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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**OF THE COUNCIL OF EUROPE**  
**(VENICE COMMISSION)**

**ICELAND**

**ELECTIONS ACT**  
**NO. 112, 25 JUNE 2021**

## Elections Act

### No. 112, 25 June 2021

**Entered into force on 1 January 2022.** Amended by: Act No. 113/2021 (entered into force on 16 July 2021). Act No. 137/2021 (entered into force on 31 July 2021). Act No. 18/2022 (entered into force on 18 March 2022).

Any reference in this Act to “the Minister” or “the Ministry” without specification of or reference to a departmental portfolio shall be read as referring to the **Minister of Justice** or the **Ministry of Justice**, administering this Act. Information on portfolios assigned to ministries by Presidential Decree can be viewed [here](#).

#### Chapter I. General provisions Article

##### ■ 1. Object.

The object of this Act is to strengthen democracy through the secure conduct of elections and to ensure that direct and free elections by secret ballot are held regularly.

##### ■ Article 2. Scope

This Act applies to elections to Iceland’s parliament, the Althingi, elections to municipal councils and to candidacies and elections for the office of President of Iceland.

In the event that the Althingi decides to hold a public referendum by secret ballot on a particular issue or a legislative bill, the conduct thereof shall be governed by this Act.

This Act also applies to the conduct of referendums held under paragraph 3 of Article 11, Article 26 and paragraph 2 of Article 79 of the Constitution.

#### Chapter II. Eligibility to vote and stand for election

##### ■ Article 3. Eligibility to vote in elections to the Althingi, presidential elections and referendums.

All Icelandic citizens who have reached the age of 18 at the time of polling and are domiciled in Iceland are entitled to vote in elections to the Althingi, presidential elections and referendums.

Icelandic citizens who have reached the age of 18 and have been domiciled in Iceland are entitled to vote for sixteen years after transferring their domicile from Iceland. After that period, they must apply to Registers Iceland to be added to the electoral register. The application must state the applicant’s name, personal identification number (*kennitala*), at what time he or she moved from Iceland, the last domicile address in Iceland and the address abroad and must include a declaration by the applicant that he or she remains an Icelandic citizen. Registers Iceland issues directions for the receipt of and procedure for applications. These directions may prescribe an electronic application process. A decision to add a person’s name to the electoral register shall be valid for four years as of the 1 December immediately following the submission of the application. Denials by Registers Iceland may be appealed to the Election Appeal Committee.

##### ■ Article 4. Eligibility to vote in municipal elections.

The following are entitled to vote in municipal elections:

a. any Icelandic citizen who has reached the age of 18 at the time of polling and is domiciled in the municipality,

b. any Danish, Finnish, Norwegian or Swedish citizen, provided that the person meets the criteria of point (a) in other respects,

c. any foreign national other than specified in point (b) who has been registered as domiciled in Iceland for an uninterrupted three-year period prior to polling day, provided that the person meets the criteria of point (a) in other respects.

A student who has transferred his or her domicile, cf. paragraph 4 of Article 9 of the Act on

Legal Domicile and Residence No. 80/2018, from Iceland to Denmark, Finland, the Faroe Islands, Norway or Sweden under the Agreement between the Nordic Countries on Registration of the General Public is not deemed to be have lost eligibility to vote in the municipality in which he or she was registered as domiciled upon departure, provided that the person meets in other respects the criteria of point (a) of paragraph 1 and submits an application under paragraph 3 to exercise the right to vote. The same applies to a spouse, cohabiting partner and their children residing with them in the country in question.

To be eligible to vote under paragraph 2, the application shall be sent to Registers Iceland [no later than 40]<sup>1)</sup> days prior to election day each time that a municipal election is held. Registers Iceland shall issue directions for the receipt of and procedure for applications to exercise the right to vote under paragraph 2. These directions may prescribe an electronic application process. Denials by Registers Iceland may be appealed to the Election Appeal Committee.

<sup>1)</sup>Act No. 18/2022, Article 1

■ **Article 5. Eligibility to vote and electoral registers.**

No one shall be entitled to vote unless his or her name is on the electoral register at the time of polling.

■ **Article 6. Eligibility to stand for election.**

Anyone entitled to vote under Article 3 and in possession of full civil rights may stand for election to the Althingi. However, Supreme Court Justices are not eligible for election to the Althingi.

Anyone entitled to vote in a municipality under Article 4 and in possession of full civil rights may stand for election to the municipal council.

No one is considered to be in possession of full civil rights who has been sentenced for a criminal offence if the sentence is an unsuspended term of imprisonment, from the date of pronouncement of sentence until the sentence has been served in full.

Eligibility to stand for election as President of Iceland is governed by Article 4 of the Constitution.

### Chapter III. Constituencies and polling wards.

■ **Article 7. Constituencies in elections to the Althingi.**

Voters shall exercise their voting rights in parliamentary elections, presidential elections and referendums in constituencies according to the rules and conditions laid down in this Act. Iceland is divided into the following constituencies:

#### 1. The North-Western Constituency

This comprises the following municipalities: Akraneskaupstaður, Hvalfjarðarsveit, Skorradalshreppur, Borgarbyggð, Eyja- og Miklaholtshreppur, Snæfellsbær, Grundarfjarðarbær, Helgafellssveit, Stykkishólmsbær, Dalabyggð, Reykhólahreppur, Vesturbyggð, Tálknafjarðarhreppur, Bolungarvíkurkaupstaður, Ísafjarðarbær, Súðavíkurhreppur, Árneshreppur, Kaldrananeshreppur, Strandabyggð, Húnaþing vestra, Húnavatnshreppur, Blönduósbær, Skagabyggð, Sveitarfélagið Skagaströnd, Sveitarfélagið Skagafjörður and Akrahreppur.

#### 2. The North-Eastern Constituency

This comprises the following municipalities: Fjallabyggð, Dalvíkurbyggð, Hörgársveit, Akureyrarbær, Eyjafjarðarsveit, Svalbarðsstrandarhreppur, Grýtubakkahreppur, Þingeyjarsveit, Skútustaðahreppur, Norðurþing, Tjörneshreppur, Svalbarðshreppur, Langanesbyggð, Vopnafjarðarhreppur, Fljótsdalshreppur, Múlaþing and Fjarðabyggð.

#### 3. The Southern Constituency

This comprises the following municipalities: Sveitarfélagið Hornafjörður, Skaftárhreppur, Mýrdalshreppur, Rangárþing eystra, Rangárþing ytra, Ásahreppur, Vestmannaeyjabær, Flóahreppur, Sveitarfélagið Árborg, Skeiða- og Gnúpverjahreppur, Hrunamannahreppur, Bláskógabyggð, Grímsnes- og Grafningshreppur, Hveragerðisbær, Sveitarfélagið Ölfus, Grindavíkurbær, Suðurnesjabær, Reykjanesbær and Sveitarfélagið Vogar.

#### 4. The South-Western Constituency

This comprises the following municipalities: Hafnarfjarðarkaupstaður, Garðabær, Kópavogsbær, Seltjarnarnesbær, Mosfellsbær and Kjósarhreppur.

5.–6. *Reykjavík South and North*

Reykjavík shall be divided from west to east into two constituencies, Reykjavík South and Reykjavík North, as prescribed in Article 8.

If the name or boundaries of a municipality are changed, or if two or more municipalities merge, the resulting municipality shall be considered to belong to the constituency to which the older one, or older ones, belonged. If such a change would disturb a boundary between constituencies, then the constituency boundary shall remain unchanged.

■ **Article 8** *Boundaries of constituencies in Reykjavík.*

When a general election to the Althingi has been called, the National Electoral Commission shall determine the constituency boundaries in Reykjavík based on the electoral register as at 56 days prior to election day, cf. paragraph 1 of Article 28. The boundaries shall be determined so as to ensure that the number of voters in each constituency behind each parliamentary seat, including adjustment seats, is more or less equal. Steps shall be taken to ensure, as far as possible, that each constituency forms a continuous whole.

The National Electoral Commission shall publish the boundaries of the constituencies in the *Government Gazette* as soon as they have been determined. An official notice by the National Electoral Commission also applies in presidential elections and referendums held until the next general elections to the Althingi.

■ **Article 9** *Number of parliamentary seats.*

The Althingi is composed of 63 parliamentary seats, which are divided as follows between constituencies:

North-Western Constituency	[7] <sup>1)</sup> parliamentary seats
North-Eastern Constituency	10 parliamentary seats
Southern Constituency	10 parliamentary seats
South-Western Constituency	[14] <sup>1)</sup> parliamentary seats
Reykjavík South	11 parliamentary seats
Reykjavík North	11 parliamentary seats

The North-Western Constituency shall have seven constituency seats and one adjustment seat. The North-Eastern Constituency and the Southern Constituency shall each have nine constituency seats and one adjustment seat. The South-Western Constituency shall have eleven constituency seats and two adjustment seats. The Reykjavík North and Reykjavík South constituencies shall each have nine constituency seats and two adjustment seats.

Notwithstanding the provisions of paragraphs 1 and 2, the National Electoral Commission may alter the number of constituency seats in each constituency in accordance with Article 10.

<sup>1)</sup>Act No. 18/2022, Article 2

■ **Article 10.** *Alteration of the number of constituency seats.*

After each election to the Althingi, the National Electoral Commission shall calculate whether the number of voters on the electoral register behind each parliamentary seat, including the adjustment seats under paragraph 2 of Article 9, amounts to half the number of voters behind each parliamentary seat in any other constituency, based on the electoral register in the election just held, cf. paragraph 5 of Article 31 of the Constitution. If this is the case, the National Electoral Commission shall alter the number of constituency seats in the

constituencies so as to reduce this difference. However, such a change shall never exceed what is necessary at any given time to meet the requirements of this provision in the Constitution.

When making calculations under paragraph 1, the first consideration shall be the number of parliamentary seats in the constituencies under paragraph 1 of Article 9. If the conditions of paragraph 1 are met, one constituency seat shall be reallocated from the constituency with the smallest number of voters behind each parliamentary seat to the constituency with the highest number of voters behind each parliamentary seat. If that is not possible, one constituency seat shall be reallocated from the constituency with the second smallest number of voters behind each parliamentary seat to the constituency with the highest number of voters behind each parliamentary seat. When this has been done, the number of voters behind each Member of Parliament (MP) shall be calculated again based on this alteration, and constituency seats shall be reallocated between constituencies as often as necessary until the proportion of voters behind each parliamentary seat nowhere exceeds the limit specified in paragraph 1.

The National Electoral Commission shall publicise such alterations in the *Government Gazette* as soon as they have been made.

The National Electoral Commission's authorisation to alter the number of MPs in constituencies under this Article shall nevertheless extend only to those constituency seats that are in excess of the constitutionally prescribed minimum, cf. paragraph 3 of Article 31 of the Constitution.

■ **Article 11. Polling wards.**

Each constituency shall be divided into polling wards, and each municipality outside Reykjavík shall constitute one polling ward, cf. points (5)–(6) of paragraph 1 of Article 7, unless the municipal council decides to divide it into more polling wards.

During municipal elections, each municipality shall constitute one polling ward, unless the municipal council has decided to divide it into more than one polling ward.

Polling wards shall as a rule be named after their respective polling station or numbered to distinguish them from each other.

**Chapter IV. Administration of elections and referendums.**

■ **Article 12. National Electoral Commission.**

The Minister shall appoint five members to the National Electoral Commission and an equal number of alternates. The National Electoral Commission is an independent administrative committee supervising the conduct of elections and responsible for the implementation of this Act, cf. Article 14. The National Electoral Commission comes under the portfolio of the minister responsible for election matters.

The term of appointment to the National Electoral Commission shall be five years, with the term of one member expiring each year. Three Commission members shall be elected by the Althingi, including the chairperson of the Commission, and two shall be nominated by the Icelandic Association of Local Authorities. Alternate members shall be elected in the same manner. Commission members and their alternates shall have experience and knowledge of election-related matters.

The National Electoral Commission formulates the policy and focus areas of its office and adopts rules of procedure for itself and its office.

■ **Article 13. Employees and location of the National Electoral Commission.**

The National Electoral Commission appoints the Director of the Commission for a five-year term at a time and presents the Director with a statement of his or her duties. The Director of the Commission is responsible for and manages the day-to-day activities, finances and operations of the Commission and engages other staff. The Director prepares and attends meetings of the Commission and has the right to speak and submit motions at the meetings.

The Director and other staff administer, by delegation from the Commission, the day-to-day functions and management of the activities entrusted to the Commission under this Act.

The National Electoral Commission decides the location of its office.

■ **Article 14. Duties of the National Electoral Commission.**

The National Electoral Commission administers the implementation of this Act, and its main duties are to:

- a. publish official notices on the preparation, conduct and timing of elections,
- b. prepare voting materials, cf., however, paragraph 2 of Article 64,
- c. provide the general public, candidates standing for election, the media, electoral commissions and others responsible for the conduct of elections with information, training and guidance,
- d. co-operate and consult with appropriate parties, non-governmental organisations and agencies on the preparation and conduct of elections,
- e. publish the results of elections,
- f. promote election research and progress in the conduct of elections,
- g. provide the Minister and other government authorities with advice on elections and make proposals to the Minister on the issuance of regulations providing further details regarding individual provisions of this Act,
- h. take part in international co-operation relating to elections,
- i. perform other functions relating to the public administration of elections in accordance with the provisions of the Constitution, this Act or other legislation.

In municipal elections, the senior electoral commissions of municipalities, cf. Article 17, shall perform the functions under points (a), (b) and (e) of paragraph 1. In addition to the National Electoral Commission, the senior electoral commissions of municipalities shall also perform the functions under point (c) in municipal elections.

Registers Iceland shall provide the National Electoral Commission with access to its records and systems free of charge to enable the Commission to perform its role.

The National Electoral Commission shall issue an annual report on its activities. The Commission shall submit a report to Minister after each election on the preparation and conduct thereof, and the Minister shall submit the report to the Althingi.

The National Electoral Commission may give other electoral commissions general directions on the preparation and conduct of elections. The Commission may decide to have such directions published in the *Government Gazette*.

The National Electoral Commission decides the design, markings and use of official seals used in elections and supplies these to other electoral commissions. These rules shall be published in the *Government Gazette*.

