

Law on elections to the European Parliament in Belgium (16 November 1978)

Caption: On 16 November 1978, the Belgian House of Representatives and Senate pass a law called 'loi Boël' laying down the provisions concerning the first elections to the European Parliament by direct universal suffrage.

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16 November 1978 — Law on elections to the European Parliament *

BAUDOUIN, King of the Belgians,

To all those present and to come, Greetings.

The Chambers have adopted and We sanction the following:

SECTION I — Composition of the electoral list

Article 1 The provisions of Section I of the Electoral Code shall be applicable to elections of representatives to the Assembly of the European Communities, hereinafter referred to as ‘elections to the European Parliament’.

For this application, the following are, however, replaced — in Article 1, sentence 1:

- the words ‘general elector’ by the words ‘elector for the European Parliament’;
- in 2., the word ‘twenty-one’ by the word ‘eighteen’;
- 3. by the following provision: ‘to be recorded in the registers of the population of a Belgian municipality.’

Article 2 On the 90th day before the elections to the European Parliament, the college of burgomasters and deputy burgomasters of every municipality shall draw up a list of the electors who must participate in these elections.

This list shall include:

1. electors who, on the set date, are recorded in the register of the population of the municipality under the heading of sole residence or main residence;
2. electors who will reach the required age between the set date and the day of the elections;
3. persons for whom the suspension of electoral rights will end before the date of the elections.

To this list shall be added, up to the day before the date of the elections, persons who, following an appeal court judgment or a decision of the college of burgomasters and deputy burgomasters, must be registered as electors.

Electors shall be numbered continuously in this list, and the remarks referred to in Article 12 of the Electoral Code shall be included therein. This list shall be drawn up by municipality or, if applicable, by section.

Article 3 The provisions of Section II of the Electoral Code, with the exception of Articles 10, 11, 14, 15 and 16, shall be applicable to the list of electors provided for in Article 2 of this Law; however:

1. the words ‘the register of electors’ are replaced on each occasion by the words ‘the list of electors for the European Parliament’;
2. in Article 17, sentence 1, the words ‘15 March’ are replaced by the words ‘the ninetieth day before the elections to the European Parliament’;
3. in Article 19, the words ‘in the electoral district in which he has his electoral domicile in accordance with Article 10’ are deleted.

SECTION II — The distribution of electors and electoral offices, the notification of electors

Article 4 Elections to the European Parliament shall be held on the basis of the following three constituencies:

1. the electoral constituency of Flanders, which shall include the electoral districts wholly belonging to the Dutch-speaking region;
2. the electoral constituency of Wallonia, which shall include the electoral districts covering the French- and German-speaking regions;
3. the electoral constituency of Brussels, which shall be the same as the electoral district of Brussels as it is constituted or as it will be constituted on the 90th day before the election date at the latest.

Article 5 There shall be two electoral colleges, one French and the other Dutch. The electors of the French electoral college shall elect 11 representatives; those of the Dutch electoral college, 13.

The electors of the electoral constituency of Wallonia shall belong to the French college and those of the electoral constituency of Flanders to the Dutch college. The electors of the electoral constituency of Brussels shall belong to one of these two colleges.

Article 6 The provisions of Articles 89, 90, sentence 1, and 91 of the Electoral Code shall be applicable to elections to the European Parliament.

Article 7 Paragraph 1. Each electoral college shall comprise a main college office, main provincial offices, main ward offices, vote-counting offices and polling stations.

Paragraph 2. The main college office shall be established at Namur for the French electoral college and at Malines/Mechelen for the Dutch electoral office.

The main college office shall be constituted at least 34 days before the election.

It shall be chaired by the President of the Court of First Instance in the main town of the college or, in his absence, by the judge replacing him.

The main college office shall comprise, in addition to the chairman, four assessors, four substitute assessors and a secretary. The four assessors and four substitute assessors shall be appointed by the chairman from among the electors in the municipality in which the main college office is established.

The secretary shall be appointed by the chairman from among the electors in the province in which the main college office is established.

The main college office shall be exclusively responsible for undertaking the preliminary operations for the election and those for the general counting of the votes.

