

Decree of the Flemish Government establishing the detailed procedural rules for the Organization of a provincial referendum

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Date 05/06/2009

The Flemish Government,

Having regard to the provincial Decree of 9 december 2005, article 205a, § 3, paragraph 1, added when the Decree of april 30, 2009, article 212 and article 214;

Having regard to the Decree of 30 april 2009 amending the provincial Decree and the Decree of 6 July 2001 on the inter-municipal cooperation, article 137, § 2;

Having regard to the Royal Decree of 7 July 1999 laying down detailed rules for the holding of a provincial referendum;

Having regard to the opinion of the inspection of finances, given on March 4, 2009;

Having regard to the opinion of the Council of State, given on May 19, 2009, with application of article 84, § 3, paragraph 1, of the coordinated laws on the Council of State;

On a proposal from the Flemish Minister of Domestic governance, urban policy, housing and civic integration;

After deliberation,

Decision:

Art. 1.

The provisions of the law of 19 October 1921 until settlement of the provincial elections apply mutatis mutandis for the keeping of a provincial referendum, insofar as the current decision in no other scheme.

Art. 2.

The potential participants are voting by the college of Mayor and aldermen in divided departments.

If there is not more than one thousand two hundred potential participants per municipality to the provincial plebiscite, meetings in one single voice they Department.

There are more, then they are classified by the college of Mayor and aldermen in voting divisions of a maximum of at least three hundred thousand, two hundred and potential participants in the provincial plebiscite.

The college of Mayor and aldermen points for a separate polling station and vote every vote Department locally.

Different voting departments can be convened in the premises of the same building.

If the vote is otherwise than on the basis of a ballot, the number of potential participants in the provincial referendum per voice section be increased by the Flemish Minister competent for internal affairs, without, however, their number exceeds two thousand five hundred potential participants in the provincial plebiscite.

Art. 3.

§ 1. Each provincial electoral body for the referendum contains a hoofdbureau, Canton province, hoofdbureaus stemopnemings offices and polling stations.

§ 2. The hoofdbureau province is located in the capital of the province.

It is chaired by the President of the Court of first instance of the capital of the province or, in his absence, by the magistrate who replaces him.

The province consists of four hoofdbureau, except the President, assessors, four alternate assessors and a Secretary. The assessors and alternate assessors shall be appointed by the President from the potential participants of the commune in which the provincial hoofdbureau is established.

The Secretary is appointed by the President from the potential participants of the province.

The province exercises a check on hoofdbureau all operations relating to the plebiscite and determines the conditions if necessary urgent measures which might require.

After perusal of the information it has received pursuant to § 3 of the hoofdbureau province of hoofdbureaus, check it out or the percentage of 10% of the inhabitants of the province, mentioned in article 205 of the then province of Decree is reached and whether or not there should be passed to the inclusion of the results of the public consultation.

If it turns out that less than 10% of the inhabitants of the province participated in the plebiscite, the Chairman of the hoofdbureau the Chairmen of the District of hoofdbureaus Province thereof, which in turn designated by them as soon as possible to the Chairmen and assessors of the stemopnemings agencies say that their desk won't have to meet.

If at least 10% of the enrolled population of the province participated in the plebiscite, the Chairman of the hoofdbureau the Chairmen of the District of hoofdbureaus Province thereof, which in their turn the Presidents designated by them as soon as possible and inform about that the assessors offices stemopnemings.

Where the inclusion of the results of the plebiscite to take place, centralizes the operations hoofdbureau province at the level of the whole province.

§ 3. To enable it for the province in accordance with § 2 hoofdbureau to determine whether or not there should be passed to the inclusion of the results of the plebiscite, deliver the Presidents of the polling stations, immediately after the end of their operations, to the President of the canton of hoofdbureau an overview with the number of participants who are registered in their Office and the number of participants who actually participated in the consultation.

When the President of canton has received this review for all of hoofdbureau stembureaus, he argues with a summary report on these two numbers for all of stembureaus and inform as soon as possible to the President of the hoofdbureau province.

§ 4. The canton of hoofdbureau is responsible for monitoring the transactions relating to consultation throughout the canton. It must communicate to the President of the province immediately of any circumstance that requires hoofdbureau his control.

When the inclusion of the results of the consultation should take place, centralizes the operations at the level of the entire canton.

§ 5. The polling station, in addition to a Chairman and a Secretary, consists of three assessors and three alternate assessors.

§ 6. The number of potential participants, that is registered in the polling stations are entrusted to the same notes whose stemopnemings Agency, must not be more than seven thousand amounts.

Art. 4.

The provincial Governor or the designated official shall ensure that the college of Mayor and aldermen of each commune of the province of at least fifteen days before the provincial plebiscite sends a convocation letter to each potential participant in the provincial plebiscite at the address where who is registered in the population register.

As a convocation letter not to the prospective participant in the provincial public consultation may be delivered, then the convocation letter deposited on the Mayor, where the potential participant in the provincial referendum or his attorney can pick him up at up to 12 hours on the day of the consultation.