■ **Article 15. Electoral commissions.**

Electoral commissions are local administrative bodies that manage the conduct of elections in constituencies and municipalities as further prescribed by the provisions of this Act.  The electoral commissions for elections under this Act are the following:

- a. Senior electoral commissions of constituencies.
- b. Senior electoral commissions of municipalities.
- c. Regional electoral commissions.
- d. District electoral commissions.
- e. Local electoral commissions.

No election candidate is eligible to sit on an electoral commission.

Any references in this Act solely to a "senior electoral commission" are references to the senior electoral commission of a municipality in the case of municipal elections and to the senior electoral commission of a constituency in the case of elections to the Althingi, presidential elections and referendums.

Serving on an electoral commission is a civic duty.

The Minister decides the remuneration for work done for and membership of the National Electoral Commission, the senior electoral commission of a constituency and a regional electoral commission, whereas a municipal council decides the remuneration for work done

for and membership of the senior electoral commission of a municipality, a local electoral commission and a district electoral commission.

■ **Article 16.** *Senior electoral commissions of constituencies and regional electoral commissions.*

In each constituency when elections to the Althingi, presidential elections and referendums are held, a senior electoral commission shall operate and administer the elections in the constituency in accordance with the provisions of this Act. The senior electoral commission shall be composed of five members and the same number of alternates, elected by the Althingi. The senior electoral commission shall elect its own chairperson. If a political organisation standing for election and represented in the Althingi does not have an elected representative on a senior electoral commission, it may nominate an observer to sit on the commission and another as an alternate. Observers shall have the same rights as elected members, except for the right to vote.

A senior electoral commission shall, with sufficient notice prior to elections, publicise where it will be based during the election, which shall be in the most accessible location possible with regard to transport.

A senior electoral commission may decide that there shall be a regional electoral commission in the constituency, and shall then decide its regional jurisdiction. Any regional electoral commission shall be elected by the senior electoral commission and shall be composed of three members, with the same number of alternates. A regional electoral commission shall elect its own chairperson. In special circumstances, the National Electoral Commission may grant permission for there being two regional electoral commissions in each constituency, which shall be elected in the same manner.

The senior electoral commission of a constituency engages staff to assist it with the election. Advertising such positions is not mandatory. The senior electoral commission of a constituency may entrust municipal staff with tasks relating to the conduct of elections.

Registers Iceland shall provide the senior electoral commissions of constituencies with access to its records and systems free of charge to enable them to perform their role.

■ **Article 17.** *Senior electoral commissions of municipalities, district electoral commissions and local electoral commissions.*

The municipal council shall elect the members of a municipality's senior electoral commission as soon as possible after municipal elections. The term of office for a senior electoral commission shall be the same as that of the municipal council. Senior electoral commissions shall administer the conduct of municipal elections, each in their own municipality. Senior electoral commission members shall at all times be prepared to attend meetings without prior notice on polling day to take decisions and make rulings in connection with the election if necessary.

In any municipality divided into polling wards, the municipal council shall elect the same number of local electoral commissions as there are polling wards. Wherever there is more than one polling ward at the same polling station, the municipal council may also elect a district electoral commission to administer the election activities at the polling station under delegation from the senior electoral commission of the municipality. In a municipality not divided into polling wards, a single electoral commission shall serve as the senior and local electoral commissions.

Each senior electoral commission shall be composed of three members, with the same number of alternates. Each local electoral commission and district electoral commission shall be composed of three members, with a sufficient number of alternates. Electoral commission members shall have the right to vote in the municipality. Electoral commissions shall elect a chairperson and allocate tasks among their members in other respects.

If a political organisation standing for election and represented on the municipal council does not have an elected representative on the senior electoral commission of the municipality, it may nominate an observer to sit on the commission, and another as an alternate. Observers shall have the same rights as elected members, except for the right to vote.

In carrying out their duties, electoral commissions shall be independent of the decision-making powers of the municipal council.

The municipal council engages staff to assist it with elections. Advertising such positions is not mandatory. The senior electoral commission of a municipality may entrust municipal staff with tasks relating to the conduct of elections.

The senior electoral commission of a municipality must, with sufficient notice prior to elections, publicise the location of its premises where it will be present during the election.

Registers Iceland shall provide the senior electoral commissions of municipalities with access to its records and systems free of charge to enable them to perform their role.

■ **Article 18. Eligibility of electoral commission members.**

A member of an electoral commission, cf. Article 15, and a member of the National Electoral Commission shall vacate their seats if a person standing for election is or has been that member's spouse or cohabiting partner or is related to that member by blood or marriage in a direct line of descent or as an uncle, aunt, nephew, niece or first cousin, or is connected with that member in the same way as a result of adoption.

■ **Article 19. Alternate members of electoral commissions.**

Alternates shall take seats on electoral commissions in the absence of regular members, in accordance with the ordinary rules when proportional voting is applied or else in the order in which they are elected or appointed. If an electoral commission cannot be filled in this manner, its chairperson shall appoint members to take their place as proposed by the organisations that elected them, until the commission is fully constituted. Otherwise, the commission itself shall appoint the person or persons needed to complete its numbers.

■ **Article 20. Log books and records.**

All electoral commissions shall keep a minute/log book and record their actions.

The Minister shall confirm the rules of the National Electoral Commission regarding the matters that electoral commissions are obliged to enter in the log book and the form, content and certification of these. The rules may stipulate that log books shall be in electronic form or that designated forms shall be used in their stead. The rules of the National Electoral Commission shall be published in the *Government Gazette*.

■ **Article 21. Role of Registers Iceland.**

Registers Iceland administers the preparation and operation of the electronic electoral register and is responsible for its security.

Registers Iceland develops and operates computer systems used in the conduct of elections on the basis of a service agreement with the National Electoral Commission. The contract shall define the tasks, their management, the term of the agreement and the arrangement of payments for the service and of audits of performance.

■ **Article 22. Election Appeal Committee.**

The Minister shall appoint three members to the Election Appeal Committee. The term of appointment to the Committee shall be six years, with the term of one member expiring every other year. The Supreme Court of Iceland nominates the chairperson of the Committee, who shall meet the eligibility criteria to be appointed a Supreme Court Justice. The Icelandic Rectors' Conference nominates one Committee member, who shall hold a university degree entitling the person to hold public office or a master's degree in law and have experience in the conduct of elections. The Icelandic Association of Local Authorities nominates one Committee member, who shall have experience in the conduct of elections. Alternate members shall be appointed in the same manner.

The following decisions may be appealed to the Committee:

1. Denials by Registers Iceland to add a voter to the electoral register, cf. paragraph 3 of Article 4, and to make corrections to the electoral register under Article 32, cf. Article 33.
2. Decisions by the National Electoral Commission and a senior electoral commission of a municipality on the validity of candidate lists and related matters, cf. Articles 45 and 46.
3. Decisions by senior electoral commissions concerning candidates' eligibility to stand for election in municipal elections, cf. Article 48.

4. Decisions by the National Electoral Commission regarding the validity of a candidacy in a presidential election, cf. paragraph 2 of Article 50.
  5. Complaints of illegitimacy of municipal elections, cf. Article 128.
  6. Complaints of illegitimacy of presidential elections and referendums, cf. Article 129.
  7. Complaints of illegitimacy of residents' elections held on the basis of the Local Authorities Act.
  8. Decisions taken by the National Electoral Commission under other legislation.
- Deadlines to lodge complaints against individual decisions are governed by the provisions of this Act.
  - A decision by a party to a case to appeal government decisions under paragraph 2 to a court of law does not suspend the legal effect of such decisions.
  - Rulings by the Election Appeal Committee are not appealable to another government authority.

## **Chapter V. Polling day.**

### **■ Article 23. Elections to the Althingi.**

- Regular general elections to the Althingi shall be held no later than at the end of the electoral term. The beginning and end of an electoral term shall be on the same weekday of the month, counting from the beginning of the month.
- The National Electoral Commission shall publicise when regular general elections to the Althingi are to be held.
- The electoral term shall be four years.
- If the Althingi is dissolved, parliamentary elections shall be held on the date when the dissolution takes effect.

### **■ Article 24. Municipal elections.**

- General municipal elections shall take place on the second Saturday in May not falling on the Saturday immediately preceding Whitsun. If a municipal election would otherwise fall on the Saturday immediately preceding Whitsun, the election day shall be expedited by one week.
- The National Electoral Commission shall publicise when regular general municipal elections are to be held.
- The electoral term for municipal councils is four years.

### **■ Article 25. Presidential elections.**

- Presidential elections shall take place every four years on the first Saturday of June not falling on the Saturday immediately preceding Whitsun, in which case the election shall be held one week later, cf., however, paragraph 2. The National Electoral Commission shall publicise the election no later than three months prior to election day and shall specify the maximum and minimum number of nomination subscribers for a presidential candidate from each quarter of the country proportional to the number of voters there.
- In the event of the death of a sitting President or if the President stands down from office before the expiry of the presidential term, a new President shall be elected within one year to sit until 30 June of the fourth year from that election. In such event, the National Electoral Commission shall decide the election day; in other respects, the provisions of this Act shall apply.

### **■ Article 26. Referendums.**

- Any referendum under paragraph 2 of Article 2 shall be held no earlier than three months, and no later than one year, after a parliamentary resolution to such effect has been adopted by the Althingi.
- A referendum shall be held within two months after the approval of a resolution adopted by the Althingi under paragraph 3 of Article 11 of the Constitution or the President's rejection to approve a legislative bill under Article 26 of the Constitution.
  - A referendum may be held under this Act concurrently with elections to the Althingi or a presidential election.

The Althingi shall decide the referendum polling day pursuant to paragraph 2 of Article 2 of this Act and paragraph 3 of Article 11 and paragraph 2 of Article 79 of the Constitution within the time limit specified in paragraphs 1–3. The National Electoral Commission shall decide the referendum polling day in accordance with Article 26 of the Constitution.

The National Electoral Commission shall publicise the referendum at the most suitable time possible, no later than one month prior to the referendum. The question to be put to voters shall also be published.

## **Chapter VI. Electoral registers.**

### **■ Article 27. Central processing of electoral registers.**

When a general parliamentary election, municipal election, presidential election or referendum has been called, Registers Iceland shall prepare the electoral registers in accordance with the registered domicile address of each voter in the national registry, cf.

Article 28.

The reference time and date for the electoral register shall be 12 noon [38]<sup>1)</sup> days prior to polling day.

For voting during polling sessions, electoral commissions shall use an electronic electoral register. In exceptional cases, a printed electoral register may be used, cf. Article 35.

The name, personal identification number (*kennitala*), domicile address, gender and nationality of voters shall be recorded in the electoral register.

Registers Iceland may process personal data for the preparation of the electoral register, which processing shall be in accordance with the Act on Data Protection and the Processing of Personal Data.

<sup>1)</sup>Act No. 18/2022, Article 3

### **■ Article 28. Electoral registers in elections to the Althingi, presidential elections and referendums.**

The following persons shall be included on the electoral register of each municipality for elections to the Althingi, cf., however, paragraph 2:

a. persons meeting the conditions of paragraph 1 of Article 3 whose registered domicile address was within the municipality according to the national registry on the reference date, cf. paragraph 2 of Article 27,

b. persons meeting the conditions of paragraph 2 of Article 3 whose last registered domicile address in Iceland was within the municipality.

Persons that are to be admitted to the electoral register in Reykjavík according to point (b) of paragraph 1 shall be divided between the Reykjavík South and Reykjavík North constituencies in accordance with Article 8. The Reykjavík South constituency shall include those born in the first half of each month, i.e. between the 1st and the 15th, and the Reykjavík North constituency shall include those born in the second half of each month, i.e. between the 16th and the 31st. The same rule shall apply to those that under point (a) of paragraph 1 have their registered domicile address with the Foreign Service in Reykjavík or an unspecified domicile address in Reykjavík.

Electoral registers to be used in presidential elections and referendums shall be governed by the same provisions as elections to the Althingi.

### **■ Article 29. Electoral registers in municipal elections.**

Persons meeting the conditions of Article 4 whose registered domicile address was within a given municipality according to the residents' register of Registers Iceland [38]<sup>1)</sup> days before polling day shall be included in the electoral register of that municipality for municipal elections.

<sup>1)</sup>Act No. 18/2022, Article 3

### **■ Article 30. Compilation of electoral register publicised.**

Registers Iceland shall publicise in the *Government Gazette* and in the media that electoral registers have been compiled, cf. Article 27, as soon as their compilation is complete and no later than [36]<sup>1)</sup> days before polling day. The official notice shall state that Registers Iceland provides access to information from the electronic electoral register to those entering a

personal identification number (*kennitala*) on its website and on the website of the National Electoral Commission.

Following publication of the official notice under paragraph 1, Registers Iceland sends the electoral registers electronically to the municipal councils, free of charge. Registers Iceland may issue directions for the delivery of electoral registers to municipalities and their electronic access to electoral registers. Electoral registers shall be laid open for inspection by the public at the offices of municipal councils or another suitable location no later than 21 days before polling day.

After receiving the National Electoral Commission's proposals, the Minister shall issue a regulation further detailing the information to be published from the electoral register on the Commission's website, whether publication shall also be permitted on any other website than specified in paragraph 1, and the laying open of the electoral register for inspection.

<sup>1)</sup>Act No. 18/2022, Article 4

■ **Article 31.** *Political organisations' access to electoral registers.*

When the completion of the compilation of an electoral register has been made public, cf. Article 30, the political organisations submitting a list of candidates for election, and the candidates in presidential elections, may request electronic access to the electoral register at Registers Iceland. Access shall be granted free of charge, as shall access to any other documents specified in regulations. The access may be used to monitor the conduct of elections, verify the identity of voters and to convey information to them in the run-up to an election. Publication of the electoral register or any information from it, or making it available to others, is prohibited. When processing personal data under this provision, political organisations shall comply with the conditions of the Act on Data Protection and the Processing of Personal Data.

After receiving proposals from the National Electoral Commission, the Minister shall issue a regulation further providing for the authorisations of political organisations and candidates to use information from electoral registers under paragraph 1, their treatment of electoral registers and the closure of electronic access to them.

