing him a signed double of it.

The public officer proceeds afterwards to the formalities as described in article 20, sentence 2.

Art. 22. The municipality administration encloses to the file copies or parts or all of the official documents in its possession that the applicant submits to justify a modification of the voters' register.

The municipality administration officially adjoins all official documents in his possession to the file that support the motives of the person concerned and listed in the protocol mentioned in article 21.

Art. 23. The index of the complaints contains the location, day and time of the session during which the case or the cases will be handled.

This index is put up at least 24 hours before the session in municipality administration where everyone can take note of it or copy it.

The municipality administration notifies without delay and by use of all means the complainant or if necessary the involved parties about the date on which the complaint will be examined.

This notification mentions explicitly and in all details as stipulated in article 26, sentences 2 to 4 that the decision can only be appealed during the session.

Art. 24. During the deadline specified in article 23, the file of complaints and the report mentioned in article 25, sentence 2, are made available in the office for all parties, their attorneys or their legal representatives.

Art. 25. The Council of burgomasters and lay judges is obliged to rule all complaints within four days after the request or protocol has been handed in, according to article 21 and in any case before the 7th day before the elections.

It rules in a public session, based on the report made by a member of the Council and after hearing the parties, their attorneys or legal representatives if they are present.

Art. 26. A motivated decision, mentioning the name of the rapporteur and of the attendant members is given for each case separately; it is enlisted in a special register.

The chairman of the Council invites all parties, their attorneys or legal representatives to sign if they wish to, on the register as mentioned in the precedent sentence, a declaration of appeal.

The unsuccessful parties are supposed to consent to the decision made by the Council.

Without a declaration or an appeal signed by the parties present or their representatives, the decision of the Council is final. The final character of the decision is stated in the special register as mentioned in the precedent sentence and the instruction to change the voters' list is immediately given.

The decision of the Council is placed in the municipality's office where everyone can take notice of it free or charge.

The appeal of the Council's decision has suspense effect on any change of the voters' register.

Chapter III Complaints before the Court of Appeal

Art. 27. The burgomaster shall send the Court of Appeal without delay the documentation on the Council's decisions affected by an appeal as well as any document that might be of interest for the litigation.

The parties shall be invited to appear before the Court within five days after the reception of the file and in any event before the next to last day of the elections. They shall be free to hand over their written conclusions to the chamber that examines the case.

Art. 28. If the Court gives order to conduct an enquiry it may delegate a justice of the peace for this purpose.

Art. 29. If the enquiry takes place before the court, the clerk shall inform the parties concerned at least 24 hours in advance about the scheduled day and the facts to be proven.

Art. 30. The witnesses may appear voluntarily without losing their compensation. They shall appear before court on simple notification. They shall swear an oath as in a criminal case.

If they do not appear before the court or give false testimony they shall be prosecuted and punished as in a criminal case.

However, the punishments pronounced against an absent witness are applied without prosecution by the court or the magistrate conducting the investigation.

Art. 31. In the electoral investigations no witness may be inquired in application of article 937 of the Code of Procedure.

However, an up to third-degree-relative by blood or marriage to any of the parties may not be heard as a witness.

Art. 32. The debates before the court shall be public.

Art. 33. In a public hearing, the chairman of the Court gives the parties the right to speak; they can be represented and assisted by an attorney.

The court after having listened to the position of the General State attorney, takes there and then a decision in the form of a decree that is read to the present public. This decree is given to the clerk of the court where the parties may view it free of charge.

The Council of burgomasters and lay judges is immediately informed about the judgment of the decree by the State attorney's office.

The decree shall be immediately executed in case it has direct consequence on the modification of the voters' list.

Art. 34. The appeal shall be adjudged in absence or presence of the parties. All the decrees rules by the court are definitive.

Chapter IV General provisions

Art. 35. The request made by several applicants contains one single indication of a residence. In absence of such indication, the applicants are presumed to have chosen residence with the first applicant.

Art. 36. The witness fee is settled according to the rules in a criminal case.

Art. 37. The parties shall pay the fees in advance.

Are considered as tax not only the procedural costs but also the costs for the documents the parties had to deliver to the electoral instance to support their pretenses.

Art. 38. The losing party shall pay the fees. If the parties lose the appeal in some points, the costs may be compensated.

In any case, if the pretenses of the parties are not apparently poorly motivated, the court may enact that the State bears the expenses partly or completely.

Art. 39. The clerk of the Court of Appeal shall deliver a copy of the decree to the municipality administration.

Art. 40 to 86. Abrogated.

TITLE III PARTITION OF THE VOTERS AND THE POLLING STATIONS

Chapter I Polling stations

Art. 87. The elections for the Chamber of Representatives take place in electoral constituencies. Each province constitutes an electoral constituency. The administrative district of Brussels constitutes likewise an electoral constituency. The electoral constituencies are composed of one or several administrative districts in accordance with the table attached to the present Code.

Art. 87bis. Abrogated.

Art. 88. For the election operations mentioned in article 87, the administrative districts are divided into electoral constituencies following the table of partition stipulated in this article.

The King may only modify the composition and the chef-lieu of the districts after a change in the laws modifying the defined borders of a municipality in an electoral district or transferring the office of the justice of the peace to a different municipality of the electoral constituency.

Art. 89. Abrogated.

Art. 89.1. In exception to article 4, the voters registered on the voters' list of the municipalities of Fourons and Comins-Warneton are authorized to vote in Aubel or Heuvelland respectively, in the polling station assigned by the Interior Minister.

Art. 89.2. For the election to the Chamber of Representatives the voters registered in the voters' list from the municipalities of the electoral district of Rhode-Saint-Genèse have the authorization to vote in favor of a list either from the electoral constituency of Brussels Region or Flemish-Brabant.

Art. 90. If the number of voters of a municipality does not exceed 800, these voters will form only one section of vote. In the opposite case, they are divided into sections of which none counts more than 800 and less than 150 voters.

If the vote does not take place through a ballot paper, the King may increase the number of voters in a section, but to no more than 2.000.

Art. 91. The governor of the province or the officer which has been appointed by the governor, compliant with the Council of burgomasters and lay judges divide the voters of each electoral district into sections and determine the order of the section in each district. These sections are organized per municipality of that district.

Compliant with this Council, he appoints to each of the sections distinct rooms for the vote. He may, if the number of sections makes it necessary, appoint several rooms in the same edifice.

In case of a disagreement between the Council and the governor of the province or a magistrate he appoints, over the distribution of the voters into sections and the chosen rooms, the Interior Minister makes a decision.

In the electoral cantons of Fourons and Comins-Warneton, the competences given to the governor or to his deputy in the previous sentences, are executed by the commissioner of the municipality of Tongres and the commissioner of the municipality of Mouscron, respectively.

Art. 92. Until the day of the elections, the municipality administrations transfer directly to the chairmen of the polling stations as soon as they have been appointed, the following:

1° a list of the persons who after the voters' list has been established shall be deleted from it either after having lost their Belgian citizenship or because they have been deleted from the population register in Belgium after an official cancelation of the entry, or because they left the country, or passed away.

2° the notifications they receive in execution of article 13, after the voters' list has been established;

3° the modifications made in the voters' list following the decisions of the Council of burgomasters and lay judges mentioned in article 26, or the decrees of the Court of Appeal, mentioned in article 33.

Art. 92.1. If the list of persons, the notifications and the modifications mentioned under 1°, 2° and 3° of article 92 concern the voters from the municipalities of Fourons and of Comines-Warneton, the Council of burgomasters and lay judges from each of those two municipalities send the documents immediately to the commissioner of the municipality of Tongres and to the commissioner of the municipality of Mouscron for them to transmit them immediately to the heads of the polling stations appointed by the Interior Minister according to article 89bis.

Art. 93. At least two weeks prior to the Election Day, the governor of the province or the magistrate he appoints, transfers by registered mail two specimens of the voters' lists classified by section to the head of the electoral district.

For the Belgians living abroad, the governor of the province or the appointed magistrate executes this transmission at least 12 days before the election.

However, in the electoral districts of Fourons and Comines-Warneton, this transmission is executed by the commissioners of the municipalities of Tongres and Mouscron respectively.

Art. 93.1. The governors of the provinces of Liège and West Flanders or the officials they appointed, transmit the two if necessary rectified copies of the voters' list from the municipalities of Fouron and Comines-Warneton they have received in application of article 15bis, to the head of the principal electoral committee of the districts of Aubel and Messines in the same time frame and according to the procedures defined in article 93.

Art. 94. For the elections of the members of the Chamber of Representatives, a central electoral committee is established in the chef-lieu of each electoral constituency.

The central electoral committee of the electoral constituency of Brussels is presided conjointly by the chairman of the francophonic court of first instance and the chairman of the Dutch court of first instance. For the electoral constituency of Brussels the "chairman of the principal electoral committee", the "chairman of the central electoral committees mentioned in article 94" and "chairman of the principal office" are understood as "the chairman of the francophonic court of first instance and the chairman of the Dutch court of first instance".

The central electoral committee of the electoral constituency shall be constituted no later than 27 days before the elections. It shall be chaired by the chairman of the court of first instance in the chef-lieu or a magistrate who replaces him.

In the electoral constituencies where there is no court of first instance, the justice of the peace of the chef-lieu shall chair the central electoral committee or one of his deputies following the priority.

The central electoral committee of the electoral constituency consists of the chairman, four assessors, four deputy assessors appointed by the chairman among the voters of the chef-lieu of an electoral constituency, and a secretary appointed according to the prescription given in article 100.

The central electoral committee of the electoral constituency is exclusively in charge of the accomplishment of the preliminary operations of the vote and of those of the general tallying of the votes.

The chairman supervises all of the operations taking place in the electoral constituency and orders the appropriate emergency measures if necessary.

Art. 94.1. Abrogated.

Art. 94.2. § 1. In the 75 days before the election day, the chairmen of the central electoral committees of the electoral constituency mentioned in article 94 establish four copies of a report for the supervisory board on the electoral campaign financing of the candidates and the political parties and on the origins of those funds.

The chairman may demand all information and additional information needed to complete the report.

The report mentions:

- the parties and candidates having taken part in the elections;

- their electoral expenses;
- the infractions they have committed against the obligation to declaration according to article 6 of the law from 4 July 1989 regarding the limitation and control of electoral expenses for the elections to the federal Chambers, as well as the financing and open book keeping of the political parties, and of article 116, § 6;
- The infractions against articles 2 and 5, § 1, of the law for the limitation and the control of the electoral expenses used for the elections to the federal Chambers, as well as the financing and open book keeping of the political parties who have to reproduce the declarations made by the parties and candidates.

The declarations are attached to the report.

The report is written on the forms for this purpose delivered by the Interior Minister.

§ 2. Two specimen of the report shall be kept by the chairman of the central electoral committee and the other two shall be handed over to the head of the supervisory board.

75 days after the elections, the clerk of the court of first instance makes a copy of the report accessible for two weeks to all registered voters showing their invitation to vote. During this time period, the voters may send their written comments on this topic to the clerk of the court of first instance.

The last two copies of the report and the remarks by the enlisted candidates and voters are afterwards handed over by the chairman of the central electoral committee to the head of the supervisory board.

Art. 95. § 1. Each electoral district consists of a district electoral committee, vote counting sites and polling stations.

§ 2. The district electoral committee is established in the chef-lieu of a district and presided by:

1° the chairman of the court of first instance or his representative in the chef-lieu of the electoral district, which is at the same time the chef lieu town of the judicial district;

2° the justice of the peace in the chef-lieu of the electoral district which is also the chef-lieu of a judicial district;

3° the justice of the peace or his representative of the judicial district in which chef-lieu of the electoral district is located, for all the other cases.

§ 3. The chairman of the district electoral committee is on principal responsible for the supervision of the electoral operations in the entire electoral district. He immediately informs the chairman of the central electoral committee about any circumstances needing his attention. He centralizes the results of the tallying of the votes that takes place in the municipalities on district level.

§ 4. The chairman of the district electoral committee appoints:

1° the heads of the vote counting sites;

- 2° the heads of the polling stations;
- 3° the assessors and deputy assessors of the vote counting sites;
- 4° the assessors and deputy assessors of the polling stations.

The heads of the polling stations are appointed no later than on the 30th day before the Election Day. The heads, assessors and deputy assessors of the vote counting sites are appointed the latest on the 12th day before the Election Day. The chairman of the district electoral committee immediately communicates these appointments to the concerned persons and the municipal authority.

These persons are appointed in the following order:

- 1° the magistrates of the legal system;
- 2° the trainee barristers;
- 3° the barristers and the trainee barristers in order of their registration in the table and the list of trainees;
- 4° the solicitors;
- 5° the bailiffs;
- 6° The relevant office holders from the State, the Municipalities, or the Regions and the office holders of an equivalent standing to the provinces, municipalities, public social aid centers, all the organisms of public interest mentioned or not in the law of 16th March 1954 on the control of certain organisms of public interest or public companies, autonomously stipulated by the law of 21st of Marc 1991 to reform certain public companies.
- 7° teaching staff;
- 8° volunteers;
- 9° if needed, the appointed persons among the voters of the electoral constituency.

The authorities employing persons mentioned in the previous sentence under 6° and 7°, communicate the name, first names, residence and professions of those persons to the municipality administration where they have their main residence.

§ 5. Whoever eludes from the appointed duties described in the previous paragraph without valuable motives; or compromises by his fault, imprudence or neglect of all kinds the mission that was confided to him, is subject to a fine of 50 to 200 euros.

§ 6. In case one of its chairmen is prevented or absente during the electoral operations, the committee completes itself. If the members of the committee do not arrive at an agreement on the choice to be made, the vote of the eldest member is deciding. The decision is mentioned in the protocol.

§ 7. The district electoral committee consists of the chairman, four assessors, four deputy assessors chosen by the chairman among the voters of the chef-lieu of the district, and a secretary appointed according to the provisions in article 100.

§ 8. The vote counting sites are located in the chef-lieu of the electoral district and execute their operations per municipality of the district. They consist of the head, four assessors, four deputy assessors and a secretary appointed according to article 100.

§ 9. The polling stations consist of a head, four assessors, four deputy assessors and a secretary appointed according to article 100. The assessors and deputy assessors are appointed by the chairman of the district electoral committee from the voters of the section having reading and writing skills, at least twelve days before the elections.

§ 10. The chairman of the district electoral committee informs the assessors and the deputy assessors within 48 hours after their nomination by registered mail. If they are prevented from fulfilling their duty, they must inform the chairman of the central electoral committee within 48 after having been informed about their nomination.

If the number of those accepting is not sufficient to constitute the office, the chairman completes the number according to § 9.

An assessor or deputy assessor shall be punished by a fine of 50 to 200 euros if he does not respect the fixed deadline to communicate his reasons for being prevented or if he was absent without legitimate reasons.

The chairman of the district electoral committee informs every head of the polling stations about the nomination of the assessors and deputy assessors for his office.

§ 11. The candidates shall not be part of an office.

§ 12. According to article 105, during the second month before the election or as soon as the date of the vote is known as mentioned in article 106, the Council of burgomasters and lay judge prepares two lists:

1° the first contains those persons suitable for any of the functions mention end in § 4, 1st sentence, 1° to 3°. This list is transferred to the chairman of district electoral committee at least 33 days before the day of the elections.

2° the second contains voters who might be suitable for those functions according to § 9 in order to have 24 persons per voting section. This list can only contain names of the persons listed under 1°. It is then send to the chairman of the district electoral committee at least 15 days before the elections. The persons who are considered to be suitable shall be informed.

Art. 95.1. The chairmen of the electoral committees mentions in articles 94 and 95, send via digital transmission their contact details to the Interior Minister no later than the date fixed in article 10 on the closure of the voters' list.

Art. 96. The table for the chairmen is drawn for each district, by the magistrate presiding the district electoral committee. This magistrate sends an excerpt to the persons concerned.

He replaced as soon as possible the persons having informed him within three days after the reception of the bulletin about their reasons of being prevented. He sends the definite table to the chairman of the central election committee at least 14 days before the elections. At least ten days before the elections, he sends a corresponding list of the voters to each of the chairman of the electoral sections in the district.

