

Alemanya

Länder

BAVIERA

Local Government Law, Free State of Bavaria

<http://www.iuscomp.org/gla/statutes/GOBayern.htm#ToC27>

Section 4 Rights and Duties of Municipality Members

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Article 18 Joint consultation right (Citizens' Assembly)

(1) In every municipality the mayor shall call a citizens' assembly at least once a year, more frequently upon the request of the municipality council, to discuss municipality affairs. In larger municipalities citizens' assemblies ought to be restricted to parts of the municipality territory.

(2) A citizens' assembly must be held within three months if it is called for in writing by at least 5 per cent of the municipality citizens, or by at least 2.5 per cent of the municipality citizens in municipalities with over 10,000 inhabitants, stating the agenda; the citizens' assembly can decide upon a supplement to the agenda if it is applied for in writing to the municipality at the latest one week before the citizens' assembly. The agenda may only contain municipality matters. The first and second sentences of this paragraph shall apply mutatis mutandis to those parts of a municipality that were still independent municipalities when this Law entered into force and, in towns with over 100,000 inhabitants, to town districts; the items on the agenda should above all refer to the part of the municipality or the town district. An application to call a citizens' assembly pursuant to the first and third sentences of this paragraph can only be made once a year.

(3) In principle, only municipality citizens may take the floor. Exceptions may be decided by the citizens' assembly; the chairman ought to give the floor to a representative of the supervisory authority upon request. The assembly shall be chaired by the mayor or a representative nominated by him.

(4) Recommendations from the citizens' assembly must be dealt with by the municipality council within a period of three months. This deadline and the deadline pursuant to para. 2 first sentence of this Article shall be suspended during the holiday period pursuant to Article 32 para. 4 first sentence of this Law.

Article 18a Petition for a referendum and citizens' decision

(1) The municipality citizens can apply for a citizens' decision concerning matters relating to the municipality's own sphere of activity (petition for a referendum).

(2) The municipality council can decide with a two-thirds majority of its members with voting rights that a citizens' decision shall be held for a matter of its own sphere of activity.

(3) A citizens' decision shall not be held concerning matters that are the responsibility of the mayor by virtue of a law, concerning matters of the internal municipality administration, concerning the legal situation of the municipality council members, the mayor or the municipality employees or concerning the financial regulation.

(4) The petition for a referendum must be submitted in writing to the mayor and must contain a question that can be answered with "yes" or "no" and a justification; it must also nominate three representatives who are entitled to represent the signatories.

(5) The petition for a referendum may only be signed by persons who are municipality citizens on the day of submission of the application. The list of electors as of this date is decisive in determining the number of valid signatories.

(6) A petition for a referendum has come into being if it is supported by the following number of municipality citizens, in relation to the number of people entitled to vote (quorum):

Inhabitants in the municipality Quorum for the petition for a referendum

up to 10,000 10 %

up to 20,000 9 %

up to 30,000 8 %

up to 50,000 7 %

up to 100,000 6 %

up to 500,000 5 %

over 500,000 3 %

(7) If a town district in a town that is to be divided into town districts pursuant to Article 60 para. 1 of this Law is particularly affected by a measure, the municipality citizens of this town district can apply for a citizens' decision on this measure. This petition for a referendum must be signed by at least 25 per cent of the municipality citizens in the town district. The provisions of para. 1 to 5 of this Article shall apply *mutatis mutandis*.

(8) After submission to the mayor of one third of the signatures required pursuant to para. 6 of this Article a decision contrary to the municipality citizens' referendum may not be taken within a period of two months, nor must the implementation of such a decision begin, unless there were legal obligations in this connection for the municipality at the time of submission. This legal effect shall apply from the moment of submission of the petition for a referendum until the implementation of the citizens' decision.

(9) The municipality council shall decide upon the permissibility of a petition for a referendum within two months of receipt of the application. The representatives of the petition for a referendum may appeal against a rejection of the petition for a referendum.

(10) If the petition is deemed to be permissible, the citizens' decision must be implemented within three months. The costs of the citizens' decision shall be borne by the municipality. Every municipality citizen shall be entitled to vote. The possibility of postal voting shall also be ensured.

(11) If a town district committee has been formed in a town district, a citizens' decision can take place within this town district concerning matters that have been transferred to the town district committee for decision. Every municipality citizen resident in the town district shall be entitled to vote. The application shall be submitted in writing to the town district committee to be passed on to the town council. The provisions of paras 2 to 16 of this Article shall apply mutatis mutandis.

(12) In a citizens' decision the question posed is decided by the majority of the valid votes casts. In the case of a tie the question shall be deemed to have been answered with "no".

(13) The citizens' decision shall have the effect of a decision by the municipality council. It can be amended within three years only by another citizens' decision.

(14) The citizens' decision shall not be carried out if the municipality council decides to implement the measure requested in the petition for a referendum.

(15) The opinions of the municipality council and of the representatives of the petition for a referendum concerning the issue of the citizens' decision may be portrayed in municipality publications and events only to the same extent. For the purposes of informing the citizens the municipality shall offer those involved the same scope as in municipality elections.

(16) The result of the citizens' decision shall be made known to the municipality citizens in the manner customary for the municipality.