■ **Article 32.** *Corrections to the electoral register.*

Any complaints regarding an electoral register shall be directed to Registers Iceland, which shall immediately consider these and make appropriate corrections to the electronic electoral register when appropriate. Such corrections may be made up until and including polling day.

The electronic electoral register may be corrected if:

a. Registers Iceland has failed to register the domicile address of a voter in accordance with the voter's notification of a change of domicile address,

b. Registers Iceland receives information that a voter has died,

c. Registers Iceland receives information that a foreign national has acquired Icelandic citizenship or that a voter has lost Icelandic citizenship,

d. Registers Iceland receives information that a Danish citizen is entitled to vote in Iceland under the Act on the Rights of Danish Citizens in Iceland No. 18/1944, cf. Article 1 of Act No. 85/1946 on Arrangements Concerning the Separation between Iceland and Denmark,

e. an Icelandic citizen who has never been domiciled in Iceland or who has lost eligibility to vote under paragraph 2 of Article 3 moves to Iceland and reregisters his or her domicile in Iceland after the reference date of the electoral register,

f. Registers Iceland becomes otherwise aware of an error having been made in the registration of a voter during the compilation of the electoral register.

Registers Iceland shall send the relevant municipal councils and the voter in question, if applicable, a notification of any corrections it makes to the electronic electoral register. Registers Iceland shall also send the relevant electoral commission notification of any corrections to the electronic electoral register in order that they may be made to the printed electoral register copies if the provisions of paragraph 2 of Article 35 apply.

Registers Iceland issues directions on how corrections shall be entered in the printed electoral register copies of municipal councils. Municipal councils are not permitted to enter

any corrections to printed copies of electoral registers other than corrections authorised by Registers Iceland.

■ **Article 33. Appeals.**

□ Decisions by Registers Iceland regarding corrections to electoral registers under Article 32 may be appealed to the Election Appeal Committee, cf. Article 22, within 24 hours of the date of the decision. The Election Appeal Committee shall afford the appellant a reasonable time to add further information before making a ruling on the case.

■ **Article 34. Use of electronic electoral registers.**

□ For voting during a polling session in elections to the Althingi, presidential elections and referendums, electoral commissions shall use an electronic electoral register, in which case voters may cast their votes at any polling ward within the constituency, excluding the polling ward of a municipality whose municipal council has obtained authorisation to use a printed electoral register.

□ For voting during a polling session in municipal elections, electoral commissions shall use an electronic electoral register, and voters may then vote at any polling ward within the municipality.

□ Registers Iceland shall decide the design and appearance of electronic electoral registers and provide municipalities with software for use during the voting on polling day.

□ After receiving proposals from the National Electoral Commission and Registers Iceland, the Minister shall issue a regulation further providing for, *inter alia*, the design and version of the electoral register, the treatment of data in the register, the register's security certification, requirements to be made on hardware used in polling, at what point the use of an electoral register shall no longer be permitted in the event of a fault or disturbance within the meaning of Article 88, and what requirements shall be made on an electronic electoral register to enable electoral commissions to determine at any given time whether or not a voter has cast a ballot.

□ A regulation issued by the Minister after receiving the proposal of the National Electoral Commission may prescribe, based on a reasoned request by the municipal council, that the voters in a given municipality must cast their votes within the polling ward to which they have been assigned according to the electoral register.

■ **Article 35. Exemptions authorising the use of a printed electoral register.**

□ A municipal council may request permission from the National Electoral Commission, no later than 47 days prior to polling day, to use a printed electoral register in the municipality on polling day. The municipal council's request shall provide reasoning as to why it believes that an electronic electoral register should not be used. The National Electoral Commission shall reply to the municipal council no later than 40 days before polling day. After the expiry of the request deadline, the National Electoral Commission may, however, consider such a request by a municipal council if compelling reasons so warrant. In such cases, the National Electoral Commission shall reply to the request as soon as possible.

□ If the National Electoral Commission authorises the use of a printed electoral register in a municipality on polling day, only voters registered there according to the electoral register shall be permitted to cast their votes within the polling ward in question. Such voters shall not be permitted to cast their votes within a polling ward where an electronic electoral register is used. The municipality shall print the electoral register for use in voting during the polling session.

## **Chapter VII. Candidatures for the Althingi and for municipal councils.**

■ **Article 36. Deadline for submitting candidatures and receipt of candidatures.**

□ When elections are to be held, all candidatures must be submitted no later than at 12 noon 36 days before polling day. Such notifications may be signed by hand or by a fully valid electronic signature.

□ The National Electoral Commission receives submissions of candidatures for elections to the Althingi, whereas the senior electoral commissions of municipalities receive those for municipal elections.

■ **Article 37. Notification of candidature.**

- A candidate list must include at least as many names of candidates as are to be elected each time, but must never exceed double that number.
- Care shall be taken to ensure that for all candidatures the candidate's full name, domicile address, personal identification number (*kennitala*) and position or job title are stated clearly, so as to prevent confusion about who is standing for election.
- The names of candidates shall be written on the candidate list with at least one given name and surname as they appear in the national registry. A candidate who requests that his or her name be written differently is so entitled, provided that the names in question are registered in the national registry. However, a candidate may write his or her given name(s) differently than registered in the national registry if known under that application of his or her given name(s).
- A candidate to the Althingi may be domiciled in a different constituency from the one in which that candidate is standing for election.
- **Article 38.** *A single candidate list put forward in elections to the Althingi.*
- For elections to the Althingi and repeat elections held in connection therewith, polling shall not be dispensed with even if only one candidate list has been put forward.
- **Article 39.** *Candidate lists.*
- Each candidate list submitted shall be accompanied by:
  - a. a confirmation of the registered name and the letter of the alphabet allocated to the candidate list of any new political organisation,
  - b. a declaration by all persons on the list that they have authorised the inclusion of their name on the list, signed in their own hand or by a fully valid electronic signature,
  - c. a notification from the political organisation putting forward the list indicating which two persons are the agents for the list, who shall receive complaints of any deficiencies of the candidature.
- In addition to the documents under paragraph 1, each candidate list submitted for elections to the Althingi shall be accompanied by the following:
  - a. a declaration of support for the list from voters in the constituency in question, specifying the name, domicile address and personal identification number (*kennitala*) of each nomination subscriber; the number of nomination subscribers shall be a multiple of the number of parliamentary seats in the constituency and the figures 30 at minimum and 40 at maximum,
  - b. a declaration by the nomination subscribers identifying the political organisation for which the list is submitted; all lists submitted for the same political organisation shall be counted together when adjustment seats are allocated under Article 110; if such a declaration is missing, the list will be regarded as a separate candidature.
- In addition to the documents under paragraph 1, each candidate list submitted for a municipal election shall be accompanied by a declaration of support for the list from voters in the municipality in question. The name, domicile address and personal identification number (*kennitala*) of each nomination subscriber shall be specified. No nomination subscribers are required in municipalities with 100 residents or fewer. The maximum number of nomination subscribers shall be double the required minimum number. The minimum number of nomination subscribers shall be as follows:
  - a. in a municipality with 101–500 residents, 10 nomination subscribers,
  - b. in a municipality with 501-2000 residents, 20 nomination subscribers,
  - c. in a municipality with 2,001-10,000 residents, 40 nomination subscribers,
  - d. in a municipality with 10,001-50,000 residents, 80 nomination subscribers,
  - e. in a municipality with over 50,000 residents, 160 nomination subscribers.
- If the person who decides the composition of a candidate list or confirms it finally in accordance with the rules of the political organisation raises an objection against the list being put forward for that political organisation, the candidate list shall not be considered to be entered on behalf of that organisation.
- No persons may stand on more than one candidate list in the same election. No single voter may subscribe to the nomination of more than one candidate list in the same election. The

candidates on a list are not permitted to be its nomination subscribers. Electoral commission members are not permitted to be nomination subscribers of a candidate list.

Registers Iceland may, at the request of the National Electoral Commission, link data from lists of nomination subscribers with its national registry, providing that the conditions of the Act on Data Protection and the Processing of Personal Data are satisfied, and check whether a particular person has the right to vote. Registers Iceland shall also grant the National Electoral Commission and the senior electoral commissions of municipalities electronic access to the lists.

■ **Article 40.** *Withdrawal of candidature or of a declaration of support.*

Candidates may withdraw their consent to stand as candidates on the candidate lists of political organisations until the deadline for submitting candidatures expires.

Persons who have declared support for a candidate list are not permitted to retract their declarations after the candidature is submitted to the senior electoral commission of the municipality or to the National Electoral Commission. Nominating petitions collected in support of a candidature are not permitted to be used for any other purpose.

Any consent or declaration withdrawn under paragraphs 1 and 2 shall be destroyed.

■ **Article 41.** *Regulations authorised.*

After receiving the proposals of the National Electoral Commission, the Minister shall issue a regulation on the design and form of candidate lists, the collection of information about candidates and the handling, monitoring and destruction and that information.

After receiving the proposals of the National Electoral Commission, the Minister shall issue a regulation on the form of nominating petitions for candidate lists, their collection, handling, monitoring and destruction. The regulation may prescribe that nominating petitions shall be collected electronically on forms or through an interface provided by Registers Iceland. Such a regulation shall lay down more detailed instructions on:

a. the right of voters to submit nominating petitions by non-electronic means,

b. the type of electronic identification of nomination subscribers,

c. access to Registers Iceland information for ascertaining whether a voter is eligible to vote, cf. paragraph 1,

d. the treatment of the information obtained from Registers Iceland on the eligibility to vote of nomination subscribers of candidate lists, cf. point (a) of paragraph 2 and paragraph 3 of Article 39,

e. the preservation and destruction of information under point (a) of paragraph 2 and paragraph 3 of Article 39.

■ **Article 42.** *Examinations of candidate lists.*

For elections to the Althingi, the National Electoral Commission shall examine the documentation submitted and ensure compliance with the candidature conditions, cf. Articles 37 and 39. For municipal elections, the senior electoral commission of the municipality performs this role. The National Electoral Commission may designate a representative in individual constituencies to receive candidature notifications.

The following shall be removed:

1. the lower names on a candidate list that exceed the stipulated number of names,

2. a name off a list of nomination subscribers if the name is included thereon without the subscriber's consent or if the subscriber has allowed his or her name to be included on more than one list.

If an investigation reveals that the same person has nominated more than one candidature, that person shall not be considered to be a nomination subscriber of any of the candidatures.

The results of checks on candidacy requirements and any objections raised shall be entered in the log book.

■ **Article 43.** *Death of a candidate.*

In the event of the death of a candidate before the election takes place, but after the deadline for submitting candidatures expires, the National Electoral Commission in the case of elections to the Althingi, and the senior electoral commission of a municipality in the case

of municipal elections, shall move the candidates ranking beneath the deceased up by one position. If possible, the list thus amended shall be publicised in accordance with Article 47.

■ **Article 44.** *Meetings for candidate list reviews.*

□ When the deadline for submitting candidatures has passed, cf. Article 36, the National Electoral Commission when elections to the Althingi are held, or the senior electoral commission of the municipality when municipal elections are held, shall hold a meeting that the agents for the candidate lists shall be given an opportunity to attend. If the meeting identifies deficiencies in the candidate lists, the agents in question shall be afforded an opportunity to correct them, for which a deadline may be set as time and circumstances allow, generally 24 hours.

□ Deficiencies of a candidate list pointed out by the National Electoral Commission or the senior electoral commission of a municipality that are not corrected by the deadline given shall be subject to a decision pursuant to Articles 45 and 46. Complaints regarding individual candidatures shall be notified to the agents in writing.

■ **Article 45.** *Decisions on the validity of candidate lists before elections to the Althingi.*

□ As soon as the National Electoral Commission has completed its examination of the candidatures of political organisations, and no later than 24 hours after the expiry of the deadline for submitting candidatures, cf. Article 36, the Commission shall review the candidatures submitted and:

a. determine whether the political organisation has remedied any deficiencies identified in its respective candidate list, cf. Article 44, and the validity of the list in other respects,

b. decide, if needed, to which political organisations the candidate lists submitted for the election shall be deemed to belong,

c. mark the lists of the political organisations in accordance with the official notice of the letters of the alphabet applying to them; if a political organisation has more than one list in the same constituency, the lists shall be marked as A, AA ..., B, BB ..., etc., as appropriate,

d. ensure that lists that belong together, cf. point (b) of paragraph 2 of Article 39, are marked with the same alphabet letter in all constituencies.

e. check for consistency in the presentation and finishing details of candidate lists, including how the names of candidates are written, cf. paragraphs 2 and 3 of Article 37.

□ At a meeting to which the National Electoral Commission calls the agents of candidate lists, cf. paragraph 1 of Article 39, no later than three days (3 x 24 hours) and four hours after the expiry of the deadline for submitting candidatures, the Commission shall disclose its processing of individual candidate lists and announce its decisions, cf. paragraph 1. An agent may appeal a decision by the National Electoral Commission to the Election Appeal Committee, cf. Article 22, within 20 hours from receiving the decision. The Committee shall deliver its ruling within 48 hours after the expiry of the deadline for lodging complaints.

■ **Article 46.** *Decisions on the validity of candidate lists before municipal elections.*

□ As soon as the senior electoral commission of a municipality has completed its examination of the candidate lists of political organisations, and no later than 24 hours after the deadline for submitting candidatures expires, cf. Article 36, it shall review the candidatures submitted and:

a. determine whether the political organisations have remedied any deficiencies identified in their respective candidate lists, cf. Article 44, and the validity of the lists in other respects,

b. decide, if needed, to which political organisations the candidate lists submitted for the election shall be deemed to belong,

c. mark the lists of the political organisations in accordance with the official notice of the letters of the alphabet applying to political organisations that put forward lists in the immediately preceding elections to the Althingi, but if candidate lists are not presented by political organisations, the senior electoral commission of the municipality shall mark them in alphabetical order according to the order in which it received them or as agreed with the lists' agents,

d. check for consistency in the presentation and finishing details of candidate lists, including how the names of candidates are written, cf. paragraphs 2 and 3 of Article 37.