To complete the voters' list they have received according to article 93bis, the chairmen of the central electoral committees of the districts, respectively of Aubel and Messines, send two copies of the voters' list from the municipalities of Fourons and Comins-Warneton that have the authorization to vote in their sections, within the time frame given in the previous sentence to the heads of the polling stations mentioned in article 89bis.

Art. 97 to 99. Abrogated.

Art. 100. The secretary shall be appointed by the chairman from the voters of the electoral constituency. The secretary has only an advisory vote.

Art. 101. The district electoral committees organize training for the heads of the polling stations and vote counting sites in their territory, or for the secretary of those committees.

Art. 102. For each electoral district a list of the committees with their members shall be drawn. The chairman of the district electoral committee sends a copy of the list to the governor of the province or a public officer the governor appointed. The governor of the province or the public officer takes the necessary steps for a public consultation.

In the electoral districts of Fourons and Comines-Warneton however, the copy of the list mentioned in sentence 1st is sent to the commissioner of the municipality of Tongres and Mouscron respectively. Those take the necessary steps for a public consultation.

The chairman of the district electoral committee sends copies of this list to all the persons having made a request at least two weeks before the elections. The price of these copies is fixed by a royal decree and shall not exceed 2,5 euros.

Art. 103. The committee must be constituted no later than a quarter to eight (am). If at this moment, the assessors and deputy assessors are absent, the chairman ex officio completes the committee with attendant voters having reading and writing skills.

All complaints against such combination must be made by the witnesses before the beginning of the operations. The committee decides instantly and without appeal.

Art. 104. The chairmen and assessors of the electoral committee constituency and of the district electoral committee as well as the head and assessors of the vote counting sites take the following oath:

"Ik zweer dat ik de stemmen getrouw zal opnemen en het geheim van de stemming zal bewaren."

or:

"Je jure de recenser fidèlement les suffrages et de garder le secret des votes."

or:

"Ich schwöre die Stimmen gewissenhaft zu zählen und das Stimmgeheimnis zu bewahren."

(meaning: I swear to assiduously tally the votes and to keep the voter secrecy/secretcy of the ballot)

The head and assessors of the polling stations as well as the secretaries of the different polling stations and the candidates' witnesses take the following oath:

"Ik zweer dat ik het geheim van de stemming zal bewaren."

or:

"Je jure de garder le secret des votes."

or:

"Ich schwöre das Stimmgeheimnis zu bewahren." (meaning: I swear to keep the voter secrecy/secretcy of the ballot)

This oath is taken before the beginning of the operations by the assessors, the secretary and the candidates' witnesses in front of the head, and he in front of the constituted committee.

The head or assessor appointed during the operations in replacement for an unavailable member take the oath before taking office.

Those oaths are mentions in the protocol.

Chapter II On the convocation of the voters

Art. 105. The regular meeting of the electoral committees for the renewal of the members of the Chamber of Representatives takes place on the first Sunday after the expiry of a period of five years starting from the day of the last meeting of these committees on the renewal of the Chamber of Representatives.

However, the date of the regular meeting of the electoral committees shall be scheduled on the day of the election for another parliamentary assembly if it takes place within two months before or within a month after the date mentioned in the first sentence.

Art. 106. In case of a dissolving of the Chamber of Representatives or in the case of a vacancy, the electoral committee shall meet within 40 days of dissolution or vacancy. The date of the elections is defined through a royal decree.

However, if a vacancy comes up in the three months before the renewal of the Chamber of Representatives, the invitation of the electoral committees can only be decided by the Chamber of Representatives. The same holds true if a vacancy is caused by the resignation of an incumbent or the withdrawal of a substitute. In those two different cases, the possible meeting of the electoral committees takes place within 40 days after the decision.

Art. 107. At least two weeks before the vote, the Interior Minister publishes in the "Moniteur belge" (national gazette) a note indicating the day of the elections and the opening hours of the polling stations.

This note indicates furthermore the possibility of complaints by all voters at the municipality administration until 12 days before the elections.

The governor of the province or the appointed official ensures, an invitation to vote from the Council of burgomasters and lay judges is to be send to each voter to his actual place of residence at least two weeks before the elections.

However, for the municipalities of Fourons and Comines-Warneton, the competencies given to the governor of the province or his deputy through sentence 3 is exercised by the commissioner of the neighboring municipality of Tongres and the commissioner of the municipality of Mouscron respectively.

Whoever is registered in the voters' list mentioned in article 10, is invited to vote.

The voter who has not received his invitation to vote may pick it up at the municipal administration until the Election Day at noon.

This possibility shall be mentioned in the report stipulated in the 1st sentence.

These invitations to vote indicate the day and the polling station where the voter shall vote, the nominations to be made, the opening hours of the polling stations; the invitation recalls the provisions in the articles 94ter, § 1, 1st sentence, and § 2, sentence 2, and 130, 1st sentence, 3°. The invitation to vote are established in accordance with the model based on the royal decree, and give the name, first names, gender and main place of residence of the voter as well as the number under which he figures on the voters' register.

Art. 107bis. A royal decree defines the special model for the invitation to be send to the voters mentioned in article 89bis.

Art. 107ter. A royal decree liberalized through the Council of Ministers defines the special model for the invitation to be send to the voters mentioned in article 89ter.

Chapter III Abrogated.

TITLE IV ELECTIONS PROCEDURE

Chapter I Disposition by the police

Art. 108. The electoral committees may only oversee the election for which they have been convoked. The voters can only refer to a proxy under article 147bis.

Art. 109. The head of the polling station is responsible for taking the necessary measures to maintain order and peace in the premises where the election takes place.

He has the local authority and may delegate it to one of the members of the polling station to maintain order in the waiting room.

Only the voters of this section and the candidates shall be authorized to enter this room.

The voters may only be allowed to stay in the part of the polling station where the voting takes place during the time it takes to compile and deliver the ballot papers.

The experts who organize the electronic vote and who have been appointed compliant to the article 5bis of the law from 11 April 1994, and the persons in charge of the technical assistance shall have access to the polling station on the day of the elections after showing their authorization card from the Federal Public Service Interior to the chairman of the polling station. They shall not be armed.

No armed forces shall be present in the committee room or in the premises where the voting takes place without the request of the head. The civil authorities and the military commanders shall obey his orders.

Art. 110. Whoever is not a member of the committee, nor voter of this section, nor candidate or expert appointed compliant to the article 5bis of the law from 11 April 1994 organizing the electronic vote, nor a technical service provider, enters the polling station of one of the sections will be expelled on order of the head or his deputy; if he resists or returns, he will be punished with a fine of 50 to 500 euros.

Art. 111. The head or his delegate reprehend those who publicly show signs of approval or disapproval or create a tumult of any kind in the polling station. If they continue, the chairman or his delegate may expulse them from the premises exempt for the casting of their vote.

The eviction order is recorded in the protocol and the delinquents shall be punished by a fine of 50 to 500 euros.

Art. 112. The voters' list of the section is hung up in the waiting room. The same applies to the instructions for the voters (model 1) of title V and the articles 110 and 111 of the present Code.

Art. 113. A specimen of the present Code is to be put on the table of the office. A second specimen is to be placed in the waiting room for the attention of the voters.

Art. 114. No one is obliged to reveal the secret of his vote, not even by order or judicial contestation or in a parliamentary investigation.

Chapter II Candidates and ballot papers

Art. 115. The presentations of the candidates shall be given to the chairman of the central electoral committee of the electoral constituency on Saturday, the 29th day before the election from 2 to 4pm or on Sunday, the 28th day before the elections between 9 and 12am.

The designations of the candidates' witnesses are received by the chairman of the district electoral committee on Tuesday, the 5th day before the election day from 2 to 4pm.

At least 33 days before the elections, the chairman of the central electoral committee of the electoral constituency publishes an official note appointing the venue and recalling the days and hours of the reception for the presentation of the candidates.

At least two weeks before the election the chairman of the district electoral committee publishes an official note appointing the venue and recalling the days and hours of the reception for the designation of the witnesses.

Art. 115.1. Each political alliance represented at least by one parliamentarian in one or the other European, federal, municipal or regional assembly may deliver an application file demanding the protection of an acronym or logo it intends to mention in the presentation documents accordingly to article 116, § 4, sentence 2.

The application file for the acronym or logo shall be signed by at least one parliamentarian mentioned in a line as 1st, member of the political alliance using the acronym or logo. Each of the signers may only sign one application file.

The application file is personally given to the Interior Minister or his deputy by a signing parliamentarian on the 30th day before the elections.

It mentions the acronym or logo the candidates of the political alliance will be using, as well as the name, first names, address of the person and his deputy appointed by that alliance to certify in each electoral constituency that it recognizes only one list of candidates.

§ 2. Immediately after the deposit of the applications demanding the protection of an acronym or logo, at 12am, the minister proceeds to a drawing to determine the common numeral order for the lists with a protected acronym or logo.

The tabulation of the protected acronyms and logos and the numeral order shall be published within four days in the «Moniteur Belge» (official Belgian gazette).

The Interior Minister notifies the chairmen of the central electoral committees of the numeral order, the different protected acronyms or logos as well as the name, first names, addresses of the persons and their deputies from the political alliances having the sole capacity to authenticate the candidates' lists.

The presentation of those candidates claiming a protected acronym or logo and a position in the common numeral order shall be accompanied by a attestation of the person or his deputy appointed by the political alliance; in absence of such attestation the chairman of the central election committee declines the use of this list with the protected acronym or logo and common numeral order.

§ 3,4 . Abrogated.

Art. 115.2. § 1. In deviation from article 115bis, when the elections to the Chamber of Representatives take place on the date specified in article 10, §3, the numbering of the candidates' lists for the election to the Chamber of Representatives is organized according to the following dispositions.

§ 2. The candidates for the Chamber of Representatives may request in their declaration of candidacy the attribution of the same protected acronym or logo to their list and of the same numeral order as those granted in a drawing by lot through the Interior Minister on the 65th day before the elections to the European Parliament to establish a list for this election. They must produce a certificate from the person or his deputy appointed by the political alliance for this purpose, in whose name the list for the election to the European Parliament has been handed in, giving them the right to use the protected acronym or logo and the corresponding numeral order granted for this election.

If the acronym or protected logo, is to be used compliant with the previous sentence and includes the complementary element mentioned in article 12, §2, sentence 3 of the law from 23 March 1989 on the election to the European Parliament, the list for the Chamber having the right to use the acronym or logo may use it without the annexation of the mentioned element.

The candidates for the Chamber of Representatives may ask in their declaration of acceptance of their candidature for the same numeral order as those granted in a drawing by lot through the chairman of the French, Dutch or German central electoral committee, depending on the case, on the 52th day before the elections to the European Parliament, to a list presented for this election, if they can produce a certificate from the person or his deputy in whose name the list for the election to the

European Parliament has been handed in, giving them the right to use the numeral order granted for this election.

For the remaining, the numbering of the candidates' list delivered for the elections to the Chamber of Representatives, conformity shall be assorted with the provisions of article 128ter.

Art. 116. § 1. For the election to the Chamber of Representatives the presentation shall be signed either by 500 voters at least if the population of the electoral constituency at the last census was superior to one million inhabitants, by 400 voters at least if the population added up to between 500.000 and one million inhabitants and by 200 voters at least in all the other situations, or at least by three resigning members.

§ 2. Abrogated.

§ 3. The presentation is handed over to the chairman of the central electoral committee of the constituency either by one of the three persons the candidates have appointed among the electors mentioned in § 1 or by one of the two candidates appointed by the representing parliamentarians. The chairman acknowledges receipt. The electoral record of the present voters is officially confirmed by the municipality where they are registered through the official seal on the presentation document.

§ 4. The presentation document of the candidates shall indicate the name and the first names as mentioned in the National Register of physical persons, where appropriate the first name certified by an official document from a justice of peace or solicitor under which the voter wishes to present himself, the birthdate, the gender, the profession and the place of residence. The same indications are, where appropriate mentioned on the document of presentation for the present voters. The identity of the candidate – married or widowed can be preceded or followed by the name of the spouse or deceased spouse.

The presentation mentions the acronym or logo that is to head the candidates' list on the ballot paper. The acronym or logo, the latter being a graphical representation of the name of the list, consists of more than 18 characters. The same acronym or logo may be drafted in only one national language before being translated into a different national language. Or it may be drafted from the beginning in a national language and its translation into a different national language.

The mention of an acronym or logo can, if necessary based on article 21, § 2, third sentence, of the law from 23 March 1989 on the election to the European Parliament, referring to the complementary element having been used by a political alliance represented by at least one parliamentarian in one or the other European, federal, communal or regional parliamentarian assemblies and that has been protected for a previous election for the elections of the Chamber of Representatives, the European Parliament or the communal or regional parliaments may be prohibited by the Interior Minister on a justified request of that alliance. The list of banned acronyms and logos is published in the "Moniteur belge" (Belgian gazette) on the 33th day before the election.

From the moment a presentation of candidates has been submitted with the mention of a certain acronym or a logo, the chairman of the central electoral committee of the constituency refuses the use of the same acronym in any other presentation of candidates.

Only the persons authorized through article 119 to verify the presentation documents or the committee may challenge the character of the signatories on the voters' list of one of the communities in the electoral constituency.

The official document of acceptance of the candidacy consist of a written and signed document that is given to the chairman of the central electoral committee of the constituency within the deadline that is regulated in article 115, first sentence for the deposit of the candidates' presentation.

§ 5. The candidates who accept their candidature and whose names figure on the same presentation document are considered to form one single list.

In their official document of acceptance, the candidates appoint among the voters having signed their presentation document, three persons they authorize to keep the document of acceptance. In the same document, they have to approve of the two candidates appointed by the parliamentarians mentioned in § 3 to be able to hand in presentation document.

In the same document they may appoint a witness and a deputy witness to assist the meetings of the central electoral committee as mentioned in articles 119 and 124 and the operations of this committee after the vote as well as a witness and a deputy witness for each of the district electoral committee to assist the meeting mentioned in article 150 and the operations of this committee after the vote.

If the candidates wish to be part of an act defining the affiliation of the lists, they have to declare it in their document of acceptance of their candidature.

No list may contain more candidates than there are members to be elected.

§ 6. In the document of acceptance of their candidature, the incumbent candidates and the substitute candidates commit to:

- 1° respect the legal dispositions on the limitation and control of the electoral expenditure
- 2° to hand in against a receipt within 45 days after the election day, the declarations of their electoral expenditure and the origin of the used funds to the chairman of the central electoral committee of the constituency;
- 3° To keep all the bills and receipts of the electoral expenditure and the origins of the used funds for two years after the election day.

If their declaration on the origins of the funds includes donations, they have to record the identity of the natural persons having made a donation of 125 euros or more to finance the electoral expenditure. They guarantee the confidentiality of that identity and communicate it within 45 days after the elections to the Control Commission that is taking care of this obligation accordingly to article 16bis.

The document of acceptance of their candidature, the declarations on the electoral expenditure and the origins of the funds and the receipt are written on forms designated for this purpose, defined by the Interior Minister and published in useful time in the « Moniteur belge » (Belgian gazette). The forms containing the declaration of the electoral expenditure and the origins of funds as well as the application form mention end in sentence 2 are provided no later than on the delivery of the official document of acceptance.

These forms are signed, dated and handed over to the applicant against receipt.

After the consultation of a decree in the Council of Ministers, the King determines the modalities of the deposit of the declarations on the election expenditures and the origin of the used funds as well as on their inventory and their safekeeping.

Art. 117. On the occasion of the presentation of the candidates for the mandate as representatives there must be at the same time and in the same form, a presentation of the substitute candidates.

Their presentation shall be done in the same official document of presentation of the incumbent candidates and the document shall be classified separately for the candidates of the two categories.

The maximum number of substitute candidates is defined as half the number of incumbent candidates, with added up by one. If the resultant of division of the number of candidates by two contains decimals, they are rounded up to the next higher unity. There shall be in any way at least six substitute candidates.

