

# APPENDIX: AUSTRIA<sup>1</sup>

## DEMOGRAPHICS AND ELECTION ADMINISTRATION

Austria is a parliamentary democracy comprising nine provinces, with a population of approximately 8.2 million.<sup>2</sup> In the last parliamentary elections, 6.3 million citizens, or 93% of the voting age population, were registered to vote.<sup>3</sup> 71.6% of registered voters turned out to vote.<sup>4</sup>

Austria's central election authority is the *Bundeswahlbehörde*, or Federal Electoral Board. The Board is responsible for administering nationwide elections and supervising other election authorities, but bears no responsibility for the preparation of voter lists or for voter registration. These issues are delegated to local officials throughout the country.<sup>5</sup>

Each province is composed of political districts, which are themselves composed of multiple municipalities, and there are election authorities at each level. A provincial electoral authority is established at the seat of each of the nine provincial governments, consisting of the Governor of the province or the Governor's representative, and nine assessors. The district electoral authorities have a similar structure.<sup>6</sup>

## VOTER REGISTRATION

Voter rolls are derived from civil registries that are maintained at the municipal level.<sup>7</sup> Municipalities are responsible for creating their own voter rolls periodically, by culling the names of eligible citizens from these registries.

Every resident is required to register their residence with the municipal authorities. This requirement is mandatory for all long-term residents, including non-citizens. Residents who move to a new municipality have three days to register with the registry authorities.<sup>8</sup> Residents must also register their radios, television sets, and utilities, such as municipal heating, with municipal authorities.<sup>9</sup>

Because each resident's initial residence registration form requires proof of citizenship and permanent address, election officials are able to cull the names of those residents who are eligible to vote.

## Adding New Voters and Updating Existing Voter Entries

The voter lists are compiled from, and continuously updated to reflect, the information contained in the municipal registries, including changes of address and death records. Individuals are required to report changes of address to municipal civil registry authorities, and those changes are then reflected in the voter rolls for an election.

Austria allows incarcerated persons to vote, although individuals convicted of certain crimes can have their voting rights suspended for a six month period as part of their sentences.<sup>10</sup> The names of temporarily disenfranchised individuals are transmitted to municipal authorities to ensure that these individuals will be left off of any voter roll produced during the suspension of their voting rights.

## FILLING GAPS AND CORRECTING INACCURACIES IN THE ROLLS

Municipal authorities must publish their voter lists during a designated public access period in advance of each election. In addition, these lists must be made available for public inspection and copying at a government office, for a period of seven to ten days (depending on the size of the municipality) prior to an election.<sup>11</sup> During this public access period, any citizen, upon providing his name and address, may object in writing or orally to a listing (or absence of listing) on the voter list, including any necessary correction to his own information.<sup>12</sup> The objections and corrections must reach the electoral office before the termination of the public access period.<sup>13</sup>

If a citizen objected to another voter's presence on the voter list, election officials must notify the challenged voter, with the reason for the objection, within 24 hours.<sup>14</sup> The voter has the opportunity to respond to the objection with a counterstatement within four days.<sup>15</sup> Election officials must provide the voter with a written notice of its decision on the objection.<sup>16</sup>

## PRIVACY CONSIDERATIONS

Austria takes steps to protect the privacy interests of individuals listed on its civil registries. Different users of the registries, such as government officials and members of the public, have different levels of access to information contained in the registries.<sup>17</sup>

## ENDNOTES

<sup>1</sup> Germany and Belgium are not given separate appendices, as both countries' voter registration systems mirror significantly that of Austria. Like Austria, Germany and Belgium draw their voter rolls from civil registries maintained on the municipal level. Thus, every citizen included on the municipal registry is registered to vote without having to interact with election officials, although inclusion on the municipal registry is required.

In Germany, each municipality maintains a "residence register" or household registry, as well as a voter roll that is updated continuously. The former is used to update the latter. Registration with the local department for residence registration (*Einwohnermeldeamt*) is required, and individuals have no choice as to whether their names and addresses are transferred from the residence register to the voter roll. Whereas Austrian election authorities create new voter rolls periodically, German election authorities maintain permanent voter rolls that are updated every time an eligible voter registers or deregisters their home with the residence register. Bundeswahlordnung ("BWO") (*Federal Election Regulation*) §§ 14-17; Bundesdatenschutzgesetz ("BDSG") (*Federal Election Act*) § 17.

Voting is mandatory in Belgium, with fines of 27.5 to 55 euros for first offenses and 55 to 137.5 euros for repeated offenses. Direction Générale Institutions et Population, Direction des Elections, L'obligation de vote, <http://www.ibz.rn.fgov.be/index.php?id=1197&L=0>. Enforcement of these penalties, however, vary from constituency to constituency. Organization for Security and Co-operation in Europe, Office for Democratic Institutions and Human Rights, *Kingdom of Belgium Federal Elections 10 June 2007 OSCE/ODIHR Needs Assessment Mission Final Report*, at 8 (Oct. 19, 2007), available at [http://www.osce.org/documents/odihr/2007/10/27430\\_en.pdf](http://www.osce.org/documents/odihr/2007/10/27430_en.pdf). Unsurprisingly, 91% of registered voters turned out for Belgium's last election in 2007. *Id.* at 18. Municipal population registries are used to create new voter lists for each election, typically 80 days before Election Day. Organization for Security and Co-operation in Europe, Office for Democratic Institutions and Human Rights, *Kingdom of Belgium Federal Elections 10 June 2007 OSCE/ODIHR Needs Assessment Mission Report 25-27 April 2007*, at 2, 8 (May 21, 2007), available at [http://www.osce.org/documents/odihr/2007/05/24664\\_en.pdf](http://www.osce.org/documents/odihr/2007/05/24664_en.pdf).