At a meeting to which the senior electoral commission of the municipality calls the agents of candidate lists, cf. paragraph 1 of Article 39, no later than three days (3 x 24 hours) and four hours after the deadline for submitting candidatures expires, the Commission shall disclose its processing of individual candidate lists and announce its decisions, cf. paragraph 1. An agent may appeal a decision by the senior electoral commission of a municipality to the Election Appeal Committee, cf. Article 22, within 20 hours from receiving the decision. The Committee shall deliver its ruling within 48 hours after the expiry of the deadline for lodging complaints.

In the event that only one candidate list is submitted for a municipal election, the senior electoral commission of the municipality shall extend the deadline for submitting candidatures by 48 hours. A new candidate list put forward within that time limit may be afforded four days' time to meet the conditions under Article 39. Should no new candidate list be submitted before the expiry of this time limit, the list submitted shall be elected unopposed.

■ **Article 47. Advertisements of candidate lists.**

Once the results regarding the validity of candidate lists for elections to the Althingi are established, the National Electoral Commission shall publicise these in the *Government Gazette*, online and in the media no later than 30 days before polling day. The senior electoral commissions of municipalities publicise candidate lists within the same time limit before municipal elections. After receiving proposals from the National Electoral Commission, the Minister shall set out more detailed provisions in a regulation on the content of public notices, the way in which they are published, etc. The regulation may lay down provisions regarding, *inter alia*, the publication of the domicile addresses and personal identification numbers (*kennitala*) of candidates.

If an unrestricted election to a municipal council is held or the deadline for submitting candidatures is extended under paragraph 3 of Article 46, or a person refuses re-election under paragraph 5 of Article 49, the senior electoral commission of the municipality shall publicise this in the same manner as a candidature.

■ **Article 48. Decisions on eligibility to stand for election.**

It shall not be necessary to demonstrate to senior electoral commissions or the National Electoral Commission candidates' eligibility to stand for election, as the Althingi rules on the eligibility of those elected and on whether newly-elected MPs stood and were elected lawfully in other respects.

The senior electoral commission of a municipality shall rule on the eligibility of candidates to stand in municipal elections. Its rulings may be appealed to the Election Appeal Committee, which shall make its ruling as soon as possible and no later than seven days after receipt of the complaint.

■ **Article 49. Special provisions on municipal elections.**

Representatives on municipal councils shall be elected by secret ballot in general elections, which may take two forms:

a. *Restricted elections* by proportional representation, where the election is limited to candidates on electoral lists and representatives on each list are elected in proportion to the quantity of votes cast for the list. The provisions of Articles 36, 37 and 39–48 shall apply to candidature arrangements.

b. *Unrestricted elections*, where the election is not limited to declared candidates as all electors are eligible for election with the exception of those legally exempt from the obligation to serve who have in advance declared their refusal to serve.

Municipal elections shall as a rule be by restricted proportional representation.

In the event that no list of candidates is submitted prior to the expiry of the deadline for submitting candidatures, or so few names are on candidate lists that the municipal council will not be fully constituted through a restricted election, the election shall be unrestricted.

Anyone eligible to stand for election, of sound mind and body and younger than 65 years of age, is obliged to serve if elected to a municipal council.

A person who has served on a municipal council for one electoral term or longer is not obliged to serve until an amount of time equal to his or her last continuous term of service has

elapsed, provided that he or she notifies the senior electoral commission of the municipality of refusal of re-election prior to the expiry of the deadline for submitting candidatures.

### **Chapter VIII. Presidential candidacies.**

#### **■ Article 50. Notifications of candidacies.**

Candidacies for election to the office of President of Iceland shall be submitted to the National Electoral Commission together with the consent of the presidential candidate and a sufficient number of nomination subscribers eligible to vote, cf. Article 5 of the Constitution, no later than at 12 noon 36 days prior to polling day. The collection, form and treatment of nominating petitions shall be governed by the same rules as for elections to the Althingi and municipal elections, cf. paragraph 2 of Article 41.

The National Electoral Commission makes rulings on the validity of presidential candidacies. Decisions by the National Electoral Commission may be appealed to the Election Appeal Committee.

The National Electoral Commission shall publish the candidates on the ballot 30 days before polling day.

#### **■ Article 51. Death of a presidential candidate.**

In the event of the death of a presidential candidate before the election takes place, but after the expiry of the deadline for submitting candidatures, another presidential candidate may stand for election instead of the deceased if at least one-half of the deceased's nomination subscribers are among the new candidate's nomination subscribers. The National Electoral Commission shall otherwise decide whether to postpone an election because of the death of a presidential candidate and prepare the election anew.

### **Chapter IX. Information provision for a referendum.**

#### **■ Article 52. Information provision by the National Electoral Commission.**

The National Electoral Commission shall organise an extensive programme to provide information on any matter submitted to a referendum under paragraph 2 of Article 2. The Commission shall lay down further rules on the arrangement of the information provision.

The National Electoral Commission shall as soon as possible and no later than one week prior to a referendum under Article 26 of the Constitution publicise in a secure manner the law that the President has refused to approve, to enable voters to familiarise themselves with its content. The official notice shall also point out that the legislative bill and all documents relating to its passage are accessible in a highly visible place on the website of the National Electoral Commission.

### **Chapter X. Agents of political organisations.**

#### **■ Article 53. Rights and obligations of agents concerning the submission of candidate lists.**

Each list of candidates must be accompanied by a notification from its leader to the National Electoral Commission or senior electoral commission indicating which two persons shall be the list's agents, including their consent. If no agents are specified for a list or an agent is unable to act in such a capacity, the candidates in the leading seats on the list shall be the legitimate agents for the list.

The agents of a list shall be entitled to attend meetings of the National Electoral Commission and the senior electoral commission of a municipality concerning the candidate lists after the expiry of the deadline for submitting candidatures, cf. Article 44. Agents shall provide information on the lists if requested to do so and shall represent the rights of the list during its examination by the National Electoral Commission and the senior electoral commission of the municipality. If any deficiencies in the candidate list are identified, the agents shall be given the opportunity to remedy these before they are subjected to a ruling under Articles 45 and 46.

The senior electoral commission of the constituency and the senior electoral commission of the municipality shall have special identification cards made for agents as further prescribed

by the National Electoral Commission. The agents shall carry these identification cards when acting in their capacity under this Act.

Agents must comply with the polling session rules set by the electoral commission, the senior electoral commission of the constituency, the senior electoral commission of the municipality and the National Electoral Commission, including during polling sessions and during early voting. In other respects, the rights and obligations of agents shall be governed by the further provisions of this Chapter.

List agents shall be entitled to appoint assistants acting on their behalf during the conduct of elections. Such appointments shall be received by the senior electoral commission of the constituency or the senior electoral commission of the municipality in a timely fashion prior to polling day, and the senior electoral commission shall prepare special identification cards for the assistants, which they must carry when carrying out their duties. The rights and obligations of assistants vis-à-vis electoral commissions shall be the same as those of agents.

■ **Article 54.** *Rights of agents concerning decisions on the validity of candidate lists.*

The agents of lists shall be entitled to attend meetings of the National Electoral Commission and of the senior electoral commissions of municipalities concerning candidate lists, cf. Articles 45 and 46.

If the National Electoral Commission or the senior electoral commission of a municipality issues a ruling that a candidate list is invalid, the agents of the list must as soon as possible be supplied with a copy of the ruling, together with a copy of the list and a certificate attesting to the time of its delivery.

In addition to list agents, political organisations submitting lists for elections to the Althingi are entitled to have two agents present at meetings of the National Electoral Commission held under Article 45.

List agents and the agents of political organisations may appeal decisions of the National Electoral Commission and of the senior electoral commissions of municipalities to the Election Appeal Committee within 20 hours from the pronouncement of the decision, cf. paragraph 2 of Article 45 and paragraph 2 of Article 46.

■ **Article 55.** *Rights of agents during polling sessions and early voting.*

List agents are entitled to be present at polling locations during polling sessions and to sit at a table in the polling room and receive a copy of the instructions on voting procedure. List agents are also entitled to be present at early voting, except if the voting takes place in a private home. Agents shall have access to electoral registers in the polling room and to the logs of presiding officers that they keep for early voting, cf. paragraph 5 of Article 77. Agents are not permitted to carry into or out of the polling room any documents relating to the election and are not permitted to record, film or otherwise transmit information about what takes place in the polling room. The same applies to early voting.

■ **Article 56.** *Rights of agents at the opening and closing of polls.*

List agents are entitled to be present when an electoral commission performs duties to comply with legal and government requirements regarding the handling of ballot boxes and other voting materials prior to the opening, and after the closing, of polls. Agents may affix their signatures together with those of the electoral commission to what it writes in the log book regarding the performance of these functions and may attach their seals to the ballot boxes and voting materials sealed by the electoral commission under the law. The same applies to the rights of list agents regarding the functions of presiding officers.

■ **Article 57.** *Monitoring by agents.*

List agents who consider that an electoral commission, a presiding officer or voters are not behaving in accordance with the law or government requirements during polling proceedings may lodge a complaint to the electoral commission or the presiding officer. If they consider any aspect of the polling proceedings to be unlawful and are unable to have this rectified by the electoral commission or presiding officer, the agents are entitled to have the dispute entered immediately in the log book of the electoral commission or in the log kept by the presiding officer. Should an electoral commission or presiding officer refuse to record anything concerning the polling proceedings, the agent is entitled to do so and sign under the entry.

■ **Article 58.** *Rights of agents concerning the counting of votes.*

List agents shall be entitled to be present during the preparation of vote counting, including when the ballot boxes are received and opened, when other voting materials are received and during the sorting of ballot papers. The agents are also entitled to be present during the counting of votes and to observe its conduct and the compilation of results.

If the agents of a list are not present at a count or its preparation, the senior electoral commission of the constituency or the senior electoral commission of the municipality shall call people from the same candidature, if possible, to be present to safeguard the rights of the list.

■ **Article 59.** *Position of agents regarding allocations of parliamentary seats and the confirmation of polling results.*

Any political organisation standing for election shall be entitled to have two agents present during all functions performed by the National Electoral Commission to allocate parliamentary seats under Chapter XVI.

Any political organisation standing for election shall be entitled to have two agents present at the performance of all functions by the senior electoral commission of a municipality when confirming the results of a municipal election under Chapter XVII.

■ **Article 60.** *Agents during referendums.*

The National Electoral Commission shall appoint agents in each constituency to represent different views during referendums, the counting of votes and the settlement of disputes.

■ **Article 61.** *Agents of presidential candidates.*

The provisions of Articles 53–59 shall apply *mutatis mutandis* to the agents of candidates in presidential elections.

## **Chapter XI. Voting materials.**

■ **Article 62.** *Voting materials for early voting.*

The National Electoral Commission shall supply voting materials for early voting. It shall also provide instructions on voting procedures. As a rule, the voting materials shall be available from those administering early voting. District commissioners shall be in charge of supplying voting materials to presiding officers and other representatives within Iceland, cf. Article 69.

Presiding officers shall keep the voting materials in a secure location.

After receiving the proposals of the National Electoral Commission, the Minister shall issue a regulation further providing for the production of voting materials to be used in early voting, including the design and format of ballot papers, stamps, ballot boxes and other voting materials, in addition to their storage.

■ **Article 63.** *Receipt of voting materials for early voting.*

A presiding officer or other representative in Iceland, cf. Article 69, who receives early voting materials shall sign and deliver to the appropriate district commissioner declarations on his or her word of honour stating that voting will proceed in accordance with the provisions of this Act.

Special presiding officers as provided for in Article 71 who receive early voting materials shall also sign and deliver the same type of declaration to the ministry with the portfolio for Icelandic embassies, permanent missions and consulates abroad or to the relevant diplomat.

■ **Article 64.** *Voting materials for polling sessions.*

The National Electoral Commission shall have the ballots produced for voting during polling sessions in elections to the Althingi, presidential elections and referendums.

The senior electoral commissions of municipalities shall have the ballots produced for voting during polling sessions in municipal elections.

Ballot papers shall be made of quality paper through which print or writing does not show, in accordance with further rules to be prescribed by the Ministry after receiving proposals from the National Electoral Commission.

■ **Article 65.** *Regulation authorised.*

After receiving the proposals of the National Electoral Commission, the Minister shall issue a regulation further providing for the design of ballot papers, envelopes, ballot boxes, Braille cards, instructions on voting procedure, minute and log books and other voting materials.

■ **Article 66.** *Voting materials for referendums.*

A parliamentary resolution under paragraph 2 of Article 2 shall, after receiving the opinion of the National Electoral Commission, provide for the wording and presentation of the question to be put to voters.

The ballot paper shall state clearly a question as to whether the voter approves the proposition put to the electorate and shall offer two possible answers: "Yes" and "No."

The Althingi may decide a higher number, or a different wording, of questions and answer options on the ballot paper in a referendum under paragraph 2 of Article 2.

The National Electoral Commission shall decide the wording and presentation of the question on the ballot paper in a referendum under paragraph 3 of Article 11, Article 26 and paragraph 2 of Article 79 of the Constitution.

After receiving the proposal of the National Electoral Commission, the Minister shall lay down further rules on the design and format of ballot papers used in referendums.

## **Chapter XII. Early voting.**

■ **Article 67.** *Authorisation for early voting.*

Voters who are unable to attend a polling session on polling day may cast their votes prior to the poll in accordance with the rules set in this Act.

A voter who has cast an early vote may also cast a vote during the regular polling session, in which case the voter's early-voting ballot paper shall not be counted in the poll.

■ **Article 68.** *Opening and closing of early-voting polls.*

Early voting shall commence as soon as possible after the candidate lists have been made public, cf. Article 47, but no earlier than 29 days before polling day.

Early voting shall be open until at least 5 p.m. on polling day, but outside Iceland it shall end on the day before polling day.

The vote shall be considered to have been cast on the day on which the covering letter is dated.

■ **Article 69.** *Early voting in Iceland.*

District commissioners shall act as presiding officers each in their respective administrative districts. District commissioners shall decide who shall serve as presiding officers and shall engage other representatives to work under their delegation. District commissioners shall apprise the National Electoral Commission each time of the identities of the presiding officers serving under their delegation.

Early voting may take place:

1. At a district commissioner's head office, office or branch. District commissioners may decide that the voting shall take place at a special polling location outside their head office, and that the voting shall take place at other locations in their administrative districts. A district commissioner may decide to use a portable polling place, provided that non-discrimination is safeguarded in the provision of this service.