The official document of presentation of the incumbent and substitute candidates indicates the order in which the candidates are presented in both of those two categories.

A voter may not sign more than one official document of presentation of the candidates for the same election. An incumbent parliamentarian cannot sign more than one presentation of candidates for the same election in the same electoral constituency. The voter or incumbent parliamentarian who contravenes this prohibition is subject to the punishments stipulated in article 202 of the present Code.

Art. 117.1. On each of the lists, neither the interval between the number of incumbent candidates of each gender nor the number of substitute candidates of each gender may be bigger than one.

Neither the first two incumbent candidates nor the first two substitute candidates of each of the lists shall be of the same gender.

Art. 118. No one shall be presented on the same list once for the actual mandate and once for the substitution(*).

A candidate shall not figure on more than one list.

No one shall be allowed to run for the election to the Chamber in several electoral constituencies.

Nobody may run for elections to the Chamber of Representatives if s/he is at the same time candidate for the elections to the Flemish Parliament, Walloon Parliament, the Brussels Regional Parliament, Parliament of the German Community or the European Parliament if the elections take place on the same day.

No one shall be allowed to sign an act asking the protection of an acronym or a logo and being at the same time candidate for a list using a different acronym or protected logo.

The candidate contravening against one of the interdictions indicated in the five preceding sentences may be penalized with a fine as specified in article 202. His name shall be erased from all the lists he figured on. To ensure the cancellation, the chairman of the central electoral committee of the constituency, immediately after the expiry of the deadline for the consignment of the candidates'

lists, communicates to the Interior Minister using the fastest possible channel, an excerpt of all the deposited lists. This excerpt includes the name, first names, birthdate of the candidates and the acronym of the list defined by article 116, § 4, second sentence.

When indicated, the Interior Minister advises the chairman of the central electoral committee of the constituency of the candidacies contradicting the provisions of the present article no later than the 24th day before the elections at 4pm.

Art. 118bis. Abrogated.

Art. 119. The candidates and the voters having handed in the documents of presentation of the candidates are invited to take note of all the documents of presentation that have been handed in without having to travel and are invited to send their written observations to the central electoral committee of the constituency.

This right is executed in a fixed period of time between the disposal of the documents of presentation and the two hours following the expiration of this deadline.

It is furthermore executed on the 27th day before the election from 1.00pm to 4.00 pm.

After the expiration of this deadline, the central electoral committee of the constituency temporarily suspends the candidates' list.

Art. 119.1. The central electoral committee of the constituency, may remove the candidates who on the day of the elections have not yet reached the required age; they are still excluded from being elected or their eligibility is suspended; it is not authorized to judge the other conditions of eligibility.

Art. 119.2. The central electoral committee of the constituency rejects the candidates who have not attached the declaration mentioned in article 116, § 6, to their written agreement.

Art. 119.4. Abrogated.

Art. 119.5. The central electoral committee of the constituency rejects the lists that do not satisfy the dispositions of article 117bis.

Art. 119.6. The central electoral committee of the constituency rejects the lists containing abbreviations and logos that do not satisfy the dispositions of article 116, § 4, sentence 2.

Art. 120. When the central electoral committee of the constituency declares the presentation of certain candidates as irregular, the reasons for this decision are included in the protocol and an excerpt of it explaining in a verbatim report the cited reasons is immediately send in a registered letter to the voter or candidate who has handed in the documents of the excluded candidates.

If the document has been handed in by two or three signers, the letter is send to the one that has been appointed first by the candidates.

If the produced reason concerns the eligibility of a candidate, the excerpt of the protocol is furthermore sent in the same way to this candidate.

Art. 121. The deponents of the lists – admitted or refused or, if necessary, one of the candidates figuring on the list, may on the 26th day before the elections between 1.00pm and 3.00pm at the indicated place for the delivery of the presentations, hand in a motivated complaint against the

admission of certain candidates to the chairman of the central electoral committee who acknowledges receipt.

The chairman of the central electoral committee of the constituency immediately informs the voter or candidate who have delivered the attacked presentation about the complaint by registered mail, indicating the motives of the complaint. If the presentation has been delivered by two or three signers, the letter is send to the person who figures on top of the list in the presentation of the candidate.

If the eligibility of a candidate is doubted, this is directly informed about the complaint in the same way.

Art. 122. If after the temporary closure of the candidate's list, the central electoral committee of the constituency has eliminated certain candidates for ineligibility or if a complaint has been introduced according to article 121 claiming the ineligibility of a candidate, the chairman of the central electoral committee of the constituency or the district electoral committee invites telegraphically or via the secretary of the central electoral committee or the main electoral committee, the municipality administration of the place of residence of the candidate to hand him instantly and by registered express mail a copy or a certified excerpt or any other document in his possession that might give indications on the eligibility of the candidate.

The chairman can, if he judges it to be useful, proceed to other investigations either on the eligibility of the questioned candidates or any other raised irregularities.

All the documents demanded in the execution of the present article are delivered free of charge.

Art. 123. The depositor of the admitted or refused lists, or if necessary, one of the candidates on the list, may until the 24th day before the election day, between 2.00pm and 4.00pm at the place where the presentations of the candidates are handed in, deliver to the chairman of the central electoral committee of the constituency who acknowledges receipt, a disquisition contesting the irregularities that have been retained at the temporary closure of the candidate's lists or claimed the following day. If the claimed irregularity concerns the ineligibility of a candidate, the disquisition can only be handed in in the same conditions.

If applicable, the persons mentioned in the previous sentence, may deliver a counterstatement or a complementary statement.

The counterstatement or complementary statement can only be handed in if in case of a presentation document, one or several candidates figuring on the presentation, have been eliminated for one of the following reasons:

- 1° an insufficient number of legal signatures from presenting voters;
- 2° a too high number of incumbent or substitute candidates;
- 2°bis absence of or a too low number of substitute candidates
- 3° lack of regular authorization;

4° lack of or insufficient explanations related to the name, first names, birthdate, profession, main residence of the candidates or the voter authorized to hand in the document;

5° non-respect of the rules concerning the classification of candidates or the classification of their names;

6° non-respect of the provisions on the balanced constitution of the lists mentioned in article 117.1;

7° Non-respect of the provisions on the acronym and the logo mentioned in article 116, § 4, second sentence.

With the exception of certain cases stipulated in 2°bis and in 6° of the precedent sentence, the capitulatory or complementary act may not contain the name of a new candidate. Only in the case mentioned in 6° of the previous sentence may he change the order in the eliminated presentation.

The reduction of too many incumbent or substitute candidates can only be achieved through a written declaration of a candidate withdrawing his declaration of acceptance.

The new substitute candidates suggested according to sentence 3, 2°bis, and the new incumbent or substitute candidates suggested according to sentence 3, 6°, have to accept in a written declaration the candidature that is offered to them.

The valid signature of the voters and the accepting candidates as well as the regular statement on the eliminated presentation are confirmed, if the rectified or complementary document is accepted

Art. 124. 24 days before the election, on 4.00pm, the central electoral committee of the constituency assembles.

If applicable, the central electoral committee of the constituency examines the received documents compliant to the articles 121, 122 and 123 and makes a decision after having listened to the persons concerned if they wished. It rectifies if justified and definitely closes the candidates' lists.

To this meeting are only allowed to assist the deponents of the lists or if necessary the candidates who have been delivering one or the other document mentioned in articles 121 and 123, as well as the witnesses appointed according to article 116 by the candidates of those lists.

If the eligibility of a candidate is contested, this candidate and the complainer may assist the meeting either personally or by legal representative. Their personal presence or by legal representative, is a requirement for an appeal mentioned in article 125.

Art. 125. If the central electoral committee rejects the candidacy for the ineligibility of a candidate, it mentions it in the protocol and if the rejected candidate is present or represented, the chairman invites the candidate or his legal representative to sign if he wished, a declaration of appeal on the protocol.

In case of rejection of the complaint on the ineligibility of a candidate, the same procedure is applied and the claimant or his legal representative are invited to sign if they wish, a declaration of appeal.

For the election to the Chamber of Representatives, the appeal case is appointed before the first Chamber of the Court of Appeal the 20th day before the elections at 10.00am even if it is a public holiday without an assignation or convocation.

The decisions of the central electoral committee of the constituency, other than those on the eligibility of the candidates, cannot be legally contested by an appeal with the exception of the decisions made referring to article 119ter.

Art. 125.1. The president of the Court of appeal receives the chairmen of the central electoral committee of the constituency on the 23th day before the election between 11.00am and 1.00pm in his office to accept the protocols with the declaration of appeal and any other document that might be of interest for the Court and the central committees know of.

Assisted by his clerk, he prepares a file on this handing over.

Art. 125.2. The president of the Court of appeal brings the case into a public hearing in the first chamber of the Court of appeal on the 20th day before the election, at 10.00am, even if it is a public holiday.

The first Chamber of the Court of appeal examines the cases on the eligibility before any other cases.

In the public hearing, the president reads out parts of the file. He then gives the word to the appellant and possibly to the defendant; they may be legally represented and assisted by a council.

The Court after having heard the General State Attorney, immediately communicates the decision by announcing it in the public hearing; this decision is not handed out to the interested parties but open for the public to read it free of charge in the office of the clerk of the Court.

The justification of the decision is telegraphically sent to the chairman of the central electoral committee of the constituency concerned, by the prosecuting body.

The file of the Court, completed with the decision is sent within eight days to the clerk of the assembly in charge of the examination of the voters rights.

Art. 125. quater. The decisions mentioned in article 125ter cannot be challenged through an appeal.

Art. 125quinquies. Abrogated.

Art. 126. If only one list is presented, if the number of incumbent candidates corresponds to the number of members to elect, these candidates are declared elected by the central electoral committee of the constituency, without any other formality. The substitute candidates are declared first, second and third substitute and so on, in the same order as they are listed in the document of presentation.

If, in the same case, the number of incumbent candidates is less than the number of members to elect, are declared elected the presented candidates and in addition, in concurrence of the number of remaining seats to allocate, are elected the substitute candidates who are the first on the list in the presentation. The remaining candidates are declared first, second, third substitutes and so on, in the order of their presentation.

If several lists are regularly presented, if the number of incumbent and substitute candidates is not higher than the number of members to elect, these candidates are declared elected by the central electoral committee of the constituency without any further formalities.

The protocol of the election, revised and signed by the members of the committee is immediately sent to the clerk of the Chamber of Representatives with the presentations. Excerpts of the protocol are immediately made public by posting a bill in each of the municipalities of the constituency.

Art. 127. If the number of effective and substitute candidates is higher than the number of members to elect, the central electoral committee of the constituency immediately prepares a ballot paper compliant to the model II in the present Code (model II a to II g).

The list of candidates is immediately posted as a bill in all of the municipalities of the electoral constituency. The poster indicates in tall letters and in black ink, the names and first names of the candidates, in the form of a ballot paper as it is precised afterwards, as well as their professions and main residence. The poster reproduces also the instruction for the voter (model I) attached to the present Code. From the 22th day before the elections, the chairman of the central electoral committee of the constituency communicates the official list of candidates to them and to the voters who have presented them, if they demand it.

In the electoral district of Rhode-Saint-Genèse are posted the list of candidates for the electoral constituency of Flemish Brabant and the lists of candidates for the electoral constituency of Brussels Region.

Art. 128. § 1. The list of candidates are registered in the ballot papers one after the other. Each list of candidates is headed with a small box reserved for voting, and the ordinal number printed in Arabic numeral having at least one centimeter of height and 4 millimeters of thickness, as well as the acronym or logo from the presentation of the candidates compliant to article 116, § 4, sentence 2; the acronym or the logo of the list are one centimeter higher and 3 centimeters wider and is angled horizontally.

Before the name and first name of each candidate on the list there is an ordinal number and behind it a small box to vote. The name of each candidate is mentioned first of all and written in capital letters. The first name follows and with the exception of the initial, written in lower case letters.

The small boxes reserved for the vote are black and have in the middle a small circle the color of paper and a diameter of 4 millimeters.

The name and the first name of the incumbent candidates are enlisted in the order of the presentations in the column reserved for the list they belong to. The mention « substitute » is written above the name and first name of the candidates on the substitute positions.

The lists are classified in the ballot paper in their numeral order.

§ 2. Abrogated.

§ 3. The committee proceeds to the decision on the ballot paper for the elections to the Chamber of Representatives, compliant to the models IIa), IIb), IIc) and IIcbis) attached to the present Code.

The central electoral committee of the constituency for the election of this assembly takes into consideration the numeral order attributed during the drawing by lot mentioned in article 115bis, § 2, 1st sentence.

The committee proceeds afterwards with a drawing by lot starting with the complete lists in order to assign an ordinal number to the lists that for the moment do not have one.

The drawing by lot mentioned in the previous sentence is to be carried out between the numbers that immediately follow the highest number allotted in the drawing by lot mentioned in article 115bis, 115bis, § 2, 1st sentence.

The chairman of the central electoral committee of the electoral constituency of Regional Brussels immediately sends a copy of the model of the ballot paper for the election to the Chamber of Representatives, to the chairman of the central electoral committee of the constituency of Flemish Brabant to be printed.

The latter includes on the ballot papers for the electoral district of Rhode-Saint-Genèse, the list of candidates presented in the central electoral committee of the electoral constituency of Brussels Region and those presented in the central electoral committee of the electoral constituency of Flemish Brabant.

For this, the ballot paper is prepared compliant to the model (Icbis), attached to the present Code.

§ 4. The committee may if necessary decide to put two or more incomplete lists in the same column. If this happens, it determines the order of these columns and the numbers of the lists in the columns in a special drawing by lot.

§ 5. If an electoral district consists of municipalities of different linguistic systems, the ballot paper is monolingual in the monolingual municipalities and bilingual in the other municipalities.

Art. 128bis. In case of an appeal, the central electoral committee of the constituency postpones the operations mentioned in the articles 126, 127 and 128 and meets on the 20th day before the elections at 6.00pm, in order to start them as soon as the decisions of the Court of Appeal are known. In this case, the communication of the lists mentioned in sentence 2 of article 127 starts on the 19th day before the election day.

Art. 128ter. - § 1. In difference to article 128, § 3, if the election to the Chamber of Representatives takes place on the date mentioned in article 10, §3, the preparation of the ballot papers for this election is made compliant to the following provisions.

§ 2. Abrogated.

§ 3. The candidates' lists mentioned in article 115ter, §2, first and sentence three, get assigned the ordinal number they have asked for in these provisions.

The chairman of the central electoral committee of the constituency proceeds to an additional drawing by lot for the elections to the Chamber of Representatives starting with the completed lists in order to attribute an ordinal number to those lists that currently do not have one.

The complementary drawing by lot mentioned in sentence 2 takes place between the numbers immediately following the highest number attributed according to the first sentence.

Art. 129. The chairman of the central electoral committee of the constituency, prints on electoral paper and with black ink the ballot papers for the election to the Chamber of Representatives.

The ballot papers for the Chamber of Representatives are printed on colored paper chosen by the King. The use of any other ballot paper is forbidden. The dimensions of the ballot paper are defined in a royal decree depending on the number of members to elect and the number of presented lists.

The evening before the election day, the chairman of the central electoral committee of the constituency sends the necessary ballot papers for the vote in a sealed envelope to every chairman of the electoral sections; the inscription on the outside of the envelope indicates the address of the recipient and the number of ballot papers it contains. This envelope is only unsealed and opened in the presence of the regularly constituted committee. The number of ballot papers is immediately verified and the result of the verification noted in the protocol.

The chairman of the central electoral committee of the constituency sends at the same time to each of the heads of the vote counting sites forms of the tables he had prepared compliant to the provisions in article 161 for the heads of the vote counting sites to fill them out after the tallying of the votes.

Art. 130. The following electoral expenses are at public expense:

- 1° the paper for the ballots the State provides
- 2° the attendance fees and the travel expenses for the members of the polling stations, under the conditions defined by the King;
- 3° The documented travel expenses of the voters who on the day of the election do not live anymore in the municipality where they are registered, under the conditions defined by the King;
- 4° the premiums due for accident insurance for the members of the polling stations to cover all sorts of fees caused by accidents happening to members of the polling stations while performing their activities; the King determines the modalities and the covered risks.