Paragraph 3. A main provincial office shall be constituted in the main town of each province. It shall be chaired by the President of the Court of First Instance in the main town or, in his absence, by the judge replacing him.

The main provincial office shall comprise, in addition to the chairman, four assessors, four substitute assessors and a secretary. The four assessors and four substitute assessors shall be appointed by the chairman from among the electors in the municipality in which the main provincial office is established.

The secretary shall be appointed by the chairman from among the electors in the province in which the main provincial office is established.

The chairman of the main provincial office shall monitor all the operations in the province and shall, where appropriate, order such emergency measures as circumstances might require. The office shall centralise the

results of the vote-counting at provincial level.

Paragraph 4. Article 95(2 to 13) of the Electoral Code shall be applicable to the main ward offices, the vote-counting offices and the polling stations, save that, in paragraph 3, the words ‘of the main district office’ shall be replaced by ‘of the main college office’.

Article 8 The provisions of Articles 100, 101, 102, 103, 104 and 107, with the exception of sentence 4, of the Electoral Code shall be applicable to elections to the European Parliament.

However, for this application, in Article 104, sentence 1, the words ‘of the main district offices’ shall be replaced by the words ‘of the main college offices, of the main provincial offices’.

Article 9 At least 20 days before the election, the college of burgomasters and deputy burgomasters shall have delivered to the chairman of each polling station, against receipt, two copies of the list of electors in its section.

Until the day of the election, the college of burgomasters and deputy burgomasters shall notify to the chairman of each polling station any decisions that relate to inclusion in or removal from the list of electors, forfeiture or suspension of the right to vote and that relate to electors in its section.

SECTION III — Electoral operations

CHAPTER I — Police provision

Article 10 The provisions of Articles 108 to 114 of the Electoral Code shall be applicable to elections to the European Parliament.

For this application, the following amendments shall be made:

— in Article 108, sentence 2, the words ‘unless this is in application of Article 147a’ shall be deleted;

— in Article 112, the phrase ‘The same applies to the instruction (Model I), Section V and Articles 110 and 111 of this Code’ shall be replaced by the phrase ‘The same applies to the instruction (Model I) annexed to this Law, to Section V and to Articles 110 and 111 of the Electoral Code’;

— in Article 113, the words ‘of this Code’ shall be replaced by the words ‘of the Electoral Code and this Law’.

CHAPTER II — Candidatures and ballot papers

Article 11 Candidates’ registrations must be delivered personally to the chairman of the main college office on the Friday, the 37th day, between 2 and 4 p.m., or on the Saturday, the 36th day before the ballot, between 9 a.m. and 12 noon.

At least 40 days before the election, the chairman of the said office shall publish a notice fixing the place and listing the dates and times at which he will receive candidates’ registrations.

At least 15 days before the election, the chairman of the main ward office shall publish a notice fixing the place at which he will receive, on the Tuesday, the fifth day before the election, between 2 p.m. and 4 p.m., nominations for witnesses for vote-counting offices and polling stations.

Article 12 The provisions of Article 115a(1) of the Electoral Code shall be applicable to elections to the European Parliament; however:

1. in sentence 2, the word ‘thirtieth’ shall be replaced by the word ‘forty-fourth’ and the words ‘in each electoral district’ shall be deleted;

2. a sentence worded as follows shall be inserted after the second sentence:

‘Immediately the stipulated deadline expires, the Minister shall proceed to draw lots to determine the numbers that will be attributed to the lists of candidates that bear a protected abbreviation’;

3. in sentence 3, the words ‘and their number’ shall be inserted after the word ‘protected’;

4. in sentence 4, the words ‘chairmen of the main district offices for the elections to the legislature’ shall be replaced by the words ‘chairmen of the main college offices’;

5. a sentence worded as follows shall be inserted after sentence 4:

‘The act protecting the abbreviation shall also protect the designation(s) under which the political group sits in the Parliament. These designations shall also be indicated in this act and published in the same way as the protected abbreviations.’