2. At municipal premises, given that the district commissioner shall at the request of the municipal council engage a presiding officer, who may be an employee of the municipality, to conduct the voting. At the request of the municipality, such a polling place may be portable, provided that non-discrimination is safeguarded in the provision of this service.

3. At health care and old-age care home premises, institutions for people with disabilities and prisons for voters residing there.

4. In a private home if the voter is unable to attend a polling session on polling day because of illness, disability or childbirth, unless the voter is able to vote in an institution under point 3. Requests for permission to vote in a private home shall be submitted in writing and supported by a certificate from a legally-competent person attesting to the voter's circumstances, which

shall have been received by the presiding officer in question no later than 10 a.m. two days prior to polling day.

The presiding officer shall publicise where and when voting may take place, this being done in the manner in which official notices are customarily published in each given locality. The procedure and polling hours shall enable voting to proceed as smoothly as possible. Voting under point (3) of paragraph 2 shall take place as close as possible to the polling day in consultation with the head of the institution or home in question. Voting under point (4) of paragraph 2 shall take place at a time decided by the presiding officer.

The presiding officer shall ensure that unlawful campaigning or interference and other activities designed to disrupt or hinder the conduct of the poll do not proceed at the polling station and in the immediate vicinity.

Registers Iceland shall give presiding officers access to its records and systems free of charge to enable them to perform their role.

If a voter has a serious infectious disease, the presiding officer shall organise early voting in consultation with communicable disease authorities. Voter disqualification may be applied if the communicable disease authorities consider that the voting in question cannot be arranged without endangering the health of the presiding officer or the general public.

After receiving the proposals of the National Electoral Commission, the Minister shall issue a regulation on voting procedures under points (3) and (4) of paragraph 2 [and paragraph 6.]<sup>1)</sup> However, such voting shall not take place before 21 days prior to polling day. Notification shall be given to list agents, cf. Article 55, as to when voting under point (3) of paragraph 2 shall take place.

<sup>1)</sup>Act No. 18/2022, Article 5

■ **Article 70. Overseas early voting.**

Early voting outside Iceland shall take place at the office of an Icelandic embassy, the office of an Icelandic consulate or the office of an Icelandic honorary consul, as further decided by the minister with the portfolio for foreign affairs. The same minister may also decide that voting shall take place at other overseas locations.

The minister with the portfolio for foreign affairs shall advertise where and when overseas voting may take place and shall also notify the National Electoral Commission thereof.

■ **Article 71. Overseas presiding officers.**

The presiding officers for polling outside Iceland shall be the heads of embassies, career consuls, other diplomats as decided by the relevant head, other embassy and consulate staff, honorary consuls and special presiding officers as decided by the minister with the portfolio for foreign affairs. The same minister shall apprise the National Electoral Commission each time of the identities of the overseas presiding officers.

Registers Iceland shall provide presiding officers with access to its records and systems free of charge to enable them to perform their role.

■ **Article 72. Eligibility of presiding officers.**

A presiding officer and anyone else performing the duties of a presiding officer, cf. paragraph 1 of Article 69 and paragraph 1 of Article 71, is not permitted to be standing for election.

A presiding officer and anyone else performing the duties of a presiding officer shall vacate their seats if a person standing for election is his or her spouse, former spouse, cohabiting partner, former cohabiting partner or related to him or her by blood or marriage in a direct line of descent or as an uncle, aunt, nephew, niece or first cousin, or connected with that member in the same manner as a result of adoption. The same applies to any person performing the duties of a presiding officer under his or her delegation of powers.

A presiding officer makes decisions on his or her own eligibility and on the eligibility of anyone performing functions under his or her delegation of powers. Disputes concerning the eligibility of a presiding officer or of others performing his or her duties may be referred to the Election Appeal Committee under Article 22.

In the event that a presiding officer is ineligible under paragraph 1 or 2, the Minister shall appoint a new presiding officer after receiving the proposals of the National Electoral

Commission. If the presiding officer has been working under delegation from a district commissioner, the latter shall appoint a new presiding officer. In the event that a presiding officer under Article 71 is ineligible, the minister with the portfolio for foreign affairs shall appoint a new presiding officer.

Early voting is not permitted to take place in the home of a candidate.

■ **Article 73. Ballots cast in early voting.**

Early voting shall be valid only if the requisite voting materials are used.

Voting proceeds by the voter stamping or writing on the ballot paper the alphabet letter or name of the list that the voter wishes to elect. The voter may make alterations in accordance with paragraphs 2 and 3 of Article 85, but must in that case write the name of the candidate before indicating the order preferred on the list by the voter, or reject a candidate by crossing out his or her name.

When elections to municipal councils are unrestricted, a voter casting an early ballot shall write on the ballot paper the full names and addresses of the regular and alternate council members whom the voter wishes to elect. The alternate members shall be listed in the order in which the voter wishes them to come in as replacements.

A voter casting an early ballot in a presidential election shall stamp or write on the ballot paper the full name of the candidate for whom the voter wishes to vote from among those standing for election. However, a vote shall not be deemed invalid even if a given name or last name is missing if it is nonetheless clear to whom it refers.

■ **Article 74. Early voting procedure.**

A voter wishing to cast a ballot in early voting shall identify him- or herself to the presiding officer by producing a personal identification document bearing the voter's name, personal identification number (*kennitala*) and photograph, such as a passport, driving licence or identity card, or by other means deemed satisfactory by the presiding officer. The presiding officer shall make a mark in the electoral register indicating who is casting a vote at the presiding officer's station, cf. paragraph 1 of Article.

Following the recording thereof, the voter shall be given the voting materials. The voter shall then, without assistance and without anyone seeing, write his or her vote on the ballot paper in the manner prescribed in paragraph 2 of Article 73. The voter shall then place the ballot in the ballot envelope and carefully glue the top flap together. Next, the voter shall address and sign the covering letter in the presence of the presiding officer, who shall witness the casting of the vote by signing the covering letter and, if applicable, stamp it with an official seal.

Voters are entitled to be assisted when casting their ballots. Such assistance shall be provided by the presiding officer or an assistant accompanying the voter to the polling station. Assistance shall only be given if the voter him- or herself can tell the person providing the assistance how the voter wishes to cast the ballot. The voter's assistant must abide by the instructions of the voter and shall be bound by a duty of confidentiality not to disclose what passes between the assistant and the voter in the polling booth. A candidate or a candidate's spouse, children, siblings and parents are not permitted to assist with voting. A voter's assistant is not permitted to become an assistant to more than three voters in the same poll.

During voting under paragraph 3, the provisions of Articles 73–77 shall apply to voters' assistants.

Finally, the ballot paper envelope together with the covering letter shall be placed inside the sending envelope, which shall then be carefully closed. The envelope shall then be addressed to the electoral commission in the municipality where the voter believes he or she is registered on the electoral register. The voter's personal identification number (*kennitala*) shall be written on the back of the postal envelope. Instead of a personal identification number, a special label containing the voter's personal identification number may be placed on the envelope. The National Electoral Commission shall lay down further rules on the design and use of such a label.

■ **Article 75. Spoilt ballot papers.**

A voter whose ballot paper is spoilt may obtain a new one to replace it. The presiding officer shall destroy the spoilt ballot paper in the presence of the voter.

**■ Article 76. Delivery of early votes.**

Voters who cast their votes under the supervision of the presiding officer in the district where they are on the electoral register and leave a letter there containing their ballot shall themselves put the letter into an ordinary ballot box. The ballot box shall be sealed by the presiding officer together with the election commission in question, and the agents of the candidate lists may also place their seals on it.

Other voters shall themselves send their postal votes to the municipality where they are on the electoral register. The presiding officer shall nevertheless be obliged, if a voter so requests, to post the letter and pay the postage. In other respects, the voter shall bear the cost of sending the postal vote.

It shall be sufficient to bring a letter containing an early ballot to any polling ward of the municipality where the voter is on the electoral register.

**■ Article 77. Recording of early ballots.**

The presiding officer shall place a mark in the electoral register against the names of voters who cast their votes at that presiding officer's station, cf. paragraph 1 of Article 74. Any presiding officer who does not have access to an electronic electoral register shall record in a separate register the names of the voters who cast their ballots at that presiding officer's station, the domicile address and personal identification number (*kennitala*) of the voter and the day on which the ballot proceeding took place.

A postal ballot left by a voter with a presiding officer, cf. paragraph 1 of Article 76, shall be numbered and recorded by the presiding officer in the electoral register in continuous numerical sequence. A postal ballot received by the presiding officer shall be recorded in the electoral register and numbered by the presiding officer, identifying the voter from whom it is and when and by whom it was delivered. Such postal ballots shall be kept in the ballot box.

A voter may at all times request any person who keeps that voter's postal ballot, if it is not kept in a sealed ballot box, to return it to the voter up until the time that the ballot has been accepted for processing by the electoral commission, cf. paragraph 1 of Article 93.

The presiding officer shall send the ballot box, together with a printout from the electoral register and, where applicable, a register pursuant to the second sentence of paragraph 1, to the appropriate electoral commission in good time so that the ballot box will have reached the electoral commission no later than when the polling session closes.

List agents may familiarise themselves with the logs and markings made by presiding officers in electoral registers, referred to in paragraphs 1 and 2, at the presiding officer's station. Copying, photographing and transmitting information from a presiding officer's logs and registers is prohibited.

A regulation issued by the Minister after receiving the proposals of the National Electoral Commission may further provide for the arrangement of record-taking by presiding officers and the transmission thereof to an electoral commission under paragraph 4.

**Chapter XIII. Polling stations.****■ Article 78. Determination of polling stations.**

The polling station for each polling ward shall be decided by the municipal council. There may be more than one polling ward in the same polling station.

Polling stations shall be publicised with sufficient notice before the polling session.

**■ Article 79. Facilities in polling wards.**

Each polling ward shall have a suitable number of polling booths designed to enable the casting of votes there without others being able to see how the voter casts the ballot.

In each polling room, there shall be a ballot box. The ballot box shall be designed to render it impossible to remove a ballot paper from it without opening it. Ballot boxes shall be sealed so as to leave visible traces if they have been opened. At the opening of the polling session, the electoral commission shall ensure that the ballot boxes are empty and then seal them using a seal provided by the National Electoral Commission. The Commission shall lay down further rules on arrangements in polling rooms, the size and design of ballot boxes and seals.

The senior electoral commission shall ensure that a sufficient number of ballot boxes are available at any time for use at polling stations.

#### **Chapter XIV. Voting during polling sessions.**

##### **■ Article 80. *Opening of polls.***

A polling session shall be opened at each polling station at 9 a.m.; however, a senior electoral commission may decide that the polling session shall start later, but no later than 12 noon. A fully constituted electoral commission must be present when a polling session is opened. If not all members of the commission are present, the alternates of the members not present shall fill their positions, but if they also are absent, then the member or members of the electoral commission who are present shall appoint voters to sit on the electoral commission until the others arrive.

The opening of a polling session shall be publicised with due notice in the manner in which official notices are customarily published in each location.

##### **■ Article 81. *Role of electoral commissions.***

An electoral commission shall ensure that unlawful campaigning or interference and other activities designed to disrupt or hinder the conduct of the poll do not proceed at the polling station and in the immediate vicinity.

The electoral commission shall sit at a table in the polling room while the voting session is in progress. At no time may more than one member of the electoral commission leave the room, and while leaving the room commission members must entrust their duties to another member of the commission unless an alternate member is available.

After receiving the proposal of the National Electoral Commission, the Minister shall issue a regulation governing the receipt and handling by electoral commissions of ballots cast in early voting, ballot boxes, resources that shall be available at polling stations and in polling booths, electoral commissions' procedures for the reconciliation of votes and other matters relating to voting during polling sessions.

##### **■ Article 82. *Management of polling sessions.***

Voters shall cast their votes in the order in which they present themselves. A voter shall be alone in the polling booth, cf., however, Article 89. Nonetheless, the electoral commission may grant a voter accompanied by a child who cannot be left unattended an exemption from this condition, provided that not doing so would prevent the voter from casting a vote.

Electoral commissions may decide, notwithstanding Article 55, that persons other than voters intending to vote, apart from those employed in the conduct of the election, shall not be allowed in the polling room. Electoral commissions may also limit the number of voters in the polling room if deemed necessary in order to keep order.

##### **■ Article 83. *Producing identification.***

A voter shall identify him- or herself to the presiding officer by producing a personal identification document bearing the voter's name, personal identification number (*kennitala*) and photograph, such as a passport, driving licence or identity card, or by other means deemed satisfactory by the electoral commission.

##### **■ Article 84. *Marks made in electoral registers.***

The electoral commission shall place a mark against the name of the voter in the electoral register before the voter exercises his or her right to vote. Simultaneously with the placing of the mark against the name of the voter in the electoral register, another electoral commission member shall ensure that the mark is correct. If the voter is entitled to vote according to the electoral register, the electoral commission or its representative shall hand the voter the ballot paper. After receiving the ballot paper, the voter shall take it into the polling booth where the voter shall write his or her vote on the ballot paper.

If the electoral register is a printed one, the chairperson of the electoral commission and one of the other commission members shall have in front of them a copy each of the electoral register. Both of them shall place a mark against the name of each voter as soon as the voter has cast the vote.

**■ Article 85. How to cast a ballot in list elections.**

Voters shall cast their votes by making a cross with a writing implement provided by the electoral commission in the square box in front of the alphabet letter of the list on the ballot paper for which they wish to vote.

A voter wishing to change the order of the names on the list for which the voter is casting a vote shall place the number 1 in front of the name that the voter wishes to have at the top, the number 2 in front of the name the voter wishes to have in second place, the number 3 in front of the name the voter wishes to have in third place, etc., changing as much as the voter wishes.

A voter wishing to reject a candidate on the list for which the voter is casting a vote shall cross out that candidate's name.

Voters are not permitted to make any changes to lists for which they are not voting, neither to cross out names on them nor change the order in which the names appear.

**■ Article 86. How to cast a ballot in non-list elections.**

A voter casting a ballot during a polling session in a presidential election shall make a cross with a writing implement provided by the electoral commission in the square box in front of the name of the candidate on the ballot paper for which the voter wishes to vote from among those standing for election.