In case of a parallel election for the Chamber of Representatives and the communal or regional Parliaments, the expenses mentioned in 2° to 4° of the previous sentence are covered by the State by 65%.

On communal account are the ballot boxes, partitioning walls, desks, envelopes and pens the municipalities provide according to the models approved by the King.

Without prejudice to article 4, sentence 2 of the special law of 16th July 1993 on the accomplishment of the federal structures of the State and in completion to the electoral legislation on the Regions and Municipalities, all other electoral expenses are at public expense of the municipalities.

The governor of the province or the governor of the administrative municipality of Brussels Region manages the distribution of the electoral expenses of each polling station among the municipalities of their circuit.

Art. 131. Five days before the elections, the candidates appoint a witness and a deputy witness to assist with the operation in each of the polling stations and vote counting sites.

Candidates, who present themselves conjointly, can only appoint one witness and one deputy witness per polling station and vote counting site.

The candidates indicate the polling stations and the vote counting sites where each of the witnesses will fulfill his/her mission for the complete duration of the operations. They personally inform the witnesses about it. The information letter signed by one of the candidates is countersigned by the chairman of the general electoral committee.

The witnesses must be voters for the Chamber of Representatives in the electoral constituency.

They are authorized to seal the envelopes mentioned in the articles 147, 162 and 179 and to include their observation in the protocol.

The candidates can be appointed as witnesses or substitute witnesses even if they are not voters in the constituency.

Art. 132.-137 Abrogated.

Chapter III Preparation of the polling stations

Art. 138. The facilities of the polling stations and the compartments for the voters to cast their vote are set up according to model III.

However, the dimensions and the equipment may be changed depending on the condition of the premises.

Once the polling station is constituted, the chairman checks in presence of the committee members and before the start of voting if the ballot boxes are empty and closes them afterwards.

Art. 139. There shall be at least one polling booth per 150 voters.

Art. 140. The instructions for the voters (model I) attached to the present Code are posted inside the waiting room.

Art. 141. Abrogated.

Art. 142. The voters are admitted to vote from 8.00am to 1.00pm. If the election for the Chamber of Representatives takes place at the same time as the ones for the other assemblies, the King may defer the closing time of the polling stations.

However, all voters present inside the polling station before 1.00pm or before the hour defined by the King according to the 1st sentence are admitted to vote.

In the order of the arrival of the voters equipped with their invitation to vote and their identity card, the secretary ticks off their names on the attendance list; the head of the polling station or an assessor he appoints, do the same on a different voters list of the section after verifying the

indications on the list with the ones in the invitation to vote and the identity card. The names of the voters not registered on the voters list of the section but authorized to vote through the committee are added to both lists.

The voter who did not take his invitation to vote with him, may be admitted to vote if his identity and his quality as voter are acknowledged by the committee.

The chairmen, secretaries, witnesses and suppliant witnesses vote in the in the section where they officiate.

No one shall be allowed to participate in the elections without being registered on the list given to the chairman unless he can produce a decision from the Council of burgomasters and lay judges ordering his registration, or a letter of acknowledgement from the Council of burgomasters and lay judges certifying the quality of voter of the concerned person.

In spite of being registered on the list, the polling station cannot admit to vote those who have been eliminated from the list after a decision of the Council of burgomaster and lay judges or a court of appeal; those who fall under one of the provisions in articles 6 and 7 and whose incapacity is established in a document stipulating deliverance; those who according to documents or their confessions do not have the required age to vote on the day of the elections, or have already voted on the same day in a different section or municipality.

Art. 142bis. In deviation from article 14, sentence 4, the voters mentioned in article 89bis shall by no means be allowed to vote unless they can produce the special model of the invitation to vote mentioned in article 107bis.

The names of the voters from the municipalities of Fourons and Comines-Warneton, presenting themselves at the polling stations mentioned in article 89bis for the vote, are marked on the copies of the voters' list mentioned under article 96, aliena 3.

Art. 143. The voter receives a ballot paper directly from the head of the polling station.

This ballot paper must be folded twice in a right angle with the boxes on top of the lists inside of the folded paper. It must be put down in front of the head to fold it up the same way. It must be stamped on the back showing the name or the district where the vote took place and the election's date. The committee determines at least five places for the stamp to be possibly stamped on and chooses it through a drawing by lot. This drawing will be repeated once or several times during the operations by demand of one of the members of the polling station or a witness. If the committee decides that such a proposition cannot immediately be received, the demanding member of the committee or the candidate's witness can demand that the reasons for the refusal are noted in the protocol.

The voter goes directly into one of the compartments to cast his vote. He shows his regularly folded ballot paper with the stamp on the outside to the head and puts it into the ballot box after the head or an assessor on his behalf has stamped the invitation to vote using the stamp mentioned in the previous paragraph. He is not authorized to unfold the ballot paper while leaving the compartment in order to not make publicly known his vote. If he nevertheless does it, the head of the polling station takes the ballot paper that is invalidated and obliges the voter to vote anew.

The voter, who due to a handicap cannot go on his own into the compartment or express his vote by himself, may with the authorization of the head of the polling station be accompanied by a guide or a facilitator. The name of the one or the other is mentioned in the protocol.

If an assessor or a witness doubts the reality or extent of the handicap, the committee makes a decision and the motivated decision is noted in the protocol.

Art. 144. The voter may vote for one or several candidates, incumbent or substitute, or incumbent and substitute of the same list.

If he votes for the order of presentation of the incumbent and substitute candidates of a list that he supports, he indicates his vote in the box placed on top of that list.

If he only votes for the order of presentation of the incumbent candidates and wants to change the order of presentation of the substitute candidates, he gives a nominative vote to one or several substitute candidates of the list.

If he only supports the order of presentation of the substitute candidates and wants to modify the order of presentation of the incumbent candidates, he gives a nominative vote to one or several incumbent candidates on the list.

If he does not support the order of presentation neither of the incumbent candidates nor the substitute candidate and wants to change the order, he gives a nominative vote to one or several incumbent candidates or one or several substitute candidates on the list.

The nominative votes are put in the box behind the name and first name of those candidates, incumbent or substitute the voters wished to vote for.

The voters mark, even if imperfectly, is a valid vote, as long as the intention to make a ballot paper recognizable is not apparent.

Art. 145. If, through inadvertence, the voter damages the ballot paper he has received, he may ask the head for a new one in exchange for the damaged ballot that is immediately nullified.

The head of the polling station writes on the ballot papers that have been withdrawn compliant to article 143, sentence 3 the mention; « withdrawn ballot paper » and puts his paraphe underneath.

Art. 146. Once the vote is closed, the committee established following the lists from the head or his assessor and the secretary the compilation of the voters on the voters' list and who did not take part in the elections. This compilation signed by all of the members of the committee is send by the head of the polling station within three days after the vote to the justice of the peace of the district. The head of the polling station notes on this compilation the observations made, and includes the documents he has received from the eliminated voters as justifications.

He includes a compilation to the voters who, compliant to article 142, have been authorized to vote even without being registered in the voters list of the section.

Art. 146bis. The compilation of the voters from the municipalities of Fourons and Comines-Warneton that have voted in the polling stations mentions in article 89bis, is sent to the chairmen of the district electoral committee and the chairman of the electoral committees of Fourons and

Comines-Warneton in order to enable them to dress a complete version of the list of those who abstained from voting.

Art. 147. When the vote is closes, the committee of the polling station determines the number of ballot papers in the ballot boxes, the ballot papers withdrawn according to article 143, sentence 3, and 145 and the unused ballot papers. These numbers are included in the protocol.

If the tallying of the votes takes place in the same room where the voting has taken place, the head seals the ballot box and with the assistance of the witnesses if they want, guards the ballot box until the vote counting site takes on their services.

In the contrary case, the head opens the ballot box and puts the contents into a envelop, sealed with the cachet of all the members of the committee and indicates on the envelop the polling station, the number of ballot papers according to the lists and the compilation mentioned in article 142.

He also seals the envelopes with the ballots that have been cancelled according to Articles 143, third paragraph, and 145 or that have not been used, as well as the protocol of the polling station. The contents of these envelopes is listed separately.

The envelopes are labelled “Chamber of Representatives”. The envelope is white.

The chairman or one of the assessors s/he appoints, accompanied by the witnesses, transport the envelopes and documents as soon as possible to the vote counting site. The receipt is certified.

If necessary, the municipality administration provides the head of the polling station with a car to facilitate the transporting of the envelopes.

Chapter IIIbis Proxy vote

Art. 147bis. § 1. The following voters may mandate another voter to vote in his name (proxy vote)

1° voters who due to a disease or infirmity are in incapacity to go to a polling station or to be transported there. This incapacity is attested by a medical certificate. The doctors presenting themselves as candidates for the elections may not hand out such a certificate.

2° the voter who for professional or military reasons:

a) is retained in a foreign country together with members of his family who are living with him;

b) is in the Belgian Kingdom but cannot be present on the day of the elections in the polling station.

The impossibility under a) and b) is attested by a certificate from a military authority or civil or from the employer of the voter concerned.

3° The voter who works as a skipper/mariner; street hawker or carney and the members of his family live with him.

The exercise of these professions area attested in a certificate from the burgomaster of the community where the person concerned is enlisted in the population register.

4° the voter who on the Election Day is in a situation deprived of liberty due to legal measures.

This situation is attested by the director of the institution the person stays.

5° the voter who due to his religious convictions cannot go to a polling station

This impossibility must be justified through an attestation of the religious authorities

6° the student who for the reasons of studies cannot take part in the elections. This impossibility needs to be certified through the direction of the institution s/he attends.

7° the voter who for other reasons than the ones mentioned above is absent from his domicile on the day of the elections, due to a temporary voyage in a foreign country making it impossible to go to a polling station. This absence is certified by the burgomaster of his/her domicile or his/her delegate on the presentation of the necessary documents, or if s/he cannot organize the necessary document, on the basis of a declaration on the honor. The King determines the model of declaration of honor as well as the model of certificate delivered by the burgomaster. The demand must be introduced to the burgomaster no later than the day before the election.

§ 2. Any voter can be appointed as proxy.

Each proxy can act as a proxy for only one voter.

§ 3. The authorization is written in a form model of which has been fixed by the King and that is delivered for free to the municipal administration.

The authorization mentions the elections for which it is valid, the names and first names, birthdates and the addresses of the proxy and the voter.

The authorization form is signed by the voter and proxy.

§ 4. To be able to vote, the proxy hands in to the head of the polling station where the voter was supposed to vote, the authorization as well as one of the a above mentioned attestations. S/He shows her/his identity card and the conviction on which the head of the polling station mentions "Vote by proxy"

§ 5. The authorization is included in the documents mentioned in article 146 (1st sentence) and sent to the justice of the peace.

Art. 147.2 to 147.7. Abrogated.

Chapter III.2 Art. 147.8 and 147.9. Abrogated.

Chapter IV Tallying of the votes

Art. 148. Abrogated.

Art. 149. Each vote counting site collects the ballot papers of different polling stations that are mandatory to be put up in the same municipality of a district. The number of voters registered with the polling stations and whose ballot papers are handled through the same vote counting site shall not exceed 2.400.

Art. 150. Five days before the election day, the chairman of the district electoral committee after having completed the formalities for the designation of the witnesses proceeds to draw by lot for each of the municipalities of the district the polling stations from which the ballot papers shall be tallied in a particular vote counting site.

The witnesses appointed to assist the reunions of the district electoral committee, may be present during this procedure.

Art. 151. The vote counting sites are installed in the premises appointed by the chairman of the District Electoral Committee. He immediately informs by registered mail the chairmen of the vote counting sites and their assessors about the location where they are to exercise their functions, indicates the room where he will be sitting and receive the copy of the table of results accordingly to article 161.8.

He immediately informs the chairmen of the polling stations by registered mail about the meeting place of the vote counting site which shall receive the ballot papers from their polling stations.

Art. 152. The vote counting site must be constituted no later than 2.00pm.

In case of being prevented or absent of a member during the operations process, the committee completes themselves. If the members of the committee do not agree on the choices to be made, the voice of the eldest member of the committee is deciding.

The members take the oath mentioned in article 104, 1st sentence before taking office.

All statements shall be mentioned in the protocol.

Art. 153. Abrogated.

Art. 154. The vote counting site shall start the tallying of the votes as soon as it is in possession of all the envelopes assigned to it.

Art. 155. The chairman in presence of the members of the committee and the witnesses shall open the envelopes and count the ballot papers they contain without unfolding them. He may ask on or several members of the committee to contribute simultaneously to the counting of the ballot papers.

The quantity of ballot papers found in each of the envelopes are noted down in the protocol.

The envelopes containing the ballot papers that have been taken back on the basis of articles 143, para 3 and 145 and the unused ballot papers shall not be opened.

Art. 156. § 1. The chairman and one of the members of the committee after having mixed all the ballot papers the vote counting station is responsible for, shall unfold them and classify them according to the following categories:

- 1° ballot papers with votes in favor of the first list or in favor of candidates from that list;
- 2° The same shall be done for the second and any further list if existing;
- 3° suspicious ballot papers;
- 4° blank ballot papers or invalid ballot papers.

After this first classification the valid ballot papers of each of the lists will be divided into the following four subcategories:

- 1° the ballot papers labeled on top;
- 2° the ballot papers marked exclusively in favor of one or several incumbent candidates
- 3° the ballot papers with votes for one or more of the incumbent candidates as well as for one or more of the substitute candidates;
- 4° the ballot papers which are exclusively in favor of one or several of the supplant candidates.

The ballot papers that are marked on top and are in favor of one or several current candidates, or in favor of one or several current and supplant candidates are classified in the second or third subcategory.

The ballot papers marked on top and in favor of one or several supplant candidates are classified into the fourth subcategory.

§1/1. For the election to the Chamber of Representatives every vote counting site of the electoral district of Rhode-Saint-Genèse classifies the ballot papers into two categories:

- 1° the ballot papers in favor of a list of candidates in the constituency of Flemish Brabant;
- 2° the ballot papers in favor of a list of candidates in the constituency of Brussels Region.

In this electoral district, the model table as described in article 161, para 2 shall be drawn in two examples: one mentioning the results of the tallying of the votes in the electoral constituency of Brussels Region and the second example mentioning the results of the tallying of the votes in the electoral constituency of Flemish-Brabant.

In the same electoral district, the district electoral committee shall draw a capitulatory table that resembles the two examples mentioned in article 161, para 8.

All examples of the model table and the capitulatory table mentioned in para 2 and 3 shall be drawn in Dutch.

§ 2. Abrogated.

Art. 157. Are spoiled:

- 1° all ballot papers different from the ones that are legally permitted to be used
- 2° ballot papers that contain more than a vote for a list or vote by name for the incumbent candidates or the substitution candidates on different lists;
- 3° ballot papers where the voter has marked at the same time a vote on top of the list as well as next to the name of one or several incumbent or substitution candidates from a different list.
- 4° ballot papers where the voter has voted at the same time for one or several incumbent candidates of one list and one or several substitution candidates from a different list;
- 5° Ballot papers that contain no vote at all, those with changed forms and dimensions, those that contain a paper or any other object on the inside or those where a sign, a streak or a mark non authorized by law.

Not spoiled are:

1° the ballot papers with a vote on top of the list as well as in favor of one or several incumbent candidates or one or several incumbent or substitution candidates of the same list;

2° Ballot papers with a vote for the head of the list and in favor of one or several substitution candidates of the same list.

In the case mentioned in the previous para, the vote for the head of the list is considered null and void.

Art. 158. Once the classification of the ballot papers is finished, the other members of the office and the witnesses examine the ballot papers without changing the classification and submit their observations and complaints.

The complaints shall be written down in the protocol and completed with the opinion of the witnesses and the decision of the office.

Art. 159. After the decision of the office the suspicious and contested ballot papers are included into the categories they belong to.