Article 13 Paragraph 1. The candidates’ registration must be signed:

— either by at least five Belgian Members of Parliament who, in the Parliament, belong to the language group that corresponds to the language referred to in the language declaration provided for in (2)(4)(b) of this Article;

— or by at least one thousand voters registered in each of the five provinces which, in whole or in part, comprise the electoral college to which the proposed candidates belong.

Paragraph 2. The provisions of Article 116, sentences 2, 3, 4, 9, 11, 12, 13 and 16 of the Electoral Code shall be applicable to European elections; however:

1. in sentence 2, the words ‘main district offices’ shall be replaced by the words ‘main college office’;

2. in sentence 4, the following phrase shall be inserted after the first phrase:

‘In addition to the abbreviation, reference shall be made to the designation(s) that the abbreviation represents’;

3. in sentence 9, the words ‘main town in the district’ shall be replaced by the words ‘in which the main college office is established’;

4. (a) in sentence 11, the words ‘main office’ and ‘in Article 115, sentence 1’ shall be replaced respectively by the words ‘main college office’ and ‘for submission of the candidates’ registrations’;

(b) the following phrase shall be added to the same sentence:

‘In the same declaration, candidates who are submitting themselves for the French electoral college must certify whether they are French- or German-speaking, while candidates who are submitting themselves for the Dutch electoral college must certify that they are Dutch-speaking’;

5. in sentence 13, the reference to sentence 1 shall be replaced by a reference to Article 13(1) of this Law.

Paragraph 3. In their declaration of acceptance, candidates may nominate a witness and a substitute witness for the main college office, and for each of the main provincial offices and main ward offices, with a view to witnessing the meetings and operations of these offices.

Paragraph 4. The candidates’ registration shall indicate the order in which the candidates are registered.

Paragraph 5. A candidate may not be included in more than one list.

Any candidate accepting candidature who contravenes this prohibition shall be liable to the penalties laid down in Article 202 of the Electoral Code.

Paragraph 6. A voter may not sign more than one registration instrument.

Any voter who contravenes this prohibition shall be liable to the penalties laid down in Article 202 of the Electoral Code.

Article 14 The provisions of Articles 117, sentences 1 and 2, and Articles 119 to 126 of the Electoral Code shall be applicable to elections to the European Parliament; however:

1. the words ‘main district office’ shall be replaced on each occasion by the words ‘main college office’;

2. in Article 117, sentence 1, the words ‘to the mandates of representative or senator’ shall be deleted;

3. in Article 119, sentence 3, the word ‘twentieth’ shall be replaced by the word ‘thirty-fourth’;

4. (a) in Article 121, sentence 1, the word ‘nineteenth’ shall be replaced by the word ‘thirty-third’;

(b) the same article shall be supplemented by the following sentences:

‘Candidates may lodge an objection with the main college office to the declaration of language category stipulated in Article 116, sentence 11, and made by a candidate registered by voters.

‘The objection must be lodged as provided for in sentence 1 of this Article.

‘The provisions of Articles 122, 123, sentence 1, 124, and 125, sentences 1 and 2, shall be applicable to such an objection.

‘An appeal may be lodged with the Council of State against the decision taken in the matter by the main college office; the French or Dutch Chamber of the Council of State, as appropriate, shall give a decision on the appeal on the 22nd day before the election at the latest. The King shall determine the procedure to be followed by the Council of State.

‘The decision of the Council of State shall immediately be notified to the chairman of the main college office concerned.’

5. in Article 123, sentence 1, the word ‘seventeenth’ shall be replaced by the word ‘thirty-first’;

6. in Article 124,

— in sentence 1, the word ‘seventeenth’ shall be replaced by the word ‘thirty-first’;

— in sentence 3, the reference to Article 116 shall be replaced by a reference to Article 13(3) of this Law;

7. in Article 125, sentence 3 shall be replaced by the following provision:

‘In the event of an appeal relating to the conditions of eligibility referred to in Article 31, numbers 1 to 4, of this Law, the case shall be determined, without writ or summons, on the 20th day before the election, at 10 a.m., even if the day is a public holiday, before the First Chamber of the Court of Appeal of Liège or Antwerp, depending on whether the candidates involved were registered with the French or Dutch electoral college.’