The convocation letter mentions the day and locally where in the potential participant to the provincial plebiscite can participate in the provincial referendum, as well as the opening and closing hours of the vote. The convocation letter mentions that the vote is not compulsory. In addition, he mentions the question or questions of the consultation.

The notice of Convocation to the provincial plebiscite is at least twenty days before the consultation by displaying to the provincial government and an eventual publication on the website of the province of communicated. It is also in every town of the province by displaying and an eventual publication on the website of the municipality of communicated.

Art. 5.

The province makes the ballot on hoofdbureau in compliance with the following requirements:

- 1 ° the ballot lists the question;
- 2 ° below the question or questions on one line whenever the words «Yes» and «no»;
- 3 ° the words «Yes» and «no» are always preceded by a stemvak. The voting boxes are black with a speck in the middle of the same color as the paper;
- 4 ° the voting paper shall be white in color;
- 5 ° all ballots are completely identical.

The provincial hoofdbureau recommends the pressure in the required number. Deliver for the Presidents of the canton of hoofdbureaus, once the provincial Governor or official designated by him for them two authenticated excerpts from the list of participants, formatted per voice Department, has sent, as soon as possible an overview with the total number of potential participants, that in their respective cantons is registered, to the President of the hoofdbureau province.

As soon as the ballot printed is the President of the province, bringing hoofdbureau to the Chairmen of the District of hoofdbureaus the amount of ballots needed for the plebiscite of their Canton. They emit in turn to each of the Presidents of the cantonal departments of their voice, under sealed envelope, the ballots needed for the plebiscite in their Department.

The inscription on the outside of the cover mentions, except the address of the consignee, the number of ballots that the folder contains. This folder should only be made in the presence of the unsealed and open regularly shaped desk. The number of ballots is immediately checked and the results of the inspection is mentioned in the minutes.

Art. 6.

The rules for the enforcement of the order, mentioned in article 108, paragraph 1, article 109, 110, 111 and 114 of the electoral code shall apply mutatis mutandis to the provincial plebiscite.

Art. 7.

There is at least one voting booth every three hundred potential participants in the provincial plebiscite.

Art. 8.

For the recording of votes stemopnemings agencies proceed to, all ballots of all polling stations.

Art. 9.

§ 1. The Chairman and the members of the stemopnemings bureau fold the ballots open and sharing them in the following categories in:

- 1 ° ballots with valid vote;
- 2 ° questionable ballots;
- 3 ° blank or spoiled ballots.

If the format of the ballots, mentioned in the first paragraph, is terminated, they are examined without change of the classification stemopnemings by the members of the bureau, who stemopnemings their comments and objections to the bureau.

The objections and the decision of the bureau stemopnemings entered in the minutes.

The questionable ballots and those against which objection is lodged, shall be adopted in accordance with the decision of the stemopnemings bureau attached to the category to which they belong.

The ballots of each category are successively stemopnemings by the members of the bureau counted.

§ 2. All ballots, in the format mentioned in paragraph 1, be put in separate envelopes.

The stemopnemings Agency shall then the total number of valid ballots, determine the number of blank or spoiled ballots and for each question the number of Yes and no votes.

All those numbers are listed in the minutes.

Art. 10.

The following ballots are invalid:

- 1 ° all other ballots than those which may be used under this decision;
- 2 ° the ballots on which one or more questions were answered with Yes and no;
- 3 ° the ballots have changed their shape and dimensions, which inside a paper or contain any object, or having the participant make recognisable by a character, a cancellation or a non-permissible brand.

Art. 11.

As soon as the District of hoofdbureau in possession of the records for all offices of the canton of stemopnemings, it shall establish a manifest containing the article 9, § 2, paragraph 2, contains data for the whole Canton, referred to and forward it that manifest as fast as possible to the President of the hoofdbureau province.

Art. 12.

The hoofdbureau province makes the results of the consultation in public and known to the provincial Governor of shares they once it is in possession of the manifest referred to in article 11 for all cantons of the province.

The provincial Governor makes the outcome of the provincial plebiscite at least known in the edition of the Bestuursmemoriaal of the province following the Organization of the provincial plebiscite.

The County Governor shall ensure that the municipalities the results disclose at least via notice boards.

Art. 13.

The municipalities that have an automated voting system that can use a provincial referendum.

Art. 14.

All expenditure arising from the holding of the consultation shall be borne by the budget of the province.

Art. 15.

The Royal Decree of 7 July 1999 laying down detailed rules for the holding of a provincial referendum, is lifted.

Art. 16.

The Flemish Government authorizes the Flemish Minister competent for internal affairs the attestation referred to in article 205a, § 1, 7 °, and the model of the proxy form referred to in article 205a, § 3, of the provincial decree to establish.

Art. 17.

Article 110 of the Decree of 30 april 2009 amending the provincial Decree and the Decree of 6 July 2001 on the inter-municipal cooperation shall enter into force on 1 July 2009.

Art. 18.

This decision shall enter into force on 1 July 2009.

Art. 19.

The Flemish Minister, responsible for the internal affairs, is responsible for the implementation of this decision.