The ballot papers or each category are sequentially counted by two members of the office.

The office establishes the total number of valid ballot papers, blank or spoiled ballot papers and for each of the lists the number of ballot papers in the four subcategories mentioned in article 156, § 1, 2nd para as well as the number of votes by name for each candidate.

All these numbers shall be listed in the protocol.

The ballot papers that have been declared spoiled or are contested apart from the blank ballots are signed by two members of the committee and by one witness.

All of the ballot papers that have been classified as mentioned above are put into separate envelopes and sealed.

Art. 160. Abrogated.

Chapter IV/1 On the closing of the tallying of the votes and the transmission of the protocol

Art. 161. The protocol of the operations is established during the proceedings and signed by the members of the office and the witnesses.

The results of the tallying of the votes are classified accordingly to the system and indications of the model-table compiled by the chairman of the principal Electoral committee of the constituency.

This table contains the number of ballot papers from each ballot box, the number of empty or invalid ballot papers and the number of valid votes. Furthermore, it contains the results of the counting of each of the lists that followed the numeral order article 159 classified following their numbers

This table must be immediately duplicated.

This document contains as caption the names of the electoral constituency and the electoral district, the number of the vote counting site, the date of the Election and the annotation: «Result of the tallying of the votes received in the polling stations no.. In the municipality ... ».

Prior to the continuation of the operations, the head of the vote counting site goes to see the head of the electoral district and hands over a copy of the table in the protocol. If the head ascertains the correctness of the table he confirms it with his paraph. If the table is not correct he invites the head of the vote counting site to first of all complete or correct the table and if necessary to complete or correct the original protocol.

The head of the electoral district committees collects the copies of all vote counting tables and acknowledges receipt to all heads of the vote counting sites.

The district electoral committee shows in a summary table the total number of ballot papers handed in, the number of blank or invalid votes; the number of valid votes and for each of the lists, classified in the list of their number, the number of votes for each of the four sub-categories mentioned in article 156, § 1er, sentence 2 as well as for each incumbent or substitute candidate the total number of nominative votes he has received.

The district electoral committee shall sum up all those subcategories for the entire district and add the total number of votes for each electoral list to it.

The chairman of the district electoral committee or the person he appoints, shall inform the Interior Minister without delay by digital transmission using the electronic signature emitted through the identity card about the total number of valid ballot papers, the total of blank and spoiled ballot papers as well as the number of each list as mentioned in article 166 and the total of votes by name for each incumbent or substitute candidate.

The chairman of the district electoral committee shall send without delay by digital transmission and by using the electronic signature emitted over the identity card the protocol of his office including the summary table to the chairman of the central electoral committee of the constituency who acknowledges receipt, and the Interior Minister. The duplicate of the tables on the tallying of the votes and a paper version of the protocol including the summary table are sent to the chairman of the principal electoral committee of the constituency.

The chairman of the district electoral committee of Rhode-Sain-Genèse sends without delay by digital transmission using the electronic signature emitted by the identity card to the chairman of the central electoral committee of the constituency of Flemish Brabant, and to the chairman of the main office of the circumscription of Regional Brussels as well as to the Interior Minister, the protocol of his committee showing the corresponding summary table. The paper version of the summary table and the protocol of the electoral constituency of Flemish Brabant and to the president of the office of the main electoral constituency of Brussels Region.

On demand of the chairman of the central electoral committee of the constituency, the Council of burgomasters and lay judges of the chef-lieu of the district provide him with the employees and material necessary to accomplish his mission. The same committee fixes the indemnities paid for by the municipalities

Art. 161.1. Abrogated.

Art. 162. The chairman of the vote counting center shall mention the delivery of the table and if necessary, the rectifications the protocol.

Afterwards, he publicly proclaims the result from the model table mentioned in article 161m sentence 2.

The protocol, including the contested ballot papers, is placed under sealed envelope with an inscription indicating the contents. This envelope and the one containing the protocols of the polling stations are put together in a closed and sealed parcel that the head of the vote counting site sends within 24 hours to the chairman of the central electoral committee.

Art. 163. Abrogated.

Art. 164. The chairman of the central electoral committee of the constituency opens the envelopes with the documentation in presence of the committee and the witnesses, and the committee immediately starts with the tallying of the votes

Upon request of the chairman of this committee, the Council of burgomasters and lay judges of the municipality where the mentioned offices are established provides the committee with the necessary personnel and material to accomplish their mission.

The same Council shall define the compensation for the appointed persons at the expense of the municipalities.

Art. 165. The software used for the tallying of the votes either partially or generally as well as the allocation of the seats on the level of the constituency, must be approved by the Interior Minister and the body approved by the King through a declaration of liberalization in the Council of Ministers before the Election Day when the software is to be used.

For the partial as well as general tallying of the votes the districts use uniquely the software given and agreed on for each election, by the Interior Minister and the organism responsible for it, approved of by the King through a declaration of liberalization in the Council of Ministers.

For the digital transmission of the results and the protocol, the central offices only use the software given and agreed upon for each election by the Interior Minister after consultation with the accepted organism for that purpose by the King in a declaration of liberalization in the Council of Minister.

The software used for the electronic tallying of the votes by the vote counting sites must be agreed upon for each election by the Interior Minister after consultation with the organism accepted by the King and the Council of Ministers.

Chapter V. On allocation of the seats for the elections to the Chamber of Representatives.

Art. 165bis. Are only admitted to the allocation of the seats the lists having achieved at least 5% of the total general vote in the electoral constituency

Art. 166. The total number of valid ballot papers in favor of a list, are the electoral numbers of it. This total is defined for each list through the addition of the ballot papers for each of the four sub-categories according to article 156, § 1, sentence 2.

Art. 167. The central electoral committee of the constituency, divides successively the total number of votes by 1, 2, 3, 4, 5, etc. for each of the lists and classifies the quotients according to their

importance until there is concurrence of the total number of quotients equal to the one of the members to elect.

The last quotient serves as divisor electoral

The distribution between the lists takes place by attributing to each of it as many seats as their electoral number contains the divisor, with the exception of article 168.

If a list obtains more seats than she has incumbent and substitute candidates, the non-distributed seats are given to other lists. The allocation between them follows the operation indicated in the 1st sentence; each new quotient determines in favor of the list it belongs too, the attribution of a seat.

Art. 168. If a seat belongs likewise to several lists, it is allocated to the highest electoral number, and in case of parity, to the list where a candidate has obtained the most votes among the other candidates or alternatively, the oldest candidate.

Chapter VI Abrogated.

Art. 169 to 171. Abrogated.

Chapter VII On the instructions for the delegates

Art. 172. If the number of incumbent candidates of a list is equal to the number of seats allocated to the lists, these candidates are all elected

If the number of candidates is higher than the number of seats, these seats are distributed among the candidates in a decreasing order of the votes they obtained. In case of equality, the order of presentation decides. Before the delegates are appointed, the central electoral committee of the constituency proceeds to the individual attribution of votes to the incumbent candidates who receive half of the votes in favor of their order of presentation. This half is created by dividing the total number of vote in the sub-categories by two, following article 156 §1er, sentence 2, 1° and 4°. The allocation of these ballots is done according to a devolutif mode. They are added up to the nominative votes the first candidates on the list got, in concurrence to what is necessary to achieve to get the specific electoral eligibility of each list. The remaining votes – if there are any – are given in a similar way to the second, third candidate and so on until half of the number of votes of the ballot papers in favor of the order of presentation of these candidates are used.

The eligibility number, specific to each of the lists, is calculated by dividing the electoral number of votes of the list as it is defined in article 166 by the number of seats appointed to the lists plus one.

If the number of candidate of a list is smaller than the number of seats they are entitled to, these candidates are elected and the remaining seat are given to the substitute candidates who arrive first in the order indicated in article 173. If there are not enough substitute candidates for the remaining seats, they are divided up following the rules stipulated in article 167, last sentence.

Art. 173. In each list where one or several candidates are elected compliant to article 172, the substitute candidates with the highest number of votes are declared first, second, third substitute, and

so on. If there is equality, the substitutes are declared first, second, third and so on, following the order of the presentations.

In advance of their appointment, the central committee having chosen the incumbents, continues with the individual attribution to the substitute candidates of half of the number of ballot papers in following the order of presentation of these candidates. This half is established by dividing the total number of ballots by two, compliant to article 156, § 1er, sentence 2, 1° and 2°.

The attribution of these ballots follows a devolutif mode. They are added to the nominative votes obtained by the first substitute candidate in concurrence to what is needed to reach the eligibility number mentioned in article 172, sentence 3. The remaining votes, if there are any, are attributed in a similar procedure to the second substitute candidate, then to the third, and so on, following the order of the presentation until half of ballot papers in favor of the order of the presentation of the candidates, are distributed.

Art. 173bis. The possible decimals of the quotient you get by dividing by two the total number of ballot papers mentioned in articles 172 and 173, that are in favor of the order of presentation of the incumbent candidates and the substitute candidate, and on the other side by dividing the electoral number of the list explained in article 166, by the number of seats the list is entitled to, major one unit, to establish a specific eligibility number to that list, are rounded up to the superior unit, regardless of if they reach 0,50 or not.

Art. 174. The result of the general tallying of the votes and the names of the representatives are made public.

Art. 175. The central electoral committee of the constituency nominated the representatives for the Chamber of Representatives following articles 172 and 173.

Art. 176. Abrogated.

Chapter VIII Particular and diverse provisions

Art. 177. The chairman of the central electoral committee of the constituency sends without delay by digital transmission using the electronic signature emitted through the identity card, the protocol of his committee to the clerk of the Chamber of Representatives and to the Interior Minister. A paper version of that protocol, revised and signed by the members of the central electoral committee of the constituency and the witnesses; the protocols of the polling stations and the vote counting sites, the documents of presentation and the doubted ballot papers are equally sent within five days to the Chamber of Representatives.

Excerpts of the protocol are sent to each of the representatives.

Art. 178. If a candidate passes away before the election day, the committee proceeds compliant to article 172 and 173 as if the candidate has not figured on the list. The deceased candidate cannot be declared elected and no distribution of the number of ballot papers in his favor is done. Nevertheless, the number of ballot papers in his favor is counted exclusively to determine the electoral number of the list on which he was running as a candidate.

If a candidate passes away on the Election day or posterior to it but before the public announcement of the results of the Election mentioned in article 174, the committee proceeds

according to articles 172 and 173 as if the candidate was still alive. If he was an incumbent candidate, the first substitute on the same list is called to seat in lieu thereof.

The first substitute on the same list is furthermore called to seat in lieu thereof the deceased elected candidate after the public announcement of the results of the Election mentioned in article 174.

Art. 179. The ballot papers, the voters' list having served as check list duly signed by the election officers holding them and by the head, the ballot papers withdrawn based on articles 143, 3rd sentence, and 145 are handed over to the clerk of the tribunal or alternatively by the justice of peace of the vote counting site. They are kept until two days after the day of the validation of the elections. The Chamber of Representatives may ask to see them if it considers it to necessary.

The unused ballot papers are immediately sent to the governor of the province who counts them.

The ballot papers are destroyed after the election has been definitely validated or cancelled.

If necessary and on demand, the clerk of the tribunal hands over the electoral lists from the constituency in his authority to the justice of peace.

TITLE IV.1 Vote of Belgians living abroad.

Chapter 1 General provisions

Section 1 Principles

Art. 180. All Belgian citizens who are listed in the population register kept by the Belgian diplomatic posts or consulates abroad and who fulfill the conditions or the electorate as it is stated in article 1, are obliged to vote.

The persons mentioned in the first sentence register as voter in one or the following municipalities:

1° in the Belgian municipality where the person was last registered in the population register before leaving the country;

2° otherwise in the Belgian municipality of his birthplace;

3° otherwise in the Belgian municipality where the father or the mother of the person are or have last been registered in the population register;

4° otherwise in the Belgian municipality in which an up to third-degree relative is registered or has last been registered, or finally in the municipality where an ancestor is born, is registered or has been registered in the population register.

They exercise their right to vote either personally or by proxy in a polling station on the Belgian territory, personally or by proxy in the diplomatic post or consulate where they are registered, or by mail.

With the exceptions stipulated in this title, the provisions of the Electoral Code are to be applied regardless of which *operus morandi* to be chosen for the voting.

The diplomatic posts or consulates verify the conditions of the electorate listed in article 1, §1.

Section 2

Application form for the registration as voter – Directive and communication of the voters' list.

Art. 180bis §1. When a Belgian citizen registers with the population register in a Belgian diplomatic post or consulate abroad, the Belgian diplomatic post or consulate hands out an application form for the registration whose model has been defined by the King to the Belgian citizen.

It hands out this application form to all the Belgian citizens already registered in the population register who have had applied for it. The letter enclosed to this application form is signed by the director of this diplomatic post or consulate.

Between the first day of the ninth month and the first day of the sixth month following the date fixed for the ordinary elections to the Chamber of Representatives, each diplomatic post or consulate delivers the Belgian citizens registered with them an application form for the registration with the exception of the following cases:

- 1° the Belgian citizen is already registered in a registration municipality;
- 2° the Belgian citizen has been registered with a registration municipality before and has not voted yet even s/he has been invited to vote according to chapter II of the present title.
- 3° the Belgian citizen has not responded to the letter mentioned in article 180septies, § 1, first sentence, on the occasion of the second to last legislative elections and has not re-registered in time to execute his right to vote in the last legislative elections; in this case, in deviation from the second sentence, the Belgian citizen is only registered again if s/he can attest his residence in the constituency of the post.

If the Belgian citizen needs to be registered in one of the municipalities mentioned in article 180 second sentence, 1°, 2° or 3°, the form indicates his registration municipality. However, if the Belgian citizen needs to be registered in a municipality according to article 180, sentence 2 3°, and that his/her father or mother has last been enlisted in different population registers, the Belgian citizen is invited to specify in which of those two municipalities s/he likes to be registered.

If the Belgian citizen has to be registered in one of the municipalities mentioned in article 180, second sentence, 4°, s/he indicates the municipality for which s/he can prove by referring to any legal process, one of the connection relatives listed in this provision

§2. The Belgian citizen indicates on the form mentioned in §1 in which way s/he would like to exercise the right to vote.

§3. The Belgian citizen living abroad hands in the completed, signed and dated application form and if necessary the documents proofing s/he needs to be registered in a community mentioned in article 180, sentence two, 4°, either personally or sends it to the diplomatic post or consulate where s/he is registered.

This application for registration is valid for the participation of the Belgian citizen in all legislative election taking place from the first day of the fourth month after the deposit of the form for as long as the Belgian citizen is registered in the population register of the same diplomatic post or consulate.

§4. After the verification of the conditions of the electorate in the chef-lieu of the applicant, compliant to article 180, sentence 5, the diplomatic posts or consulates indicate the municipality mentioned in article 180, sentence 2, and the chosen procedure to vote in the consular register of the population.

If the form indicates a municipality compliant to article 180, sentence 2, 4°, the diplomatic posts or consulates transfer this form and its annexes via the Federal Service Public Foreign Affairs, Foreign Commerce and Development Cooperation, to this municipality within a month of the reception of the form. As soon as the Council of burgomasters and lay judges receives the form, it or a communal council, verifies if the Belgian does really have to be registered in his municipality compliant to article 180, sentence 2, 4°. If not, the Council of burgomasters and lay judges or the communal committee informs the person concerned via the diplomatic post or consulate of its decision.

As soon as the list of voters is closed, compliant to article 10, 1er, 1er sentence, the Council of burgomasters and lay judges sends a copy of the list of the Belgian voters living abroad having chosen to vote by postal ballot or the vote in person or proxy in a diplomatic post or consulate

The Belgian citizens living abroad figuring on the voter's list are deleted if between the date the list is established and the Election Day, they fail to satisfy the conditions of being Belgian or pass away.

The Belgian voters living abroad who after the voters' list has been established become subject of a conviction or an important decision like the exclusion from the rights to vote, or the suspension of those on Election Day are equally deleted from the voters' list.