8. in Article 125a, sentence 1, the word ‘sixteenth’ shall be replaced by the word ‘thirtieth’;

— the words ‘of the presidents’ shall be replaced by the words ‘of the president’;

— the words ‘within his jurisdiction’ shall be deleted;

— the word ‘their’ shall be replaced by the word ‘his’.

9. in Article 125b, sentence 1, the word ‘thirteenth’ shall be replaced by the word ‘twentieth’.

10. in Article 126, sentence 4 shall be replaced by the following provision:

‘The report of the election, drawn up and signed immediately by the members of the office, shall immediately be forwarded to the European Parliament. A copy of the report shall be forwarded to the Minister for the Interior. Extracts from the report shall immediately be forwarded to those elected.’

Article 15 If the number of actual and alternate candidates is higher than that of the number of mandates to be conferred, the main college office shall immediately draw up the ballot paper in accordance with Model II annexed to this Law.

The lists of candidates shall immediately be posted in all municipalities in the electoral constituencies of Wallonia and Flanders respectively.

A copy of the lists of candidates shall immediately be forwarded to the chairman of the main provincial office in the province of Brabant, who shall immediately post these lists in the municipalities of the electoral constituency of Brussels.

The notice shall reproduce, in large letters and in black ink, the candidates’ names in the form provided for in Article 16 for the ballot paper, as well as their forenames, occupation and domicile. It shall also reproduce the instructions, Model I, annexed to this Law. As from the 15th day before the day of the ballot, the chairman of the main college office shall notify the official list of candidates to the candidates themselves and to the voters who registered them, if they so request.

Article 16 Paragraph 1. A copy of the model of the ballot paper drawn up by the main college office shall immediately be forwarded to the chairman of the main office of each province that forms part, in whole or in part, of the respective electoral constituencies.

Paragraph 2. The provisions of Article 128 of the Electoral Code shall be applicable to elections to the European Parliament; however:

1. sentences 6 and 7 shall be replaced by the following sentences:

‘lists that bear a protected abbreviation shall be given the number which, pursuant to Article 12, is allocated to this abbreviation.

The following numbers shall be allocated to the other lists by the successive drawing of lots.

A first draw for the allocation of numbers shall be undertaken with complete lists and a second draw with incomplete lists.’

2. sentences 10 and 11 shall not be applicable.

Paragraph 3. The chairman of the main office of the province of Brabant shall include in the ballot papers intended for the electoral constituency of Brussels the lists of candidates registered both in the main office of the French college and in the main office of the Dutch college.

To this end, the ballot paper shall be designed in accordance with Model II C, annexed to this Law.

In each half of the ballot paper, the lists of candidates shall be ordered as provided for in paragraph 2.

Article 17 In the event of an appeal, the main college office shall defer the operations provided for in Articles 15 and 16 of this Law and in Article 126, sentences 1, 2 and 3, of the Electoral Code. It shall meet at 6 p.m. on the 20th day before the election so that it may perform these operations as soon as it has been informed of the decisions taken on the appeal.

Article 18 The chairman of the main provincial office shall arrange for the ballot papers to be printed on electoral paper and in black ink. The use of any other ballot paper shall be prohibited.

Five days before the ballot, the chairman of the main provincial office shall ensure that the ballot papers required for the election are forwarded to the chairman of the main ward office in a sealed envelope. This chairman shall, on the day before the election, ensure delivery, against receipt, to the chairman of each of the polling stations of the number of ballot papers intended for his station. The label on the outside of the envelope shall indicate the address and the number of ballot papers that it contains.

This envelope may be unsealed and opened only in the presence of the office as regularly constituted. The number of ballot papers shall immediately be verified, and the result of the verification shall be indicated in the report.

The chairman of the main ward office shall, at the same time, ensure that each of the chairmen of the vote-counting offices receives the form that he has had prepared and which the chairmen of the vote-counting offices have to complete after the counting of the votes.

Article 19 The electoral paper shall be provided by the State. The colour and size of the ballot papers shall be determined by royal decree.