A voter casting a ballot during a polling session in a referendum shall make a cross with a writing implement provided by the electoral commission in the square box in front of the answer option on the ballot paper for which the voter wishes to vote.

In unrestricted elections to municipal councils, the voter casts a ballot by writing on the ballot paper in the polling booth the full names and addresses of regular council members on the part of the ballot intended for the election of regular members. On the part of the ballot intended for the election of alternates, the voter shall write the names of up to as many alternates as are to be elected and their addresses, in the order in which the voter wishes them to replace regular members.

**■ Article 87. Voters' handling of ballot papers.**

Regardless of whom they vote for, voters shall take care not to make any marks on the ballot paper other than as prescribed in this Act.

When the voter has marked the ballot paper in accordance with the foregoing, the voter shall fold it together in the way that it was when the voter received it and walk out of the polling booth. [The voter shall then place the ballot paper in the ballot box in the presence of the representatives of the electoral commission. Voters shall ensure that no one can see how they have voted.]<sup>1)</sup>

<sup>1)</sup>Act No. 18/2022, Article 6

**■ Article 88. Disturbance to the use of electronic electoral registers.**

In the event that a fault or disturbance renders an electoral register unusable, the voter shall receive a ballot paper and a designated ballot paper envelope. The voter shall then, without assistance and without anyone seeing, write his or her vote on the ballot paper in the polling booth. The voter shall then place the ballot paper in the ballot paper envelope. Next, the voter shall address and sign a designated outer envelope in the presence of the electoral commission, which certifies the casting of the vote. On the outer envelope, it shall be stated that the vote was cast without the electoral commission's access to the electronic electoral register, in addition to stating the timing of the voting and the name and personal identification number (*kennitala*) of the voter. The ballot paper envelope shall be inserted in the outer envelope, which the voter shall then place in the ballot box.

The National Electoral Commission shall ensure that each polling station is equipped with the necessary voting materials to conduct polling under this provision.

**■ Article 89. Assistance with voting.**

Voters are entitled to be assisted when casting their ballots. Such assistance shall be provided by electoral commission members chosen by the voter or an assistant accompanying the voter to the polling station. Assistance shall only be given if the voter him- or herself can tell the person providing the assistance how the voter wishes to cast the ballot.

The voter's assistant must abide by the instructions of the voter and shall be bound by a duty of confidentiality not to disclose what passes between the assistant and the voter in the polling booth.

A candidate, his or her spouse, children, siblings and parents are not permitted to assist with voting.

A voter's assistant is not permitted to become an assistant to more than three voters in the same poll.

After receiving the proposals of the National Electoral Commission, the Minister shall issue a regulation further providing for the conduct of voting assistance, such as electoral commissions' training of assistants, how to record assistance provided in the log book, etc.

■ **Article 90. Spoilt ballot paper.**

If a voter allows someone else to see what is on the voter's ballot paper or makes a mistake in marking it, the ballot paper shall be invalid and must not be placed in the ballot box. In such cases, the voter shall be entitled to receive a new ballot paper and must, in such event, return the previous ballot paper to the electoral commission.

■ **Article 91. Closing of polls.**

A polling session must not be closed until eight hours have passed since it opened, and not until half an hour has passed since the last voter turned up. Polling sessions may, however, be closed when everyone on the electoral register has cast their vote and after five hours if the entire electoral commission and the agents are in agreement on this, provided that at that time, half an hour has passed since the last voter turned up.

Polling sessions must be closed no later than 10 p.m. on polling day. Voters who have turned up prior to that time shall nonetheless be entitled to vote.

■ **Article 92. Receipt and provisional examination of early votes.**

If an electoral commission receives a ballot box containing ballots cast in early voting, cf. Article 77, it shall check whether the box's seals are intact and undamaged. An electoral commission member shall open the ballot box in the presence of list agents. If the agents of a list are not present, the senior electoral commission shall call people from the same candidature, if possible, to safeguard its rights. The postal ballots shall be counted and compared with the presiding officer's records on the poll, cf. paragraphs 1 and 2 of Article 77. The electoral commission shall then open the postal ballots and examine whether the ballot shall be accepted as valid, cf. Article 94. If a ballot is to be accepted as valid, a special mark should be placed provisionally against the name of the voter in the electoral register, but the unopened ballot paper envelope together with the covering letter shall be replaced in the sending envelope, which shall be placed in storage while polling proceeds. If the ballot is not to be accepted as valid, the ballot paper envelope and covering letter shall be stored in the same manner, the reason for rejection of the ballot being recorded on the sending envelope.

Any postal ballots received by the electoral commission or received while polling is underway shall be recorded in the log book. These ballots shall be handled as prescribed in paragraph 1.

If a voter is not on the electoral register in the polling ward (or municipality), the electoral commission shall check where the voter is on the electoral register and, if possible, have the postal ballot delivered to the correct polling ward; otherwise, the postal ballot shall be kept in storage until the closing of polls.

The senior electoral commission may begin sorting ballots under paragraph 1 in good time before polling day so that they can be delivered to the correct polling ward on polling day.

■ **Article 93. Examination of early ballots after the closing of a polling session.**

When a polling session has been closed, the electoral commission shall again check, in the presence of the agents of the candidate lists, the early ballots that it has received and have not been retracted, cf. Article 77.

If the person whose ballot is under consideration is on the electoral register, is entitled to vote and did not vote during the polling session, the electoral commission shall put a mark against his or her name on the electoral register and place the ballot envelope unopened in the ballot box.

If the postal ballot is not accepted as valid, cf. Article 94, a mark shall be made on the envelope as prescribed in the first paragraph of Article 92. The electoral commission shall record the number of early ballots not accepted as valid.

If a voter who has sent an early ballot is not on the electoral register in the polling ward, the electoral commission shall note this specifically in the log book and send such postal ballots separately to the senior electoral commission.

■ **Article 94.** *Early votes not accepted as valid.*

Ballots cast in early voting shall not be accepted as valid if:

a. the sender is not on the electoral register,

b. the sender has waived the right to cast a vote in the polling ward in question, cf. Temporary Provision II,

c. the sender has died before polling day,

d. the sending envelope contains more than one covering letter and one ballot paper envelope,

e. it can be seen that the prescribed voting materials that the National Electoral Commission has had produced have not been used,

f. the rules established for early voting have not been followed,

g. the ballot was not cast during the time specified in Article 68 and paragraph 7 of Article 69.

If more than one early ballot that may otherwise be valid is received from the same voter, only the last such ballot shall be accepted as valid.

■ **Article 95.** *Disputes regarding the validity of early votes.*

In the event of a dispute within an electoral commission, or between an electoral commission and an agent of a candidate list, as to whether an early vote is valid or not, the substance of the dispute shall be recorded accurately in the log book and the ballot paper envelope shall be placed unopened together with the covering letter again inside the sending envelope and submitted for a ruling by the senior electoral commission.

■ **Article 96.** *Valid early votes.*

The electoral commission shall place ballot paper envelopes whose validity is undisputed in the ballot box unopened.

■ **Article 97.** *Measures to be taken after the closing of polls.*

After the closing of a polling session, the electoral commission shall put the voting materials into storage and start the counting of votes.

After receiving the proposals of the National Electoral Commission, the Minister shall issue a regulation setting out further rules on the handling of voting materials after the closing of polls, the packing and sealing of voting materials if they are to be transported to a different location for counting and other matters relating to the functions performed by electoral commissions in this respect.

## **Chapter XV. Counting of votes.**

■ **Article 98.** *Counting in constituencies and municipalities.*

The counting of votes in elections to the Althingi, presidential elections and referendums is conducted at the responsibility of the senior electoral commission of the constituency. The senior electoral commission of a constituency may decide that the vote counting may take place not only where it is based but also at the premises of a regional electoral commission at another location in the constituency. The counting of votes in municipal elections is the responsibility of the senior electoral commission of the municipality.

Senior electoral commissions under paragraph 1 shall make public, with suitable notice prior to the poll, where and when the counting of votes will take place.

The counting of votes must not begin until after 10 p.m. on the night of the polling day, cf., however, Article 99.

If a poll is postponed under Article 124, vote counting must in no case proceed until polls have closed everywhere.

**■ Article 99. Vote counting.**

The counting of votes shall commence as soon as possible after the closing of the polling session.

The sorting of ballot papers and preparations for their counting may begin before the end of the polling session. The sorting of ballot papers and preparations for vote counting shall take place behind closed doors in the location where the counting takes place. The room shall be closed and monitored by the senior electoral commission until the polling session has closed.

Any dispute between the senior electoral commission and any of the list agents as to whether a ballot paper is valid or invalid shall be settled by the senior electoral commission. In elections to the Althingi, any disputed ballot papers shall be sent to the National Electoral Commission, which shall submit them to the Althingi for a ruling on their validity, cf. Article 132. In referendums and presidential elections, any disputed ballot papers shall be sent to the National Electoral Commission, which shall make the ruling on their validity, cf. Article 120. Disputed ballot papers shall be kept separate from valid and invalid ballot papers.

After receiving the proposals of the National Electoral Commission, the Minister shall issue a regulation governing, *inter alia*, the conduct of counting in general elections, the handling of disputed ballot papers, the handling of voting materials and electoral registers and storage and disposal after counting, including the destruction of ballot papers and other documents.

**■ Article 100. Counting in public.**

The counting of votes shall take place in public to afford voters the opportunity to be present, as far as space in the premises permits.

Agents under Chapter X shall be entitled to be present during the counting of votes and to observe its conduct and the compilation of results. If the agents of a list are not present during a count, the senior electoral commission shall call people from the same candidature, if possible, to safeguard the candidature's rights.

**■ Article 101. Counting of votes in the event of disturbance to the use of an electronic electoral register.**

In the event of a disturbance to the use of an electronic electoral register, the electoral commission shall examine whether the voters that have submitted a ballot paper envelope under Article 88 are on the electoral register and shall place a mark against their names thereon. If a voter was not on the register in the constituency in which he or she cast the ballot, that vote shall be deemed to be invalid.

If a voter cast a ballot both on the basis of the electoral register and under Article 88, the latter ballot shall be deemed to be invalid. The same applies to later ballots that a voter may have cast under Article 88 in addition to the first one.

Ballots deemed invalid under paragraph 1 or 2 shall be kept by the senior electoral commission under seal until a ruling has been made on the validity of the poll. Thereafter, the ballots shall be destroyed.

**■ Article 102. Assessment of the validity of a vote in a poll.**

A vote cast in a polling session in an election to the Althingi, a municipal election or

a. presidential election shall be deemed to be invalid if: a. the ballot paper is blank,

b. the voter has not placed a cross in the box, cf. paragraph 1 of Article 85 and paragraph 1 of Article 86,

c. it is not possible to see with certainty which candidate list or candidate the voter wished to cast the vote for,

d. a mark or writing on the ballot paper may be inferred to have been added intentionally to make the ballot paper identifiable,

e. the ballot paper is not the one that the National Electoral Commission or the senior electoral commission of the municipality has had produced under Chapter XI.

**■ Article 103. Assessment of the validity of an early vote.**

A ballot cast in early voting shall be deemed to be invalid if.

a. the ballot paper is blank,

- b. it is not possible to see with certainty which candidate list or candidate the voter wished to cast the vote for,
- c. a mark or writing on the ballot paper may be inferred to have been added intentionally to make the ballot paper identifiable,
- d. d. ...,<sup>1)</sup>
- e. the envelope containing the early ballot paper contains other things exceeding one ballot paper,
- f. the voting materials prescribed by the National Electoral Commission were not used to cast the vote.

<sup>1)</sup>Act No. 18/2022, Article 7

■ **Article 104. Assessment of the validity of a vote cast in a referendum.**

A vote cast in a referendum, whether in early voting or during a polling session, shall be deemed to be invalid if:

- a. the ballot paper is blank,
- b. it is not possible to see with certainty which answer option the voter wished to cast the vote for, cf. paragraph 2 of Article 86,
- c. a mark or writing on the ballot paper may be inferred to have been added intentionally to make the ballot paper identifiable,
- d. the ballot paper is not the one that the National Electoral Commission has had produced under Chapter XI.

When assessing the validity of a vote where the Althingi has decided to include more questions on the ballot paper or that their wording shall be different, cf. paragraph 3 of Article 66, the validity for each question shall be assessed independently. A ballot cast shall not be deemed to be invalid in its entirety even if the voter has not expressed, or has failed to express, a preference on any individual questions on the ballot paper, provided that the ballot cast is valid in other respects.

The assessment of the validity of a ballot cast in early voting shall respect the conditions of [points (e) and (f) of Article 103.]<sup>1)</sup>

<sup>1)</sup>Act No. 18/2022, Article 8

■ **Article 105. Flawed ballots.**

A ballot shall not be deemed invalid despite being flawed if it is clear how the vote is intended to be cast, unless it clearly violates one or more of the points of Articles 102–104. Thus, a ballot shall be deemed to be valid even if the mark has been made not in the square box next to the alphabetical list letter but, e.g., outside it, even if the cross is poorly formed, even if a check mark instead of a cross has been placed in the square box, etc.

A ballot shall be deemed to have been cast for a list even if no mark has been placed against the alphabetical letter of the list if a name or names on it have been numbered or a cross or check mark has been placed against a name, provided that there are no other flaws.

A ballot cast in early voting shall be deemed to have been cast even if the voter has placed a mark for a candidate who is deceased, cf. Article 43.

In unrestricted elections to a municipal council, a vote shall not be deemed to be invalid even if a first name, last name or address are missing if it is nonetheless clear to whom it refers.

The senior electoral commission shall record in its log book the number of ballot papers that it has ruled to be invalid and the reasons for the invalidation.

After receiving the proposals of the National Electoral Commission, the Minister shall issue a regulation on the assessment of the validity of ballot papers.

■ **Article 106. Completion of counting in elections to the Althingi.**

Immediately after completing the counting for elections to the Althingi, the senior electoral commissions of constituencies shall send the National Electoral Commission a report on the count results. The Commission shall compile the number of votes received by each candidate list in each constituency and calculate the numbers of votes for lists and candidates, cf. Article 112.