§5. If a diplomatic post or consulate refuses to accept a Belgian citizen living abroad as a voter, it informs the person concerned in written form about the reasons of this decision and sends a copy of the decision through the Federal Public Service Foreign to the Belgian municipality in which the person concerned has to be registered as voter.

In the 30 days after the reception of this notification or, in the 30 days of the notification mentioned in §4, second sentence, the person concerned may present a written complaint before the Council of burgomasters and lay judges or the communal college of the municipality in which s/he needs to be registered as voter.

The Council of burgomasters and lay judges shall pronounce its decision within two weeks of the receipt of the complaint and immediately inform in a written note the person concerned via the diplomatic post or consulate where the voter is registered.

The person concerned may appeal against this decision before a Court of Appeal in Brussels within 30 days after the notification.

After the expiration of this deadline, the decision of the Council of burgomasters and lay judges is definite.

The appeal is delivered by handing in a request to the General State Attorney at the court of appeal in Brussels.

The parties have twenty days counting from the delivery of the request to hand in new conclusions. After this deadline, the General State Attorney sends the file including the new pieces or conclusions within two days to the head clerk of the court of appeal in Brussels that acknowledges receipt.

The articles 28 to 39 are to be applied.

§5bis. If after his registration the Belgian citizen wishes to modify the modality through which s/he likes to exercise this right to vote, s/he hands in personally or by post a request in this regard at the diplomatic post or consulate. This modification is valid for all legislative elections taking place after the first day of the fourth month following the request.

§6. In the case of article 106, the list of Belgian voters living abroad is closed on the 15th day before the election.

However, the voters are invited to the voting based on the list drawn for the ordinary reunion of the electoral colleges if the dissolution of the Chamber of Representatives is stipulated to take place after the 24th day that precede the day of the ordinary meeting of the electoral college with the consequent meaning of having to organize an election before the fixed date.

The provisions in articles 15 and 93 are to be applied under the following conditions:

1° in the first sentence of article 15, the words “as well as the one mentioned in article 180bis §6, first sentence have been established” are put after the words “article 10” and the words “has been established” are deleted;

2° In article 93, the following sentence has been introduced between the first and sentence 2: “For the Belgian citizens living abroad, the governor of the province or the magistrate he appoints implement this transmission at least twelve days before the elections”.

The operations summed up in the paragraphs 1 to 4 of the present article including the receipt of the forms by the municipalities, must be accomplished before the 15th day before the Election Day.

The governor of the province or the magistrate he appoints see to it that the Council of burgomasters and lay judges sends at least ten days before the elections an invitation to vote to each Belgian voter living abroad via the diplomatic post or consulate where s/he is registered.

Chapter II Different voting procedures

Section 1

Vote in person in a Belgian municipality

Art. 180ter. The Council of burgomasters and lay judges of the municipality where the Belgian citizen living abroad is registered, sends an invitation to vote according to the modalities defines in article 107 to his residence via the diplomatic post or consulate where s/he is registered.

In order to be able to vote in a Belgian municipality, the Belgian citizen living abroad can proof his identity in derogation to article 142, sentence 2, in producing a different document than the identity card.

Section 2

Vote by proxy in a Belgian municipality

Art. 180quater. §1. By means of the authorization whose model is determined by the King, the Belgian citizen living abroad having chosen to vote by proxy in a Belgian municipality appoints a mandatory among the voters of the municipality where he has chosen to be registered as a voter.

§2. Each mandatory can only act as a proxy for one voter.

§3. The authorization, signed by the mandatory, mentions the name, first names, birthdate and residence of the mandatory. This authorization has to be sent to the municipality where the voter is registered at least twenty days before the elections.

§4. When the Council of burgomasters and lay judges invites the mandatory to vote who has been appointed by a Belgian voter living abroad, it includes an excerpt of the authorization that gives him the right to vote in his name.

§5. To be able to vote in the name of his/her mandatory, the proxy hands over the authorization to the head of the polling station and presents his own identity card and his own invitation to vote on which the head of the polling station notes "has voted by authorization".

Section 3

Vote in person in a diplomatic post or consulate

Art. 180quinquies. §1. The Council of burgomasters and lay judges of the municipality where the Belgian citizen living abroad is registered sends the invitation to vote via the diplomatic post or consulate where the voter is registered and according to the modalities defined in article 107 to his residence.

§2. No later than on the 12th day before the Election Day, the head of the electoral district sends the necessary ballot papers to the Federal Public Service Foreign Affairs.

Once received, the ballot papers, accompanied by a copy of the voters' list having chosen this voting procedure, are sent to the diplomatic posts and consulates via the Federal Public Service Foreign Affairs.

The diplomatic posts or consulates organize the vote on the Wednesday before the Election Day in the Kingdom, between 1.00pm and 9.00pm local time.

§3. A polling station consists of the head, four assessors, four deputy assessors and a secretary.

The head of the diplomatic post or the person he appoints fulfills the duty of the head of the polling station in the diplomatic post or consulate.

The assessors and the deputy assessors are appointed by the head of the polling station of the diplomatic post or consulate at least 12 days before the election in the diplomatic post, among the members of the diplomatic post or consulate or among the Belgian voters registered with the diplomatic post or consulate being on the day of the elections at least 30 years old and having the ability to read and write.

The secretary is appointed by the head of the polling station in the diplomatic post or consulate among the members of the diplomatic post or consulate or among the registered voters of that diplomatic post or consulate.

The head of the polling station in the diplomatic post or consulate takes the necessary steps to ensure a public consultation of the list indicating the members of the polling station.

One copy of the voters' list mentioned in article 146 is sent to the head of the diplomatic post or consulate. S/He sorts out in the consular registry of the population the indication of the municipality where the voters concerned are registered.

§4. The King establishes a list of the diplomatic posts or consulates responsible for the tallying of the votes of the Belgian citizens living abroad having chosen to vote in person in the diplomatic posts or consulates whose votes will be tallied in this regional vote counting site.

The regional vote counting site consists of a head, eight assessors and a secretary.

The regional vote counting site is headed by the head of the diplomatic post or consulate where the regional vote counting site is established.

The members of the regional vote counting site are chosen among the members of the personnel of the diplomatic posts or consulates where the votes will be recorded.

§5. The regional vote counting site proceeds to tallying the votes on the Saturday before the Election day in the Kingdom.

As soon as the polling stations in the diplomatic posts and consulates are closed, the ballot papers are transmitted by a person the head of the polling station appoints, to the regional vote counting site.

The ballot papers are kept under sealed envelopes until the tallying of the votes begins.

The ballot papers have to be sent to the regional vote counting site no later than on the Friday before the election day fixed for the Kingdom.

The ballot papers that are sent to the regional vote counting site after the deadline mentioned in sentence 4 are not considered for the vote and are destroyed by the head of the regional vote counting site.

§6. The regional vote counting site establishes for each of the constituencies a table indicating the results of the tallying of the votes in order and according to the indications in the model table the head of the electoral district has to draw.

The results of the tallying of the votes of the Belgian citizens living abroad are sent by electronic means by the head of the regional vote counting site to the head of the electoral district.

The head of the regional vote counting site takes all the necessary measures to ensure the head of the electoral district and the head of the Council get the results in an appropriate time limit.

The results of the tallying of the votes from the Belgian citizen living abroad and having voted in a diplomatic post or consulate are integrated into the total of votes in the electoral constituency.

§7. The provisions in article 104 are to be applied in the polling stations established in the diplomatic posts or consulates and in the regional vote counting sites mentioned in the paragraphs 3 and 4 of the present article..

Section 4 Vote by proxy in diplomatic posts and consulates

Art. 180sexies. §1st. Through the authorization whose model has been determined by the King, the Belgian citizen living abroad having chosen to vote by proxy in the diplomatic post or consulate where s/he is registered appoints a mandatory among the registered voters of the same post.

§2. Each mandatory is only allowed to hold one authorization.

§3. The authorization is signed by the mandator and mentions the name, first names, birthplace and residence of the mandator and the mandatory. This authorization must be send to the diplomatic post or consulate not later than 20 days before the elections.

§4. When the Council of burgomasters and lay judges invites the mandatory appointed by the Belgian citizen living abroad to vote, it includes an excerpt of the authorization that enables him to vote in his name.

§5. In order to be able to vote in the name of this mandator, the mandatory hands over the authorization to the head of the polling station in the diplomatic post or consulate the authorization and presents his own identity card and his own invitation to vote. The head notes “has voted by authorization” on the invitation to vote.

A copy of the voters’ list mentioned in the article 146 is send to the head of the diplomatic post or consulate. S/He removes the mention of the municipality where the voters are registered.

§6. The tallying and partitioning of those votes shall follow the procedure foreseen in article 180 quinquiespara4 to 6.

Section 5 Postal Ballot

Art. 180septies. §1. In the sixth month before the regular reunion of the electoral colleges as defined in article 105, the diplomatic posts and consulates ask the Belgians who are registered in the population register and who voted through the postal ballot in the last parliamentary elections in a letter to confirm their registration with the voters’ list and to precise their preferred way of vote.

Without an answer to this letter within 30 days upon its delivery the diplomatic post or consulate withdraws the name of the registered municipality from the population register of the consulate.

In the cases described in article 106, the mail mentioned in the 1st sentence is send on the day of the publication of the Royal decree defining the date of the election in the “Moniteur belge (national gazette) In these cases, without an answer to this mail within 20 days after reception, the

diplomatic post or consulate withdraws the mention of the registration municipality from the consular register of the population.

The latest on the twelfth day before the vote, the Belgian citizens living abroad and having chosen to vote by postal ballot, receive from the diplomatic post or consulate where they are registered an envelope from the head of the electoral constituency, containing:

1° a return envelope “A” labeled with the address of the head of the electoral constituency where the Belgian voter living abroad originally comes from;

2° a neutral envelope “B” containing a ballot paper from the affiliated electoral constituency orderly stamped with a seal stating the date of the election and the comment “vote of Belgians living abroad”.

3° a form which the voter has to sign after filling in his name, first names, birthdate and complete address.

4° the instructions for the voter according to the model Ibis-an attached to this present Code.

For the preparation of the electoral envelopes mentioned in the first sentence, the electoral constituencies rely on the voters’ lists they have received from the Belgian registration municipalities in application of article 180bis, § 4, sentence 3.

The model of the envelopes and the form mentioned in the 1st sentence shall be defined by the Interior Minister.

§ 2. The Belgian citizen living abroad expresses his vote on the ballot paper and puts it in the neutral envelope “B” mentioned in § 1, para 4, 2°. After having put the ballot paper into the envelope, the voter closes it.

The voter puts the neutral envelope containing the ballot paper and the completely filled out form mentioned in § 1, sentence 4, 3° into the return envelope « A » and sends it to the principal Electoral Committee of the constituency.

§ 3. The return envelopes that arrive at the offices mentioned § 2, 2nd para after closing time of the polling stations in Belgium are not considered and shall be destroyed by the chairman of the principal Electoral Committee of the constituency.

§ 4. The chairman of the central electoral committee of the constituency opens the envelopes by and by as he receives them. The names of the voters on the voters’ lists that have been transmitted by the Council of burgomasters and lay judges are ticked off after verification of the given indications of those lists according to the form mentioned in § 1, vierde lid, 3°.

Een kopie van de in artikel 146 bedoelde staat van de kiezers wordt door de chairman van het hoordbureau aan de federale overheidsdienst Buitenlandse Zaken, Buitenlandse Handel en Ontwikkelingssamenwerking overgezonden. Deze laatste waakt erover dat de vermelding van de gemeente van inschrijving van de betrokken kiezers door de diplomatieke en consulaire beroepsposen wordt geschrapt in de consulaire bevolkingsregisters.

The neutral envelopes “B” containing the ballot papers shall be sealed and stored until the beginning of the tallying of the votes.

§ 5. On the day of the election, at closing time of the polling stations the head of the central electoral committee of the constituency shall proceed to the tallying of the votes of the Belgians living abroad by dividing the ballot papers between the vote counting sites of the district in which the chef-lieu of the constituency is part of.

The vote counting sites mentioned in the 1st sentence shall only start their operations after having mixed the ballot papers of the Belgian voters living abroad with the ballot papers mentioned in article 149 1st sentence.

In case the district mentioned in the 1st sentence is fully automatically operated, the head of the central electoral committee of the electoral constituency divides the ballot papers of the Belgians living abroad among the polling stations of a different district of this electoral constituency.

The ballot papers of the Belgian voters living abroad from the electoral district of Sint-Genesius-Rode/Rhode-Saint-Genèse for the elections to the House of Representatives are counted by the polling station appointed by the principal electoral committee of the district of Rhode-Saint-Genèse/ Sint-Genesius-Rode.

If the electoral constituency is fully automatically operated, the head of the central electoral committee of the constituency shall set up one or several manually operated polling stations in accordance with the articles in the present Code.

TITLE V Punishments/Sanctions

Art. 181. Whoever gives, offers or promises directly or indirectly, even in form of a bet, money, valuables or any other advantage or security in exchange for a vote, or vote abstention or an authorization to vote mentioned in article 147bis, or offering the described advantages depending on the result of the election, shall be punished and sentenced to prison for between 8 days up to one month and fined between 50 and 500 euros or only one of the two punishments.

Whoever accepts the offers or promises is subject to the same punishments.

Art. 182. Whoever makes or accepts the offer or the promise of public or private employment is subject to the same punishments as in the precedent article.

Art. 183. Whoever tries to influence a voter's opinion or make him abstain from voting by using facts, violence or threats or by threatening him to lose his job or to inflicting damage to his/her person, his/her family or property is subject to the same punishments.

Art. 184. Whoever gives, offers or promises to voters by false pretenses like travel or accommodation expenses an amount of money or any valuables is subject to a fine of 26 to 200 euros.

Whoever gives, offers or promises the voters comestible or drinks in the connection with the election, is subject to the same punishment.

The same sanction shall be applied to the voter who has accepted the donations, offers or promises.

Innkeepers, beverage suppliers or any other merchants cannot appeal in justice to pay for the expenses of consumption in connection with the election.

Art. 185. Whoever contributes to the funds necessary to commit one of the crimes mentioned in the four previous articles, knowing about the purpose of it or having commissioned to make offers, promises or threats in their name are subject to the same punishment.

Art. 186. If the culpable is a public clerk, the maximum sanction shall be pronounced in the cases described in the five precedent articles and the imprisonment as well as the fine may be doubled.

Art. 187. Any member or employee of a welfare commission or a charity committee, any member or employee of the public charity administration having directly or indirectly offered, promised or given permanent, temporary or extraordinary support to one or several indigent(s) to obtain a vote or absence from voting, is subject to a prison sentence of 8 days up to one month and a fine of between 50 and 500 euros.

The same penalty shall be applied to the members or employees of the above mentioned institutions who refused to help or have suspended the support if the indigent refused to be influenced in his vote or abstain from voting.

Whoever demands support or more support under the threat to vote in a certain sense is subject to a prison sentence of 8 days to three months.

Art. 188. Whoever has employed assembled or positioned individuals, even unarmed, to intimidate the voters or to cause trouble is subject to a prison sentence of 15 days to one month and a fine of 26 to 500 euros.

Those who have consciously been part of such gangs or groups are subject to a prison sentence of 8 to 15 days and a fine of 26 to 200 euros.

Art. 189. Those who by riotous assembly, violence or threats have constrained one or several voters from exercising their political rights, are subject to a prison sentence of 15 days to one year and a fine of 26 to 1,000 euros.

Art. 190. Any intrusion in an electoral college accomplished or attempted using violence to impede the electoral operations is subject to a prison sentence of three months to two years and a fine of 200 to 2,000 euros.

If the vote is violated, the maximum of these punishments shall be pronounced and they may be doubled.

If the culprits were armed, they are in the first case, subject to a prison sentence of one to three years and a fine of 500 to 3,000 euros, and in the second case, a penitentiary sentence of five to ten years and a fine of 3,000 to 5,000 euros.