<sup>2</sup> Bundesministerium für Inneres [Ministry of the Interior], Elections in Austria—Overview, [http://www.bmi.gv.at/cms/BMI\\_wahlen/english\\_version/overview.aspx](http://www.bmi.gv.at/cms/BMI_wahlen/english_version/overview.aspx). Unless otherwise noted, the following information was taken from: a telephone interview by Rodney Zerbe, Dechert LLP with Martin Kramer, Consul General at the Austrian Embassy, Washington DC, (April 2007); the website of the Austrian Federal Ministry of the Interior, available at <http://www.bmi.gv.at/wahlen/>; and Article 26 of the Austria Constitution.

<sup>3</sup> Bundesministerium für Inneres [Ministry of the Interior], Elections in Austria—Statistics, [http://www.bmi.gv.at/cms/BMI\\_wahlen/english\\_version/statistics.aspx](http://www.bmi.gv.at/cms/BMI_wahlen/english_version/statistics.aspx); International Institute for Democracy and Electoral Assistance, Voter Turnout: Country View—Austria, [http://www.idea.int/vt/country\\_view.cfm?CountryCode=AT](http://www.idea.int/vt/country_view.cfm?CountryCode=AT) (last updated May 19, 2009).

<sup>4</sup> Bundesministerium für Inneres [Ministry of the Interior], Elections in Austria—Statistics, [http://www.bmi.gv.at/cms/BMI\\_wahlen/english\\_version/statistics.aspx](http://www.bmi.gv.at/cms/BMI_wahlen/english_version/statistics.aspx).

<sup>5</sup> Bundesministerium für Inneres [Ministry of the Interior], Elections in Austria—Electoral Authorities, [http://www.bmi.gv.at/cms/BMI\\_wahlen/english\\_version/electoral\\_authoritie.aspx](http://www.bmi.gv.at/cms/BMI_wahlen/english_version/electoral_authoritie.aspx).

<sup>6</sup> *Id.*

<sup>7</sup> § 23 NWRO BGB1 471/1992 (as amended 2002) (statute entitled *Bundesgesetz über die Wahl des Nationalrates*, or Federal Law on the Election of the National Council). The voting age was recently lowered from 18 to 16. *Austria First to Lower Voting Age to 16*, USA TODAY, Sept. 25, 2008, available at [http://www.usatoday.com/news/world/2008-09-25-austria-voting-age\\_N.htm](http://www.usatoday.com/news/world/2008-09-25-austria-voting-age_N.htm). Voting is voluntary in Austria. Bundesministerium für Inneres [Ministry of the Interior], Elections in Austria—No Compulsory Voting, [http://www.bmi.gv.at/cms/BMI\\_wahlen/english\\_version/no\\_compulsory.aspx](http://www.bmi.gv.at/cms/BMI_wahlen/english_version/no_compulsory.aspx).

<sup>8</sup> Austrian HELP, Information for Foreign Citizens, Registrations—Residence Registration and De-registration, <http://www.help.gv.at/Content.Node/140/Seite.1400000.html> (last updated Jan. 1, 2009).

<sup>9</sup> *Id.*

<sup>10</sup> Bundesministerium für Inneres [Ministry of the Interior], Elections in Austria—Federal Parliamentary System, [http://www.bmi.gv.at/cms/BMI\\_wahlen/english\\_version/federal\\_system.aspx](http://www.bmi.gv.at/cms/BMI_wahlen/english_version/federal_system.aspx); § 22 NWRO BGB1 471/1992; American Civil Liberties Union, *Out of Step With the World: A Brief Overview of Felon Disenfranchisement in the U.S. and Other Democracies* 6, fn. 19 (May 2006), available at [http://www.aclu.org/images/asset\\_upload\\_file825\\_25663.pdf](http://www.aclu.org/images/asset_upload_file825_25663.pdf).

<sup>11</sup> § 25 NWRO BGB1 471/1992.

<sup>12</sup> *Id.* at § 28 ¶ 1.

<sup>13</sup> *Id.* at § 28 ¶ 2.

<sup>14</sup> *Id.* at § 29 ¶ 1.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.* at § 30 ¶ 2.

<sup>17</sup> United Nations Public Administration Network, *Good Practice Case: Civil Registration in Austria, Case Study*, at 10 (Sept. 30, 2005), available at <http://unpan1.un.org/intradoc/groups/public/documents/other/unpan022349.pdf>.