

Decree of the Flemish Government establishing the detailed procedural rules for the organisation of a municipal plebiscite

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The Flemish Government,

Having regard to the Commune Decree of 15 July 2005, article 212bis, § 1.7 ° and 3, first paragraph, inserted by the Decree of January 23, 2009, article 219 and 220;

Having regard to the Decree of 23 January 2009 amending the municipal Decree, article 151;

Having regard to the Royal Decree of 10 april 1995 establishing the detailed procedural rules for the holding of a municipal plebiscite;

Whereas, in accordance with article 212bis, § 3, the model of the power of Attorney form that can be given is determined by the Flemish Government;

Whereas, in accordance with article 219 of the municipal Decree the Flemish Government determines the procedural rules for the keeping of a municipal plebiscite, by analogy with the procedure listed in the Commune election law, for the election of municipal councillors;

Having regard to the opinion of the inspection of finances, given on February 23, 2009;

Having regard to the opinion of the Council of State 46.580/3, given on May 19, 2009, with application of article 84, § 1, paragraph 1, 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.

If there is not more than one thousand two hundred potential participants at the municipal plebiscite in one voice, they are meetings Department. If there are more, 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 municipal 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 municipal plebiscite per voice section be increased by the Flemish Minister, responsible for the internal affairs, without, however, their number exceeds two thousand five hundred potential participants at the municipal plebiscite.

Art. 2.

§ 1. The college of Mayor and aldermen appoint Vice-Presidents from among the potential participants in the municipal plebiscite that on the day of the municipal plebiscite have attained the full age of eighteen years, a Chairman and a Deputy Chairman of the head office. The President and the Deputy President of the head office shall be no later than the thirty-fifth day of the day of the municipal plebiscite appointed. The college of Mayor and aldermen appointment immediately means.

President of the head office shows the potential participants in the municipal plebiscite that on the day of the municipal plebiscite have reached the full age of eighteen years, the assessors who are part of his Office. President of the Head Office means the designation to the person immediately.

§ 2. The head office or, if the voting college is no more than one voice Department, the only polling station, must be at least twenty-seven days before the plebiscite are composed.

§ 3. The Presidents of the polling are appointed by the President of the head office from potential attendees at the municipal plebiscite that on the day of the municipal plebiscite have attained the full age of eighteen years. President of the Head Office means the appointment immediately to the person concerned.

§ 4. Article 12, 15, 17 to 20 of the Commune electoral law shall apply mutatis mutandis to the municipal plebiscite.

Art. 3.

Each polling station or the only polling station, mentioned in article 1, consists of a President, possibly a Deputy President, three assessors, three alternate assessors and a Secretary.

The assessors and alternate assessors by the President of the polling station at least 12 days before the designated municipal plebiscite from the potential participants in the municipal plebiscite that on the day of the municipal plebiscite have attained the full age of eighteen years. The President of the polling station immediately gives to the President of the main agency knowledge of that clue.

The Secretary is appointed by the President of the polling station from the potential participants in the municipal plebiscite that on the day of the municipal plebiscite have attained the full age of eighteen years. The Secretary is not entitled to vote.

Art. 4.

At least fifteen days before the municipal plebiscite the college of Mayor and aldermen sends a convocation letter to each potential participant at the municipal plebiscite at the address where who is registered in the population register. If not a convocation letter to the potential participant at the municipal plebiscite can be delivered is deposited on the Mayor, the convocation letter where the potential participant at the municipal plebiscite or his attorney can pick up to him on the day of the consultation up to 12 hours.

The convocation letter mentions the day and locally where the potential participant at the municipal plebiscite can participate in the municipal plebiscite, 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 municipal public consultation is at least twenty days before the consultation in the commune of communicated by displaying and an eventual publication on the website of the municipality.

Art. 5.

The college of Mayor and aldermen makes it on ballot in accordance with the following rules:

- 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.

Art. 6.

Article 32 of the Commune electoral law shall apply *mutatis mutandis* to the municipal plebiscite.

Art. 7.

The voice locally and the voting booths are decorated according to model III that is attached to the electoral code.

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

Art. 8.

The rules for the enforcement of the order, mentioned in article 108, paragraph 1, article 109, 110, 111 and 114 of the electoral code, as well as in article 37, 40, § 2, and in article 42 of the Commune election law, shall apply *mutatis mutandis* to the municipal plebiscite.

The President of the polling station the transcript immediately handed over to the President of the head office.

Art. 9.

After the vote is closed, each polling station shall communicate immediately to the Chairman of the main Office at the municipal plebiscite with how many persons have participated.

As President of the Head Office finds that the number of participants at the municipal plebiscite, mentioned in article 212 of the municipal Decree of 15 July 2005, is reached, he goes on to recording the votes immediately in accordance with the provisions of this decision. In the other case he argues in a process-verbal as mentioned in article 15, determined that the required number of participants mentioned in article 212 of the municipal Decree, is not achieved.

Art. 10.

In municipalities where the voting college is no more than one voice Department, the only polling station about to record the voices and the stemopnemings fulfills the function of any agency as such.

In the municipalities where the voting college includes two or three main departments, does the Agency the voice vote recording status for the different departments and the stemopnemings fulfills the function of any agency as such.

Art. 11.

In the municipalities where more than seven thousand three voice departments are, per potential participants at the municipal plebiscite a stemopnemings bureau was founded.

Each stemopnemings consists of a President, a Secretary, bureau three assessors and three alternate assessors.

With retention of the application of the provisions of article 10, the President and the assessors of the stemopnemings agencies designated by the President of the head office from potential attendees at the municipal plebiscite that on the day of the municipal plebiscite have attained the full age of eighteen years.

Art. 12.

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

Art. 13.

§ 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, the ballots without change of the classification, examined by the members of the bureau, who stemopnemings their comments and objections to the stemopnemings 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 laid down 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. 14.

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 are answered at the same time with Yes and no;
- 3 ° the ballots have changed their shape and dimensions, which contain a paper or an article inside, or having the participant make recognisable by a character, a cancellation or a non-permissible brand.

Art. 15.

The minutes of the operations is formatted during the meeting and signed by the members of the stemopnemings Agency.

Art. 16.

The President of the Agency hands over the procès-verbal stemopnemings immediately to the Chairman of the head office. President of the head office saves all processes-verbal.

Art. 17.

President of the head office shall notify the outcome of the consultation to the college of Mayor and aldermen.

Art. 18.

The municipalities that have an automated voice system can use that to keep a municipal plebiscite.

Art. 19.

The result of the municipal plebiscite by the college of Mayor and aldermen published at least via notice boards.

Art. 20.

The Royal Decree of 10 april 1995 establishing the detailed procedural rules for the holding of a municipal plebiscite is lifted.

Art. 21.

The Flemish Government authorizes the Flemish Minister, responsible for internal affairs, the model of certificate referred to in article 212bis, § 1, 7 °, and the model of the proxy form, listed in article 212bis, § 3, of the municipal Decree.

Art. 22.

Art. 121 and 122 of the Decree of 23 January 2009 amending the municipal Decree shall enter into force on 1 July 2009.

Art. 23.

This decision shall enter into force on 1 July 2009.

Art. 24.

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