Art. 191. If these elements of a crime have been committed by gangs or organized groups as described in article 188, those who have employed, united or positioned the individuals who were part of it, are subject to a prison sentence of one month to one year and a fine of 100 to 1,000 euros.

Art. 192. Those that have directly provoked the facts mentioned in articles 189 and 190 either by donations, promises, threats, abuse of authority or power, intrigues or manipulation, or by making a speech or heckling in reunions or public spaces, or by placards, or by lampoons printed or not, sold or distributed.

If the provocations did not have an effect, their authors are subject to a prison sentence of one to six months and a fine of 50 to 500 euros.

Art. 193. The members of an electoral college who were guilty of insults or violence in a meeting either against the office or one of its members or against one of the witnesses, or who have delayed or constrained the electoral operations by facts or threats, are subject to a prison sentence of 15 days to one year and a fine of 100 to 1,000 euros.

If the vote is violated, the maximum of these punishments shall be pronounced and they may be doubled.

If the culprits were armed, they are in the first case, subject to a prison sentence of three months to two years and a fine of 200 to 2,000 euros, and in the second case, a penitentiary sentence of five to ten years and a fine of 3,000 to 5,000 euros.

Art. 194. Those who have put someone else's signature or the signature of supposed persons on the documents of presentation of the candidates, the confirmation of candidacy or the appointment of witnesses shall be convicted of falsification of private documents.

Art. 195. Whoever deliberately makes false declarations or produces simulated documents in order to be registered on a voters' list, is subject to a fine of 26 to 200 euros.

Those who have deliberately used the same maneuvers in order to get a citizen registered or deleted from these lists, is subject to the same punishment.

However, the criminal prosecution could only take place in the case where the application for registration or deletion had been rejected by a decision becoming definite and a motive for the fraud.

Decisions of this kind, made either by the Councils of burgomasters and lay judges, or by the Courts of appeal, the corresponding documents and information are sent to the governor of the prosecuting body who can also request them ex officio.

The prosecution will be enacted three months after the decision.

Art. 196. All persons in charge of the preparation or establishing of the voters' lists who in the intention to erase a voter from the list, have deliberately used information or documents either falsified by alteration, removal or addition, either faked, or who has intentionally inaccurately reproduced the information on the voters' lists, by alteration, addition or omission, from the documents information that have been used to establish the voters' lists, is subject to a fine of 26 to 200 euros and a prison sentence of 8 to 15 days. If the crime has been committed to procure the electorate, the punishment shall be 8 days to one month and the fine 50 to 500 euros.

The prescription of six months mentioned in article 204, on the infringements stipulated in the previous article, starts on the day the voters' lists and the attached documents are sent to the governor of the province or to the magistrate he appointed, or in the case of the municipalities of Comins-Warneton and Fourons, to the commissioner of the municipality of Mouscron and to the commissioner of the municipality of Tongres relatively.

Art. 197. All members of a council of lay judges, all municipal councilors who have while executing their duties, rejected a demand for inscription on the lists or given the order to inscribe or delete a voter from the lists by arguing or by using pieces of information or documents that were

falsified by alternation, suppression or addition, or made up or fake, is subject to a prison sentence of 3 months to two years.

However, the prosecution could only take place if in the case of the recourse in inscription or deletion of the voter had been object of a decision now definite and motivate on the fraud

The prescription in artikel 204 becomes valid starting from this decision.

Art. 197bis. Whoever delivers specimen or copies of the voters' list to persons not entitled to having them, either as author, co-author or complier; or having communicated the copies to third parties or by having used names from the electoral list for non-electoral purposes, is subject to a prison sentence of 3 months to 5 years and a fine of 1,000 to 20,000 euros

The punishments for the complice of the infractions mentioned in the first sentence shall not be higher than 2/3/th of a punishment

Art. 198. Counterfeit of ballot papers is punished in the same way as forgery of documents.

Art. 199. Every chairman, assessor or secretary, every witness having revealed the secret of vote are subject to a fine of 500 to 3,000 euros..

Art. 200. Any member of the committee or witness who during the vote or tallying of the vote is caught changing fraudulently, misapply or adding ballot papers, or indicating a higher or lower number of ballot papers or a higher or lower number of votes compared to the real number, is subject to a

prison sentence of 3 months to 2 years and a fine of 50 to 3,000 euros.

Any other person culpable of the facts described in the previous sentence, is subject to a prison sentence of one month to one year and a fine of 26 to 1,000 euros.

The facts are immediately mentioned in the protocol.

Art. 201. Whoever votes or intends to vote under the name of a different voter is subject to a prison sentence of 1 month to 1 year and a fine of 26 to 1,000 euros, supplementary to the cases already described in article 147bis.

Whoever loses or retains on or several ballot papers is subject to the same punishments mentioned in the previous sentence,

Shall be punished with a fine of 26 to 1,000 euros

1. he who has given an authorization compliant to article 147bis without fulfilling the necessary conditions for it;
2. he who has given an authorization and sent his proxy to vote although he would have been able to vote in person
3. he who has consciously voted in the name of his mandate although he was deceased or he would have been able to vote in person;
4. he who has accepted or given several authorizations compliant to article 147bis.

Art. 202. Whoever has voted in an electoral college contravening articles 6 to 9bis and 142, sentences 6 and 7 of the present Code, is subject to a prison sentence of 8 to 15 days or a fine of 26 to 200 euros.

Art. 203. Whoever has caused trouble on the Election Day either by accepting, holding or showing a sign for a gathering, is subject to a fine of 50 to 500 euros.

Art. 203bis. Observers from international organizations recognized by Belgium or delegates from other countries may be invited to completely follow the elections operations. In this case, they are allowed inside the different polling stations after showing their legitimation card issued by the Federal Public Service Internal Affairs to the head.

Art. 204. Criminal proceedings of crimes stipulated in the present Code and the civil action will be arranged after six months starting from the day the crime was committed.

Art. 205. In case of concurrence of several crimes, the sanctions will be accumulated but may not be higher than the double of the maximum of the severest punishment.

In case of concurrence of one or several delict(s) with the crimes stipulated in the present Code, the punishment for the crime shall be pronounced on its own.

Art. 206. If there are alleviative circumstances, the courts are authorized to exchange a sanction of penitentiary against a prison sentence of at least 3 months, and reduce the imprisonment to less than 8 days and a fine below 26 euros.

They may pronounce separately one or the other of these punishments without them being higher than the police' punishments.

TITLE VI On mandatory voting and sanctions

Art. 207. The voters who can absolutely not take part in the vote can inform the justice of the peace about their reasons to abstain from voting including the necessary justifications.

Whoever is deprived of his/her liberty on the day of the elections due to a judicial or administrative decision, is considered to be in an impossibility to vote.

Art. 208. If the justice of the peace admits the grounds of the excuses, in consent with the royal prosecutor, there shall not be grounds for a penal action.

Art. 209. Within 8 days of the proclamation of the representatives, the public prosecutor of the King puts together a list of the voters who abstained from voting without valuable excuses.

These voters are summoned up by simple reprimand before the criminal court which renders a judgment without appeal, the prosecuting body being heard.

If they are Belgian citizens living abroad and registered in the consular register of the population, the prosecutor of the King hands out the list to the Federal Public Service Foreign Affairs, Foreign Commerce and Development Cooperation. It ensures that the mention of the registration municipality of the voters concerned is eliminated from the consular registry of the population by the diplomatic posts or consulates.

Art. 210. A first arbitrary absence is penalized with a reproof or fine of five to ten euros depending on the circumstances.

In case of recurrence the fine shall be of ten to twenty-five euros.

An additional prison sentence shall not be pronounced.

If the arbitrary absence occurs at least four times over a time period of fifteen years, the voter shall be deleted from the voters' list for ten years regardless of his/her criminal record. During this time he cannot receive any nomination nor promotion nor distinction from any public authority.

In the cases provided by the present article the suspension of sentence on probation cannot be ordered.

The conviction can be contested over a period of six months after the notification of the judgment. The appeal can be made by a brief statement at the municipal administration free of charge.

TITLE VII ON THE NOMINATION OF THE SENATORS

Chapter I General provisions

Art. 210.1. Whenever in the present title it is referred to:

1° “political alliance”: a group of lists that have supplied a declaration of correspondence compliant to article 210quinquies or article 217;

2° “special law”: the special law from 8th August 1980 on the institutional reforms;

3° “law intending to accomplish the federal structure of the State”: the common law from 16th July 1993 intending to accomplish the federal structure of the State;

4° “special law related to the Brussels institutions”: the special law from 12th January 1989 related to the Brussels institutions;

5° “law regulating the Brussels elections”: the law from 12th January 1989 regulating the modalities of the election to the Brussels Regional Parliament and the Brussels members of the Flemish Parliament.”.

Chapter II Nomination of the senators of the federated entities

Section 1

On the allocation of the seats of the senators appointed by the Flemish Parliament, the Parliament of the French Community, the Walloon Parliament and the francophone group of the Brussels Regional Parliament

Sub section 1 General provisions

Art. 210.2. § 1. The allocation of the seats of the senators appointed by the Flemish Parliament is based on the total number of votes obtained by a political alliance in all of the electoral constituencies on the occasion of the elections of the Flemish Parliament.

§ 2. The allocation of the seats of the senators appointed by the Parliament of the French Community, the Walloon Parliament and the francophone group of the Brussels Regional Parliament is based on the total number of votes obtained by a political alliance in all of the electoral

constituencies on the occasion of the elections of the Walloon Parliament and the election for the francophone group of the Brussels Regional Parliament.

Art. 210.4. The allocation of the seats for the senators appointed by the Flemish Parliament, the Parliament of the French Community, the Walloon Parliament and the francophone group of the Brussels Regional Parliament is following the instructions of the Senate's clerk.

Sub-section 2 On the declaration of correspondence

Art. 210.5. § 1. To constitute a political alliance for the designation of the senators of the federated entities, the candidates' list for the election of the Flemish Parliament or the candidates' list for the election to the Walloon Parliament and the francophone group of the Brussels Regional Parliament may submit a declaration of correspondence with one or several lists in other electoral constituencies.

§ 2. The declaration is signed by at least two of the three first incumbent candidates on the concerned lists.

The declaration is handed over to the clerk of the Senate who acknowledges receipt, no later than on the 18th day before the election before 4.00pm.

§ 3. The declaration mentioned in the first paragraph is void if:

1° if it tries to create a correspondence with lists from the same electoral constituency;

2° if it creates a correspondence with lists that cannot be taken into consideration for the allocation of the senators' seats in the federated entities of the same linguistic group;

3° it is not signed according to paragraph 2, 1st sentence;

§ 4. If one of the lists in the declaration is rejected, the declaration is still valid for the other lists of the group.

§ 5. On the 17th day before the election, the clerk of the Senate verifies the validity of the declarations and establishes a list of the corresponding lists. In this table, each group of lists is marked with a letter A, B, C, etc.

Sub-section 3 The summary tables of the district electoral committees for the election to the Flemish Parliament and the Walloon Parliament, and of the regional elections

Art. 210.6. For the distribution of the senators seats in the federal entities, the chairmen of the principal Committees of the constituency as mentioned in article 26quater of the special law, after having counted the votes and allocated the seats of the Walloon Parliament or the Flemish Parliament, draw a summary table showing the number of vote obtained for each list.

The chairman of the principal Committee of the constituency or the person he appoints, communicates without delay and by digital transmission using the electronic signature transmitted from his identity card, the table to the clerk of the Senate responsible for the allocation of the senators' seats in the federal entities.

The chairman of the central electoral committee of the constituency sends within 24 hours a paper version of the table signed by the members of the committee and the witnesses to the clerk of the Senate who suspends the distribution of the senators' seat in the federal entities.

Art. 210.7. In order to determine the allocation of the senators' seats of the federal entities, the chairmen of the regional office mentioned in article 16 of the special law for the Brussels institutions taking seat conjointly, draw a summary table showing the number of vote obtained for each list for the election of the francophone group in the Parliament of the Region of Capital Brussels and for the direct election of the Brussels members of the Flemish Parliament.

The chairmen of the regional office taking seat conjointly or the person they appointed deliver or delivers the table without delay and by digital transmission by using the electronic signature transmitted over their identity card to the clerk of the Senate who is responsible for the distribution of the senators' seat in the federal entities.

The chairmen taking seat conjointly shall forward within 24 hours a paper version of the table signed by the members of the office and the witnesses to the clerk of the Senate who suspends the distribution of the senators' seat of the federal entities.

Sub section 4 Provision on the distribution of the seats for the senators appointed by the Flemish Parliament

Art. 210.8. § 1. Two days after the vote, the clerk of the Senate calculates the total number of votes for each political alliance on the basis of the summary tables mention end in articles 210sexies and 210septies.

§ 2. Are only admitted to the distribution of the seats the political alliances whose lists obtains at least 5 % of the total general and valid votes of the election to the Flemish Parliament.

§ 3. The total number of votes of each political alliance is gradually divided by 1, 2, 3, 4, 5, etc. and the quotients are classified according to their importance, until 29 quotients concur on all of the lists. The last quotient serves as an electoral divisor.

The distribution between the political alliances admitted to the distribution of the seats happens by appointing to each of it as many seats as its number of votes contains the divisor. If several political alliances are entitled to a seat, it is appointed to the one with the highest number of votes.

Art. 210.9. The clerk of the Senate writes a protocol of the process of distribution of the seats. The distribution of the seats is publicly announced by the clerk of the Senate.

Sub-section 5 Provision on the distribution of the senators' seats appointed by the Walloon Parliament, the Parliament of the French Community and the francophone group of the Parliament of the region of Capital Brussels.

Art. 210.10. § 1. Two days after the vote, the clerk of the Senate calculate the total number of votes obtained by each political alliance for the distribution of the senators' seats appointed by the Walloon Parliament, the francophone group of the Parliament of the region of Capital Brussels and the Parliament of the French Community on the basis of the summary tables mentioned in articles 210sexies and 210septies.

§ 2. Are only admitted to the distribution of the seats the political alliances whose lists obtains at least 5 % of the total general and valid votes at the election to the Walloon Parliament and the francophone group of the Parliament of the Region of Capital Brussels.

§ 3. The total number of votes of each political alliance is gradually divided by 1, 2, 3, 4, 5, etc. and the quotients are classified according to their importance, until 29 quotients concur on all of the lists. The last quotient serves as an electoral divisor.

The distribution between the political alliances admitted to the distribution of the seats happens by appointing to each of it as many seats as its number of votes contains the divisor. If several political alliances are entitled to a seat, it is appointed to the one with the highest number of votes.

Art. 210.11. The clerk of the Senate writes a protocol of the process of distribution of the seats. The distribution of the seats is publicly announced by the clerk of the Senate.

Section 2 On the appointment of the senators by the parliament of the competent communities and regions

Sub-section 1 On the appointment of the senators by the Flemish Parliament

Art. 211. § 1. After the verification of the powers in the Flemish Parliament, the clerk of the Senate communicates the protocol mentioned in article 210onies to the chairman of the Flemish Parliament.

§ 2. The elected members of the lists of the same political alliance sent no later than five days after the verification of the powers a list to the president of the Flemish Parliament containing the same number of members of their political alliance or of the Dutch group of the Parliament of the Region of Capital Brussels as sitting senators of the federal entities attributed to the political alliance. The appointed members must be members of parliaments to which the Flemish Parliament may appoint senators, accordingly to article 67, § 1, 1°, and § 2, of the Constitution.

The lists are only valid if they are signed by the majority of the members of the Flemish Parliament which have been elected on the lists belonging to the same political alliance.

§ 3. For the designation of the members mentioned in paragraph 2, the political alliances shall come to an agreement if necessary to respect article 67, §§ 2 and 3 of the Constitution.

Art. 212. After having verified that the conditions for the establishment of the lists indicating the names of those parliamentarians who are appointed to be senators of the federated entities are fulfilled, the president of the Flemish Parliament informs the clerk of the Senate about these lists. This notification takes place not later than on the 10th day following the verification of the powers in the Flemish Parliament.

Sub-section 2 On the designation of the senators by the Walloon Parliament, the Parliament of the French Community and the francophone group of the Parliament of the region of Capital Brussels.