**■ Article 107. Count result announcement.**

Once the counting of votes is complete, the senior electoral commission of the municipality in municipal elections, the senior electoral commission of the constituency in elections to the Althingi and the National Electoral Commission in presidential elections and referendums shall announce the count result. The announcement shall specify how many ballots were unmarked and how many were invalid for other reasons.

**Chapter XVI. Allocation of parliamentary seats in the Althingi.****■ Article 108. Allocation meeting of the National Electoral Commission.**

When the National Electoral Commission has received all polling result reports following a general election to the Althingi, cf. Article 106, it shall allocate parliamentary seats, constituency seats and adjustment seats. The National Electoral Commission shall publicise, with suitable notice, where and when the meeting is to be held for this purpose so as to give the agents of political organisations putting forward candidates, cf. Article 59, the opportunity to attend it.

**■ Article 109. Allocation of constituency seats.**

The following procedure shall be used to determine how many candidates from each list have been elected in each constituency:

1. The number of votes cast for each list shall be divided by 1, 2, 3, 4, etc. The quotients are then recorded for each list.
2. The list with the highest quotient receives the first constituency seat. That quotient is then eliminated. The list that then has the highest quotient receives the second constituency seat. This procedure continues until as many seats as are to be elected have been allocated, cf. paragraph 2 of Article 9.
3. If two or more quotients being considered under point 2 are equal, lots shall be drawn to determine their order.

**■ Article 110. Allocation of adjustment seats.**

Only political organisations that have received at least five per cent of the valid votes cast in the country as a whole shall qualify for consideration when allocating adjustment seats.

To establish how many adjustment seats fall to a political organisation meeting the conditions of paragraph 1 and which of their candidate lists are to be allocated adjustment seats, the total number of votes they have received in the entire country and the constituency seats they have received under Article 109 shall first be counted. The following procedure shall then be applied for these organisations:

1. The number of votes cast for the organisation shall be divided by the number of its constituency seats, augmented first by 1, then by 2, then by 3, etc. The quotients so produced are designated as the organisations' 'national indices'.
2. A list shall be drawn up of the two seats of each candidate list that came closest to receiving allocations in a constituency under Article 109. Against each of these seats, the proportion that the quotient for the seat under point 1 of Article 109 constituted of all valid votes cast in the constituency shall be recorded.
3. The highest national index not already eliminated under point 1 shall be found. For those political organisations that then have national indices, the highest quotient for a list under point 2 shall be found, and an adjustment seat shall be allocated to that list. The national index and the quotient shall then both be eliminated.
4. If two or more national indices or quotients being considered under point 3 are equal, lots shall be drawn to determine their order.
5. When adjustment seats have been allocated in each constituency according to paragraph 2 of Article 8, the quotients of all the lists in that constituency shall be eliminated.
6. If all the quotients of a political organisation have been eliminated, then all its national indices shall also be eliminated.

7. The provisions of point 3 shall be applied as often as necessary until all the adjustment seats under paragraph 2 of Article 9 have been allocated.

■ **Article 111.** *Adjustment MPs and deputy MPs.*

Candidates who are allocated adjustment seats shall be regarded as MPs of the constituency in which they stood for election, in the order in which the seats are allocated under Article 110.

When a candidate list in a constituency has had one or more MPs elected in accordance with Article 109 or Article 110, those on the list not elected shall become deputy MPs in the order in which they appear on the list.

■ **Article 112.** *Numbers of votes cast for candidates.*

Only those candidates occupying the top positions on their lists shall qualify as the potential MPs and deputy MPs of each candidate list in a constituency; they shall be twice as many as the number of seats allocated to each list according to the result of the election, cf. Articles 109 and 110, though never fewer than three. This number of candidates is referred to as the 'ranking number' of the list.

To determine which of these candidates have been elected, the National Electoral Commission shall calculate the number of votes cast for the candidates who qualify according to paragraph 1. The candidate occupying the first seat on an unaltered candidate list, or who is placed in that seat on an altered list, receives one vote. The candidate who, in the same way, occupies the second seat shall receive a fraction of a vote, calculated as follows: the denomination subscriber shall be the ranking number, while the numerator shall be that number less one. The numerator shall then be reduced by one for each successive rank position.

The candidate who receives the highest number of votes on each list in accordance with paragraph 2 is allocated the first seat of the list. The candidate who receives the second highest number of votes is allocated the second seat, and so on until the allocation of parliamentary seats and deputy seats is complete. If two or more candidates receive an equal numbers of votes, the order in which they are ranked on the list shall be decided by lot.

Candidates other than those qualifying as potential MPs and deputy MPs under paragraph 1 shall retain the positions they occupy on their candidate lists regardless of alterations made on ballot papers.

■ **Article 113.** *Notification and publication of results.*

Immediately after it has allocated parliamentary seats according to Articles 109-112, the National Electoral Commission shall notify the elected MPs and deputy MPs of the results and that they have been elected to the Althingi.

As soon as the notification under paragraph 1 has been sent out, the National Electoral Commission shall inform the Ministry of the election results and send the names of the elected MPs and deputy MPs for publication in the *Government Gazette*.

■ **Article 114.** *Disputes about election results and the allocation of parliamentary seats.*

In the event of a dispute between the agents of political organisations participating in a parliamentary election and the National Electoral Commission concerning the election results and the allocation of parliamentary seats, the agents shall be entitled to have the dispute recorded in the National Election Commission's log book. The National Electoral Commission shall submit to the Althingi at the beginning of the parliamentary session a transcript of the record on its log book concerning the allocation of parliamentary seats, and any disputed documents, together with its reasoned commentary, cf. paragraph 2 of Article 132.

■ **Article 115.** *Re-allocation following repeat election.*

If, after an ordinary parliamentary election, the Althingi has ruled that the election of a particular list is invalid and a repeat election has been held, cf. Article 132, the National Electoral Commission shall then reallocate the constituency seats where the repeat election was held in accordance with Article 109 and allocate adjustment seats again in accordance with Article 110. The previous allocations shall be thereby annulled.

**Chapter XVII. Voting results of municipal elections.****■ Article 116. Numbers of votes cast for candidate lists.**

In restricted proportional elections, all the votes received by each list shall be counted to give the total number of votes for each list.

The following procedure shall be used to determine how many candidates have been elected from each list:

1. The number of votes cast for each list shall be divided by 1, 2, 3, 4, etc. The quotients are then recorded for each list.

2. The list with the highest resulting figure receives the first representative. That quotient is then eliminated. The list that now has the highest resulting figure receives the second representative. This process shall continue until as many representatives as are to be elected have been allocated.

3. In the event that there are too few names on a list when representatives are selected as provided for in point 2, this list shall be disregarded in further selection.

4. If two or more quotients being considered under point 2 are equal, lots shall be drawn to determine their order.

**■ Article 117. Numbers of votes cast for candidates**

In order to determine which candidates have been elected from each list, the electoral commission shall calculate the number of votes for candidates in accordance with Article 112.

When one or more regular council members have been elected from a list in restricted proportional elections, the candidates on the list who were not elected shall be alternates.

**■ Article 118. Results of unrestricted elections.**

When elections are unrestricted, the candidates receiving the most votes as regular council members shall be the duly elected regular councillors. If two or more candidates receive an equal number of votes and not both or not all of them can be elected, the election shall be determined by lot.

Where elections are unrestricted, the alternates shall be equal in number to the regular councillors. Alternates shall be selected by number of votes as follows: The first alternate shall be the person receiving the most votes for the first position on the list of alternates in addition to the votes he or she received for the seat of a regular member. The second alternate shall be the person receiving the most votes for the second position on the list of alternates in addition to the votes he or she received for the seat of a regular member and for first position on the list of alternates. The election of other alternates shall be determined in the same manner until the seats of all members to be elected are filled. Should two candidates receive an equal number of votes for an alternate's seat, which of them is to be elected shall be determined by lot. The one not selected shall take the seat of the next alternate, with the alternates below them thereby moving by one position.

**■ Article 119. Notification to new municipal councillors.**

The senior electoral commission of a municipality shall notify the elected regular and alternate members of the municipal council of the election results and that they have been elected to serve on the municipal council. The senior electoral commission shall also send the newly elected municipal council a statement of the election results.

**Chapter XVIII. Results of presidential elections and referendums.****■ Article 120. Declaration of results.**

Once the counting of votes is complete in a presidential election or a referendum, the senior electoral commissions of constituencies shall send the National Electoral Commission a report on the count result together with any ballot papers disputed within the senior electoral commission or between it and agents.

When the National Electoral Commission has received the documents from senior electoral commissions, it shall publicise with a 14 days' notice where and when it will convene to make rulings on the validity of disputed ballot papers and declare the result of the election in order

that the presidential candidates and agents, as the case may be, have the opportunity to be present.

Thereafter, the National Electoral Commission announces the results of the presidential election or referendum and publishes the results.

■ **Article 121.** *Eligibility of presidential candidates.*

Any dispute concerning eligibility to stand for election as a presidential candidate shall be settled by the National Electoral Commission.

■ **Article 122.** *A single candidate in a presidential election.*

In the event that only a single person has stood for election in a presidential election, this person shall be the duly elected President of Iceland, provided that he or she meets the eligibility criteria for election. In such event, the National Electoral Commission shall issue a notice to that effect after the expiry of the deadline for submitting candidatures.

■ **Article 123.** *Conditions for passing a proposition in a referendum.*

In order for a question or proposition put to a referendum to be deemed to have passed, it must receive the majority of valid votes in the referendum, cf. paragraph 2 of Article 104. If there are more than one answer option on the ballot paper, the proportions of votes shall be calculated based on the total number of voters expressing a preference on each individual question.

If approval is rejected in a referendum under Article 26 of the Constitution, the National Electoral Commission shall also publish a separate notice to that effect in Section A of the *Government Gazette* no later than two days after the referendum result becomes known.

The result of a referendum under paragraph 2 of Article 2 is advisory.

#### **Chapter XIX. Postponement/suspension of polls and repeat polls.**

■ **Article 124.** *Postponement of polls.*

If polling does not proceed in a polling ward on the specified polling day because of circumstances beyond control, the senior electoral commission shall call a new polling session to be held within one week.

A senior electoral commission may postpone polling in a polling ward after the polling session begins if it considers that circumstances beyond control prevent it from proceeding and all members of the electoral commission agree on the postponement. If polling is postponed, a new polling session shall be called in the same manner as prescribed in paragraph 1.

The provisions of Chapter XIV shall apply to the latter polling day, as appropriate.

■ **Article 125.** *Repeat poll.*

If a poll is ruled to be invalid, a new poll shall be called and the polling day shall be decided as soon as possible, no later than within one month.

If a referendum under paragraph 2 of Article 2 has been deemed invalid, the Althingi shall decide whether to repeat it.

In other respects, the new referendum shall proceed in accordance with the provisions of this Act.

#### **Chapter XX. Statistical reporting.**

■ **Article 126.** *Reports and information for Statistics Iceland.*

Registers Iceland shall provide Statistics Iceland with access to electoral registers, including electronic electoral registers, for statistical reporting. Information regarding polling, assistance at polling stations and turnout by gender, age, nationality, residence and other parameters that may shed light on turnout and the conduct of elections may be processed.

If a municipal council has obtained an exemption in order to use a printed electoral register, the senior electoral commission of the municipality shall send Statistics Iceland a report on the poll, written on forms provided by Statistics Iceland, and shall process specifically the data required by Statistics Iceland.

When processing information under paragraphs 1 and 2, senior electoral commissions and Statistics Iceland shall comply with the provisions of the Act on Data Protection and the Processing of Personal Data.

### **Chapter XXI. Poll complaints.**

#### **■ Article 127. *Complaints regarding elections to the Althingi.***

The Althingi shall decide whether MPs are duly elected and whether an MP is disqualified from election.

If a voter brings a complaint alleging that an MP who has been elected failed to meet any of the eligibility criteria to stand as a candidate, or that a candidate list was unlawfully put forward for election or elected, so that the election should be declared invalid, that voter shall, within seven days of the official notice of the election result, send a complaint to the National Electoral Commission. The Commission shall immediately notify the agents of the candidate list of the complaint and submit it before the Althingi immediately at the beginning of the parliamentary session.

#### **■ Article 128. *Complaints relating to municipal elections.***

Complaints of illegitimacy of municipal elections, other than of a criminal nature, shall be sent to the Election Appeal Committee within seven days of the declaration of the election results.

If a complaint is submitted within the deadline for lodging complaints under paragraph 1 and the Committee declares the election invalid, the outgoing municipal council shall not be dissolved until a new election has taken place and the Committee has ruled on any complaints lodged in relation that election.

The Election Appeal Committee shall issue a ruling within four weeks from receiving a complaint unless the matter is very large in scope, in which case the ruling shall be delivered within six weeks.

#### **■ Article 129. *Complaints regarding presidential elections and referendums.***

Complaints of illegitimacy of presidential elections and referendums, other than of a criminal nature, shall be submitted to the Election Appeal Committee for resolution no later than seven days before a meeting pursuant to Article 120.

The Election Appeal Committee shall issue rulings within four weeks from receiving a complaint unless the matter is very large in scope, in which case the ruling shall be delivered within six weeks.

#### **■ Article 130. *Flaws leading to invalidation of a poll.***

Flaws in candidacies or polling shall not lead to the invalidation of the poll unless they are likely to have influenced its results.

#### **■ Article 131. *Rights of voters.***

No voter who has cast a vote in an election or referendum shall be obliged to reveal in court, in any case, how he or she voted.

### **Chapter XXII. Althingi's rulings on the validity of polls.**

#### **■ Article 132. *Investigations of elections to the Althingi and invalidation.***

The Althingi shall make rulings on the validity of parliamentary elections, the eligibility of MPs to stand and their election, on its own initiative or on the basis of a complaint received. The Althingi shall also make rulings on the validity of disputed ballot papers.

The National Electoral Commission submits to the Althingi a reasoned opinion on any complaints regarding the validity of polls and on the assessment of incoming MPs' eligibility for election and the validity of disputed ballot papers. The Commission shall also provide the Althingi with all documents and information required by the Althingi for its deliberations under this Article.