The ballot boxes, partitions, desks, envelopes and pencils shall be provided by the municipality in accordance with models approved by the government.

The municipalities shall also bear the cost of all other electoral expenditure except for the allowances provided for in Articles 101 and 141 of the Electoral Code, payment of which is incumbent on the State.

Article 20 Five days before the election, the candidates shall nominate, to witness the operations, at most one witness and one substitute witness for each of the polling stations and vote-counting offices.

Candidates who register jointly may nominate only one witness and one substitute witness per office.

If the number of witnesses put forward by individual candidates exceeds three for one and the same office, their number shall be reduced to three by the main ward office by the drawing of lots, this draw allocating, where appropriate, another office in the same municipality to the rejected witnesses. The latter shall be informed of this immediately by the chairman of the main ward office. This drawing of lots shall be performed immediately on expiry of the deadline set for the receipt of witness nominations and irrespective of the number of members present.

Candidates shall indicate the polling station or vote-counting office at which each witness will fulfil his mission throughout the operations. They themselves shall inform thereof the witnesses that they have nominated. The letter of information, signed by one of the candidates, shall be countersigned by the chairman of the main ward office.

Witnesses must be voters in the electoral constituency.

Candidates may be nominated as witnesses or substitute witnesses.

CHAPTER III — Installation of offices and the vote

Article 21 The provisions of Articles 138 to 143, sentences 1, 2, 3, 5 and 6, and of Articles 144 to 147, sentences 1, 2, 3, 4, 8 and 9, of the Electoral Code shall be applicable to elections to the European Parliament; however, in Article 143, sentence 1, the words ‘for each legislative chamber, if applicable’ shall be deleted.

Article 22 Elections to the European Parliament shall take place on a Sunday on a date set by the King.

CHAPTER IV — Counting of the votes

Article 23 The provisions of Articles 149, sentence 1, 150, 151, 152, 154 to 159, 161 and 162 of the Electoral Code shall be applicable to elections to the European Parliament; however:

1. in Article 161, sentence 2, the word ‘district’ shall be replaced by the word ‘ward’; in sentence 6, the words ‘the names of the district and’ shall be replaced by the words ‘the name’, and in sentence 12, the word ‘district’ shall be replaced by the word ‘provincial’;

2. in Article 162, sentence 3, the word ‘district’ shall be replaced by the word ‘provincial’.

Article 24 In the electoral wards in the electoral constituency of Brussels, each vote-counting office, after ruling on the ballot papers, shall divide the ballot papers containing valid votes into two categories:

1. ballot papers marked with a vote in favour of a list of candidates lodged with the main office of the French college;

2. ballot papers marked with a vote in favour of a list of candidates lodged with the main office of the Dutch college.

In these wards, the model table provided for in Article 161, sentence 2, of the Electoral Code shall be drawn up in two versions: one copy in French shall give the results of the count intended for the French electoral college, and a second copy in Dutch shall give the results of the count intended for the Dutch electoral college.

In these same wards, the main ward office shall, similarly, draw up two copies of the summary table provided for in Article 161, sentence 9, of the Electoral Code.

Article 25 The main provincial office shall total, in a summary table for the entire province, the figures included in the summary tables drawn up by the main ward offices, and shall forward them, by the fastest route, accompanied by the tables drawn up by the main ward offices, to the chairman of the main college office.

The main provincial office of the province of Brabant shall draw up two summary tables: one, drawn up in French, giving the results recorded in the wards which, apart from the electoral constituency of Brussels, belong to the French-speaking region, to which shall be added the results recorded by the main ward offices of the electoral constituency of Brussels in the tables intended for the main office of the French college; the other drawn up in Dutch, giving the results recorded in the electoral wards which, apart from the electoral constituency of Brussels, belong to the Dutch-speaking region, to which shall be added the results recorded by the main ward offices of the electoral constituency of Brussels in the tables intended for the main office of the Dutch college.

These summary tables, accompanied by those drawn up by the main ward offices, shall be forwarded, by the fastest route, to, respectively, the chairman of the main office of the French college and the chairman of the main office of the Dutch college.