Art. 212bis. § 1. After the verification of the powers in the Parliament of the community or region that appoints the senators, the clerk of the Senate communicates the protocol mention end in article 210undecies to the chairman of the Walloon Parliament, the chairman of the Parliament of the French Community and the chairman of the Parliament of the Region of Capital Brussels.

§ 2. The elected members on the lists belonging to the same political alliance and sitting in the Parliament of the concerned community or region send no later than five days after the verification of the powers, a list containing as many members of their political alliance as there are senators' seats in the federal entities appointed to the alliance for the concerned Parliament, to the chairman of the concerned Parliament. The appointed members are members of Parliaments and those have the right to appoint senators compliant to article 67, § 1, 2° tot 4°, and artikel 67, § 2, of the Constitution.

The total number of names figuring on the lists of the political alliances for a parliament sent to the president of the Parliament of the Walloon Region, then Parliament of the French Community and to the chairman of the Parliament of the region of Capital Brussels or to the first vice chairman if the chairman does not belong to the francophone group, shall not be higher than the number of senators' seat in the federal entities appointed to the concerned alliances,

The total number of names figuring on the lists of the political alliances for a concerned Parliament shall not exceed the number of seats appointed to that Parliament, accordingly to article 67 of the Constitution.

The lists are only valid if they are signed by the majority of the members of the communal or regional Parliament who have been elected on lists belonging to the same political alliance.

Before the list is sent according to sentence 1, the political alliances confer if necessary, to ensure the respect of the previous sentences and the article 67, § 1, 2° to 4°, § 2 and § 3, of the Constitution.

Art. 212ter. After having conjointly inspected the conditions for the establishing of the lists containing the names of the appointed parliamentarians as senators of the federated entities, the president of the Walloon Parliament, the president of the Parliament of the French Community and the president of the Brussels Regional Parliament or the first vice-president of this Parliament, if the president does not belong to the francophone group, hand these lists over to the Senate's clerk.

This notification takes place no later than on the tenth day after the verification of the powers in the concerned Parliament.

Sub-section 3 On the vacancy of a seat of a senator appointed by the Flemish Parliament, the Walloon Parliament, the Parliament of the French Community, or of the francophone group of the Parliament of the Brussels Regional Parliament.

Art. 213. In case of a vacant senator's seat appointed by the Flemish Parliament, the Walloon Parliament, the Parliament of the French Community or the francophone group in the Brussels Regional Parliament, it is stipulated following the modalities mentioned in articles 210ter to 212ter to appoint a member of the communal or regional parliament or of one of his linguistic groups depending on the case, elected on the list belonging to the political alliance that was allocated the vacant seat.

Sub section 4 On the appointment of the senators through the Parliament of the German-speaking Community.

Art. 214. Within ten days after the invitation has been send through the clerk of the Senate, the president of the Parliament of the German-speaking Community communicates him the name of the senator appointed by the Parliament with absolute majority.

In case of a vacancy, the appointment takes place following the same modalities.

Chapter III Appointment of the co-opted senators

Section 1 On the allocation of the seats of the co-opted senators

Sub section 1 General provisions

Art. 215. The allocation of the seats of the co-opted senators takes place in each of the linguistic groups on the basis of their total electoral number received by a political alliance during the elections for the Chamber of Representatives in the electoral constituencies and the administrative districts that are taken into consideration for the distribution of the seats of the co-opted senators for the concerned linguistic group, respectively.

Art. 216. The clerk of the Senate defines directive for the allocation of seats for the co-opted senators.

Sub-section 2 Declaration of correspondence

Art. 217. § 1. In order to build a political alliance, a candidates' list may deliver a declaration of correspondence.

§ 2. The declaration of correspondence may only be on one or several list(s) presented in other electoral constituencies, that are taken into consideration for the allocation of seats to the co-opted senators of the same linguistic group in the Senate, according to article 217quater or article 217quinquies.

§ 3. The declaration is signed by at least two of the three first incumbent candidates of the concerned lists.

The declaration of correspondence is handed over to the clerk of the Senate no later than on the 18th day before the vote before 4pm.

§ 4. The declaration mentioned in § 1 is invalid if:

1° it communicates the lists of the same electoral constituency;

2° it is supported by the lists of the electoral constituencies for the allocation of the seats mentioned in article 217quater as well as in article 217quinquies;

3° it is not signed according § 3, first sentence.

§ 5. If one of the lists figuring in the declaration is rejected, the declaration remains valid for the other lists of groups.

§ 6. On the 17th day before the Election Day, the clerk of the Senate verifies the validity of the declarations and establishes a table of the corresponding lists. In this table every group of the corresponding lists is denominated with a letter A, B, C, etc.

Sub-section 3 The recapitulatory tables of the main Committees of the electoral constituency for the election to the Chamber of Representatives

Art. 217bis. In order to determine the allocation of the seats of the co-opted senators, the chairmen of the principal Committee of the electoral constituency mentioned in article 94, establish after having counted the votes and allocated the seats of the Chamber of representatives a recapitulatory table showing the number of votes for each list.

In the electoral constituency of Flemish Brabant for a list that has handed in a declaration of correspondence for the cast votes in the municipality of Hal-Vilvorde with one or several lists of electoral constituencies mentioned in article 217quater, the electoral number is divided between the number of votes obtained for the list in the administrative municipality of Hal-Vilvorde and the number of votes obtains for the list elsewhere in the constituency.

The chairman of the central electoral committee of the constituency or the person he appoints, sends the table without delay and by digital transmission using the electronic signature from his identity card to the clerk of the Senate.

The chairman of the central electoral committee of the constituency sends a paper versions of the table within 24 hours signed by all the members of the committee and the witnesses to the clerk of the Senate.

Sub-section 4 Instruction for the allocation of the seats of the co-opted senators

Art. 217 ter. § 1. The day after the Election, the clerk of the Senate calculates for each linguistic group on the basis of the recapitulatif tables mention end in article 217bis, the total number of votes that each political alliance obtained and the number of seats each political alliance will be allocated.

§ 2. Only the lists that have delivered a declaration of correspondence are taken into consideration for the vote of the co-opted senators.

Art. 217quater. For the allocation of the seats of the co-opted senators belonging to the francophone group, the number of votes mentioned in article 166 and the lists in the electoral constituencies of Hainaut, Namur, Liège, Luxemburg, of Walloon Brabant and Brussels Region and in the administrative municipality of Hal-Vilvorde belonging to the same political alliance, are summed up.

Art. 217quinquies. For the allocation of the seats of the co-opted senators belonging to the Dutch-speaking group, the number of votes mentioned in article 166 for the lists in the electoral constituencies of East Flanders, West Flanders, Limburg, Anvers, the Flemish Brabant and of Brussels Region belonging to the same political alliance, are summed up.

Art. 217sexies. § 1. The total number of votes expressed for the lists of a linguistic group is divided by the number of seats to be distributed to this linguistic group. This quotient serves as an electoral divisor.

§ 2. For the calculation of the electoral divisor, the valid votes from the electoral constituencies and the administrative municipality of Hal-Vilvorde mentioned in article 217quater for the lists that have handed in a declaration of correspondence according to article 217 and that participate in the allocation of the seats for the francophone group, are taken into consideration in the total number of valid votes for the francophone group.

The valid votes for the presented lists in the electoral constituencies mentioned in article 217quinquies having handed in a declaration of correspondence according to article 217 and participate in the allocation of the seats for the Dutch speaking group, are taken into consideration in the total general number of valid votes for the Dutch speaking group

With the exception of the valid votes for the lists in the electoral constituency of Brussels Region, the valid votes in favor of the lists presented in the electoral constituency mentioned in article 217quater that have not handed in a declaration of correspondence according to article 217, are taken into account in the total number of valid votes for the Francophone group.

With the exception of the votes for the lists in the electoral constituency of Brussels Region, the valid votes in favor of the lists presented in the electoral constituencies mentioned in article 217quinquies that have not handed in a declaration of correspondence according to article 217, are taken into account in the total number of valid voids for the Dutch-speaking group.

In the electoral constituency of Brussels Region, the total number of votes in favor of the lists that have not handed in a declaration of correspondence according to article 217, are split between the francophone group and the Dutch-speaking group depending on the proportion of valid votes in favor of the francophone or Dutch lists, respectively compared to the total number of votes for the last elections of the Brussels Regional Parliament.

§ 3. A political alliance gets allocated as many seats as his total number of votes mentioned in article 217ter, is contained in the electoral divisor.

The remaining seats are allocated in decreasing order to the political alliances with the highest numbers of surplus votes not yet used in the process.

Art. 217septies. The clerk of the Senate establishes a protocol of the allocation of the seats. The allocation of the seats is then made public by the clerk.

Section 2 On the designation of the co-opted senators

Art. 218. If the elections to the communal and regional parliaments take place on the same day as the elections for the Chamber of Representatives, the co-opted senators are appointed after the verification of the powers of the senators in the federated entities.

Art. 219. If, in case of invalidation, option, death or other, one or several seats become temporary vacant, the vote would be adjourned if at least a third of the active members demand it.

Art. 220. § 1. Immediately after the verification of the powers of the members of the Chamber of Representatives, or in case of simultaneous elections for the Chamber and the communal and regional parliaments immediately after the verification of the powers mentioned in article 218, the clerk of the Senate communicates the number of seats for the co-opted senators distributed according to article 217sexies to each political alliance to the president of the Chamber of representatives.

§ 2. The members of the Chamber of Representatives who have been elected based on the lists belonging to the same political alliance, send the president of the Chamber a declaration with the names of the senators of the federated entities belonging to the same political alliance.

This declaration is only valid if it is signed by the majority of the elected representatives on the list of the mentioned political alliance, and by a majority of those, whose names figure on the declaration.

The president of the Chamber of Representatives verifies the validity of the declarations mentioned in the 1st sentence and eliminates the declaration not fulfilling the conditions in the first and sentence two.

§ 3. The clerk of the Chamber of Representatives informs the president of the Senate about the admitted declarations.

§ 4. The president of the Senate informs the senators of the federated entities figuring on the declaration delivered by the Chamber according to paragraph 3, about the number of seats for the co-opted senators attributed to the mentioned political alliance.

§ 5. At least five days before the meeting during which the co-opted senators will be appointed, the senators of the federated entities whose names figure in the declaration mentioned in paragraph 2, of the political alliance that is entitled to the seats of the co-opted senators, hand over a list with as many candidates' names as there are seats for the co-opted senators of the appointed political alliance.

The lists indicating the names of the candidates, mentioned in the 1st sentence, are only valid if they are signed by the majority of the senators of the federated entities figuring in the declaration mentioned in paragraph 2, of the political alliance that is entitled to the seats of the co-opted senators.

§ 6. However, if a political alliance is entitled to the seats of the co-opted senators that is not represented by senators in the federated entities, the list indicating the names of the candidates, mentioned in paragraph 5 is revised at least 5 days before the meeting, where the co-opted senators are appointed, by the members of the Chamber of Representatives of the same political alliance that is entitled to the seats. The list is not valid until it is not signed by the majority of the members of the Chamber of Representatives elected on the same political alliance.

The president of the Chamber of Representatives verifies the validity of the lists mentioned in the first sentence and eliminates the lists that do not satisfy the conditions in the 1st sentence. The clerk of the Chamber of Representatives informs the president of the Senate about the admitted lists.

§ 7. Before the elaboration of the candidates' lists mentioned in paragraph 5, the senators of the federated entities named in the declaration mentioned in paragraph 2 come to an agreement, if necessary, to ensure the respect of article 67, § 3, of the Constitution.

Art. 221. If a co-opted senator resigns from his mandate in the senate before the end of the term, the senators of the federated entities competent for this question, according to a declaration mentioned in article 220, § 2, established by the members of the Chamber of Representatives belonging to the list of the same political alliance as the vacant seat of the co-opted senator, attend to the question of replacement following the modalities mentioned in articles 215 to 220.

However, if the vacant seat belongs to a political alliance not represented by the senators in the federated entities, the rules stipulated in article 220, § 6, are to be applied in order to proceed in the question of replacement of the co-opted senator.

Art. 222. Abrogated.

TITLE VIII Eligibility

Art. 223 to 226. Abrogated.

Art. 227. The conditions of eligibility must be fulfilled the latest on the Election Day.

The proof of the residence of eligibility results in the registration in the population register of a Belgian municipality.

Are not eligible for the legislative Chambers:

- 1° those who have lost the eligibility through condemnation;
- 2° those who are excluded from the electorate based on article 6;
- 3° those with suspended electoral rights based on article 7.

Art. 228 to 229. Abrogated.

TITLE IX DIVERSE PROVISIONS

Art. 230. If in application of articles 15, 15bis, 91, 93, 93bis, 102 and 107 of the present Code, the governor of the province appoints one or several magistrates who exercise in lieu thereof the competences was given in this position, he informs the municipalities of his province about this decision.

Art. 231. The Chamber of Representatives and the Senate can only pronounce on the validity of the electoral operations in relations to their members and the substitutes.

If an election is cancelled, all the formalities must start again, including the presentation of the candidates.

Art. 232. All complaints against the election must be made before the verification of the powers.

Art. 233. §. 1. The representative or senator, who as a candidate for the elections to the Chamber of Representatives is elected, is considered as resigning from his old mandate on the day of the validation of his new mandate or the additional verification of the powers as mentioned in article 235.

The member of the Chamber of Representatives, who is elected as co-opted senator, loses his quality as a representative the instant he takes the oath as senator. The co-opted senator who as a substitute, achieves the mandate as a representative, loses his quality as senator the moment he/she takes the oath in the Chamber.

§ 2. The member of the Chamber of Representatives or the co-opted senator who has campaigned for the Flemish Parliament, the Walloon Parliament, the Brussels Regional Parliament, the Parliament of the German-speaking Community or the European Parliament, and who has been elected, loses his status as a member of the Chamber of Representatives or as a co-opted senator on the day of the validation of his/her news mandate.

S/he equally loses the full right the moment s/he refuses the new mandate between the day of the proclamation of the elected persons and the day of the validation of her/his new mandate.

The first and sentence two are equally to be applied to the members of the Chamber of Representatives or to the co-opted senators who have stopped to seat after their nomination as a minister or state secretary of the federal government, or after their election as a minister or state secretary of a municipal or regional government.

Art. 234. When the Chambers are assembled, only they have the right to receive the resignation of their members. If the Chambers are not assembled, the resignation may be handed over to the Interior Minister.

Art. 235. In case there is a vacancy due to option, death, demission or a different reason, the new senator or representative completes the term for the person he substitutes.

If the candidates belong to the same list as the member who is to be replaced, and they have been declared to be substitutes, the first substitute in the order takes the office. However, before his/her installation as representative, the Chamber of Representatives undertakes an additional verification of the powers under the aspect of conserving the conditions of eligibility.

Art. 236. The newly elected delegates and senators take office immediately after the verification of their powers and after having taken the oath.

However, the representatives and senators proclaimed to be elected by the chairmen of the electoral committees, by the presidents of the Parliaments of the federated entities or by the president of the Senate, proceed to the verification of the powers of their colleagues and take part in the vote on this topic, even before having taken the oath.

The clerks of the Chamber of Representatives and of the Senate may obtain free of charge the documents they consider necessary for the verification of the powers by their respective assembly.

Art. 237. The members of the Chamber of Representatives are elected every five years. The Chamber is reconstituted every five years.

Art. 238. The senators as defined in the article 67, § 1, 6° and 7°, of the Constitution, are appointed for five years.

Art. 239. The mandate of the members of the Chamber of Representatives normally ends on the day defined by article 105 for the regular reunion of the electoral committees called upon to replace the incumbent representatives.

The mandate of the senators of the federated entities normally ends on the day of the opening of the first session of the Parliament.

The mandate of the co-opted senators normally ends on the day of the opening of the first session of the Chamber of Representatives after his complete reconstitution.

Art. 240. The governor of the administrative district of Brussels Region fulfils for this district the duties the present Code appoints to the governor of the province.