Article 26 The provisions of Articles 164 to 172 of the Electoral Code shall be applicable to elections to the European Parliament; however, the words ‘main district office’ shall be replaced, on each occasion, by the words ‘main college office’, and:

1. in Article 164, sentence 2, the words ‘main town of the district’ shall be replaced by the words ‘where this office is established’;

2. in Article 165, the words ‘for each legislative chamber’ shall be deleted.

Article 27 The report of the election, drawn up and signed immediately by the members of the main college office and the witnesses, shall be sent immediately with the summary tables drawn up by the main provincial offices to the Clerk of the Chamber of Representatives.

The latter shall forward the reports to the European Parliament, accompanied by a joint list of those elected and the documents required to verify their credentials.

An extract from the report of the main college office shall be forwarded to each candidate elected.

Article 28 The envelopes forwarded to the main provincial office shall be forwarded by this office to the Clerk of the province, who shall retain them until the election has been validated.

The Clerk of the Chamber of Representatives and the President of the European Parliament may require certain documents to be submitted to them, if they deem it necessary.

The ballot papers shall be destroyed when the election has been definitively validated or declared void.

SECTION IV — Compulsory voting and penalties

Article 29 Participation in the ballot shall be compulsory.

The provisions of Articles 207 to 210 of the Electoral Code shall be applicable to elections to the European Parliament.

For application of the provisions of Article 210 of this Code, relating to second offences in the matter of unjustified absence from the ballot, only elections of the same type should be taken into consideration.

Article 30 The provisions of Section V of the Electoral Code shall be applicable to elections to the European Parliament.

However, the following amendments shall be made:

— in Article 181, sentence 1, the words ‘or the proxy provided for in Article 147a’ shall be deleted;

— in Article 201, sentence 1, the words ‘save for the cases provided for in Article 147a’ shall be deleted;

— in the same article, the third sentence shall be deleted.

SECTION V — Eligibility and incompatibilities

Article 31 In order to be eligible for election to the European Parliament, a candidate must:

1. be Belgian;

2. enjoy civil and political rights;

3. have reached the age of 21;
4. be domiciled in Belgium;
5. be French- or German-speaking if registered with the French electoral college or be Dutch-speaking if registered with the Dutch college.

Article 32 The following shall not be eligible:

1. those who are deprived of the eligibility entitlement as a result of a conviction;
2. those who have been excluded from the electorate or have had imposed on them a suspension of electoral rights pursuant to Articles 6 to 9a of the Electoral Code.

Article 33 To the incompatibilities laid down in Article 6 of the Act concerning the election of the representatives of the European Parliament by direct universal suffrage annexed to the Decision of the Council of the European Communities of 20 September 1976 shall be added those which, by virtue of Belgian laws, are applicable to Belgian Members of Parliament.

If, after the election, a Member of the European Parliament accepts a position or a mandate incompatible with his mandate as a Member of the European Parliament, he must immediately renounce this mandate.

In the event of a dispute about the fact of withdrawal, the European Parliament shall give a ruling if one of the incompatibilities listed in the Act referred to in the first sentence of this Article is involved; in other cases, the Chamber of Representatives shall give a ruling.

SECTION VI — Miscellaneous provisions

Article 34 The Chamber of Representatives shall rule on objections submitted on the basis of the provisions of this Law.

Any objection to the election must be made in writing and lodged with the Clerk of the Chamber of Representatives within ten days of the election.

The decision taken by the Chamber of Representatives on the objection shall be attached to the documents provided for in Article 27, sentence 2.

Article 35 Where a representative's mandate becomes vacant, the alternate shall complete his predecessor's mandate.

Article 36 The provisions of this Law shall be applicable only to the first election to the European Parliament by direct universal suffrage.

We promulgate the present law, order the Seal of State to be affixed thereto and for it to be published in the *Moniteur Belge*.

Done at Brussels, 16 November 1978.

BAUDOUIN

By the King:
The Minister of the Interior,

H. BOEL

Seen and sealed with the Seal of State:
The Minister of Justice,

R. VAN ELSLANDE

* This is not an official translation and does not have the force of law.