The Althingi shall invalidate the election of an MP:

a. if he or she is ineligible for election,

b. if his or her candidature or election is flawed in a manner likely to have affected the result of the election,

c. if flaws relating to his or her candidature or election may be attributed to deliberate and material irregularities for which the candidate or the candidate's agents or nomination subscribers are responsible, even if these irregularities did not affect the result of the election; if the irregularities concern the list as a whole, the same shall apply to all MPs elected from the list,

d. if he or she stood for election on two lists in a constituency or constituencies in the same elections to the Althingi.

In the event that the Althingi rules that the election of an entire candidate list in a constituency is invalid, a repeat election shall be held there.

### **Chapter XXIII. Newly elected municipal council.**

#### **■ Article 133.** *A new municipal council taking office.*

An incoming municipal council shall take office 15 days after election day and the outgoing municipal council shall step down at the same time.

A municipal councillor may request postponement of the implementation of any decision taken by the municipal council between election day and the time when the incoming municipal council takes office, in which case the matter shall be submitted anew before the council at its first sitting. If the implementation of the decision cannot be postponed, the aforesaid option shall not be used, provided that authorisation for the matter's progress exists in the budget, legislation or general administrative provisions or by authorisation from the ministry with the portfolio for municipal affairs.

#### **■ Article 134.** *Invalidation of municipal election after a new municipal council takes office.*

In the event that the Election Appeal Committee declares elections invalid after an incoming municipal council takes office, that municipal council shall remain in office until new elections have been held and rulings have been made on any complaints arising in relation to the repeat election.

After the expiry of the outgoing municipal council's electoral term and until the duly elected municipal council takes office under the provisions of this Article, the outgoing municipal council shall not carry out any payments nor undertake any obligations on behalf of the municipality except as authorised in the budget, by law or by general administrative provisions, or by authorisation from the ministry with the portfolio for municipal affairs.

### **Chapter XXIV. Penalties.**

#### **■ Article 135.** *Procedure for non-poll complaints.*

Complaints due to breaches of this Act, insofar as these are not subject to a ruling by municipal councils, the National Electoral Commission, electoral commissions, the Althingi or the Election Appeal Committee, shall be referred to a district prosecutor and shall be subject to the same procedures as criminal proceedings.

#### **■ Article 136.** *Minor breaches.*

The following breaches shall be subject to a fine, unless a more severe penalty is prescribed under other Acts:

a. if a municipal council, electoral commission, early voting presiding officer or a public official deliberately conducts the prescribed implementation of this Act in an unlawful manner or neglects such implementation,

b. if a person stands for election as an MP, municipal councillor or the President of Iceland knowing that he or she is not eligible for election,

c. if a person stands for election on more than one candidate list,

d. if a voter deliberately spoils his or her ballot when voting during a polling session or when casting an early vote,

e. if a person surreptitiously observes how a voter is voting, or has voted,

g. if a person deliberately fails to deliver a postal ballot entrusted to him or her, or deliberately delays the sending of ballots and election materials,

d. if a person gives inaccurate or misleading information about him- or herself or other persons, such as the name, age, residence in Iceland, address or other details, which leads, or could lead, to the inclusion of a person on an electoral register who is not entitled to be on it, or the non-inclusion, or removal, of a person from an electoral register who is entitled to be on it, or someone being made to vote instead of another person who is on the electoral register; this applies particularly to cases where someone claims, without proper reason, to be domiciled in a constituency merely in order to be included on the electoral register there, providing that no more severe punishment is prescribed under other provisions of this Act or under other Acts,

h. if a person gives misleading instructions on voting procedure,

i. if an electoral commission member or early voting presiding officer surreptitiously observes how a voter is voting, or has voted, or deliberately gives misleading instructions on voting procedure,

j. if an electoral commission member, early voting presiding officer or a voter's assistant who provides assistance divulges how a voter he or she assisted voted,

k. if an electoral commission member, early voting presiding officer or a person who has undertaken to transport voting materials delays their reaching their destination,

l. if a person makes it difficult for anyone to attend a polling session or early voting,

m. if a person casts votes at two locations in the same election or referendum,

n. if a person offers money or other benefits to someone, or promises someone money or other benefits, in order to influence whether, or how, he or she votes, or if a person deprives someone of employment or other benefits, or threatens to do so, for the same purpose,

o. if a person accepts money or other benefits in return for casting a vote, not voting or voting in a particular manner,

p. if a voter's assistant under Article 74 or 89 assists more than three voters at the same election.

■ **Article 137. Major breaches.**

□ Imprisonment of up to four years may be imposed:

a. if a person falsifies a declaration of support for a candidate list or presidential candidate,

b. if a person uses coercion or violence, or threats of violence, in order to interfere with someone's freedom to exercise their vote, either by forcing them to vote, preventing them from voting or by forcing them to vote in a manner other than they wish to,

c. if a person deliberately falsifies polling, either by misplacing a ballot, altering a vote, damaging or losing a consignment of votes, producing ballot papers that closely resemble those used in polling and using them him- or herself, or giving them away so that other persons can use them, or by tampering with the result of a vote count or in another manner.

**Chapter XXV. Miscellaneous provisions.**

■ **Article 138. Election monitoring.**

□ Icelandic and foreign election monitors from organisations or institutes may obtain the National Electoral Commission's authorisation to monitor the conduct of polls under this Act.

□ If election monitors have been granted an authorisation under paragraph 1, the municipal councils, electoral commissions, presiding officers, senior electoral commissions and the National Electoral Commission shall be obliged to receive them and facilitate all their monitoring activities. Election monitors shall be obliged to comply with the instructions and polling session rules set by electoral commissions, senior electoral commissions and the National Electoral Commission.

□ The National Electoral Commission shall prepare special identification documents for election monitors, which they shall carry during their activities and produce on request.

■ **Article 139. Expenditure.**

□ Expenditure on municipal elections, including the costs of voting materials and implements provided by the National Electoral Commission and costs relating to the functions

administered by Registers Iceland, shall be paid by municipalities unless otherwise specified in this Act.

Other expenditure on the implementation of this Act shall be paid from the National Treasury, including the costs of poll-related tasks performed by Registers Iceland.

■ **Article 140.** *Scope of application with respect to other rules of law.*

The Administrative Procedures Act and general uncodified rules of administrative law shall govern decisions regarding the rights and duties of persons taken by the Election Appeal Committee, the National Electoral Commission, senior electoral commissions of constituencies, senior electoral commissions of municipalities and presiding officers. However, the provisions of Articles 27–29 of the Administrative Procedures Act regarding the time limit for lodging complaints shall not apply.

The Information Act applies to the activities of the Election Appeal Committee, the National Electoral Commission, the senior electoral commissions of constituencies, the senior electoral commissions of municipalities and presiding officers under this Act. The Althingi Ombudsman monitors their government administration as further prescribed by the Act on the Althingi Ombudsman.

■ **Article 141.** *Confidentiality.*

Those administering the conduct of polls shall maintain as confidential any information of which they become aware in the course of their duties and that should be kept secret in accordance with this Act.

No electoral commission member, presiding officer or voter's assistant shall divulge how a voter whom he or she has assisted voted.

#### **Chapter XXVI. Amendments to this Act.**

■ **Article 142.** *Conditions for amendments.*

This Act may be amended as prescribed in the Constitution.

The provisions of Article 6 regarding constituency boundaries and the provisions of Articles 109–110 on the allocation of parliamentary seats may only be amended with the approval of 2/3 of votes cast in the Althingi, cf. paragraph 6 of Article 31 of the Constitution.

#### **Chapter XXVII. Entry into force, etc.**

■ **Article 143.** *Entry into force, etc.*

This Act shall enter into force on 1 January 2022.

...

Elections to the Althingi held at the end of a current electoral term, postponement and repeat elections resulting therefrom, poll complaints and rulings made by the Althingi regarding the validity of polls shall be governed by the Act on Parliamentary Elections to the Althingi No. 24/2000.

Regulations, rules and other directions and instructions made under the Act on Parliamentary Elections to the Althingi shall remain in force insofar as they do not contravene this Act.<sup>1)</sup>

<sup>1)</sup>See currently: Regulation No. 713/2012. Regulation No. 848/2021. Directions No. 954/2021. Official Notice No. 960/2021. Regulation No. 1031/2021. Official Notice No. 1108/2021.

■ **Article 144.** *Amendments to other Acts. ...*

#### **Temporary Provisions.**

■ **I.**

Persons meeting the conditions of Article 1 of the Act on the Rights of Danish Citizens in Iceland No. 18/1944, cf. Article 1 of Act No. 85/1946, shall be admitted to the electoral register of each municipality.

■ **II.**

In the event that a municipality has obtained an exemption in order to use a printed electoral register and a voter who is not on the electoral register turns up to vote, the electoral commission may permit the voter to cast a vote if either of the following two criteria is met:

1. The voter produces a certificate signed by the chairperson of the municipal council or the executive director of a municipality, stating that the voter has waived the eligibility to vote where he or she is on the electoral register, provided that the electoral commission of the polling station where the voter intends to exercise the right to vote has received a notification identifying the voters to whom the municipality has issued such certificates.

2. The voter signs a request on a designated form to waive the eligibility to vote in the polling ward where his or her name is on the electoral register and the electoral commission for the polling station where the voter wishes to exercise the right to vote confirms this waiver by the signature of the chairperson or two members of the electoral commission.

The electoral commission is not authorised to confirm a certificate or a request to waive the eligibility to vote unless it is demonstrated, in a manner deemed valid by the electoral commission, that the voter's name is on the electoral register of another polling ward in the same constituency and that the voter has not voted there. A comment shall be entered in the electoral register where the voter's name is recorded stating where the voter is exercising the right to vote and this shall be recorded in the log book. The waiver shall be entered in the election log book of the local electoral commission under whose jurisdiction the voter exercises the right to vote and the original of the certificate shall be sent to the senior electoral commission together with the log book of the polling ward where the certificate was submitted and used.

■ [IV.III.]

<sup>1)</sup>

When the members of the National Electoral Commission are appointed for the first time under Article 12, the chairperson of the Commission shall be elected as a regular member for a term of five years and the chairperson's alternate shall be appointed for the same term. The other Commission members elected by the Althingi shall be appointed for, respectively, a term of one year and a term of three years and their alternates shall be elected for the same respective terms. The term for each of these two representatives shall be determined by lot. One of the two representatives of the Icelandic Association of Local Authorities shall be appointed for a term of two years, the other for a term of four years and their alternates for the same respective terms. The term for each of the two representatives of the Association shall be determined by lot.

Upon the entry into force of this Act on 1 January 2022, the mandate of the National Electoral Commission elected under the Act on Parliamentary Elections to the Althingi No. 24/2000 shall expire.

<sup>1)</sup>Act No. 113/2021, Article 1

■ [IV.]

Notwithstanding the provisions of Article 143, the Minister shall appoint a three-member committee entrusted with preparing the implementation of the Act. The Presidium of the Althingi nominates one member of this committee, who shall be the chairperson, the Icelandic Association of Local Authorities nominates one member and the Minister appoints one member without nomination. The committee shall operate until the Althingi has elected its representatives to the National Electoral Commission, and the Minister has appointed the members of the Commission pursuant to Article 12.]<sup>1)</sup>

<sup>1)</sup>Act No. 113/2021, Article 2

■ [V.]<sup>1)</sup>

Notwithstanding the provisions of Article 143, [the committee under Temporary Provision (IV)]<sup>2)</sup> may:

- a. appoint a Director under paragraph 1 of Article 13,
- b. decide the location of the office of the National Electoral Commission pursuant to paragraph 3 of Article 13,
- c. conclude a service agreement with Registers Iceland under paragraph 2 of Article 21,
- d. prepare rules and proposals for the Minister for regulations as further prescribed by the Act,
- e. prepare other measures under this Act, as required.

<sup>1)</sup>Act No. 113/2021, Article 2 <sup>2)</sup>Act No. 113/2021, Article 3

**■ [VI.]<sup>1)</sup>**

Notwithstanding the provisions of Article 143, Registers Iceland shall upon the passing of the Act commence the necessary preparation for the creation and operation of an electronic electoral register, cf. paragraph 1 of Article 21. Registers Iceland shall also prepare the issuance of the rules and directions with which it is entrusted under this Act.

For the conduct of the 2022 municipal election, municipal councils are not obliged to use an electronic electoral register, cf. Article 34. [The committee under Temporary Provision IV]<sup>2)</sup> may, for the purpose of commencing the introduction of an electronic electoral register, request individual municipal councils to use an electronic electoral register during the election. During that preparation, [the committee under Temporary Provision IV]<sup>2)</sup> shall consult with Registers Iceland, the Icelandic Association of Local Authorities and the municipal council in question. Other municipalities not taking part in the preparation of the electronic electoral register shall use a printed electoral register.

After the 2022 municipal elections, the National Electoral Commission shall deliver a report to the Minister outlining the experience of using the electronic electoral register and proposing improvements as deemed necessary. During the preparation of the report, the National Electoral Commission shall consult the senior electoral commissions of municipalities as appropriate, in addition to Registers Iceland. The Minister shall present the contents of the National Electoral Commission's report to the Althingi and to the relevant parliamentary committee.

<sup>1)</sup>Act No. 113/2021, Article 2; <sup>2)</sup>Act No. 113/2021, Article 4

**■ [VII.]<sup>1)</sup>**

Notwithstanding the provisions of Article 143, the Minister shall upon the passing of the Act appoint a working group entrusted with considering early voting procedures. The working group shall consider the practice of early voting being administered by district commissioners' offices and the experience thereof, in addition to instances where municipalities have undertaken to manage early voting in rural areas. The working group shall evaluate access and the need for this service in different regions given opening hours, distances and the number of voters and assess who would be best suited to administer early voting and to provide the service. The working group shall also consider the impact of electronic electoral registers on early voting procedures. Lastly, the working group shall examine the division of expenditures on these activities between district commissioners and municipalities. The working group shall submit its results to the Minister together with improvement proposals before 1 September 2022.

<sup>1)</sup>Act No. 113/2021, Article 2

**■ [VIII.]<sup>1)</sup>**

The Minister of Justice shall in consultation with the National Electoral Commission, the Icelandic Association of Local Authorities and the Althingi have a further analysis performed of postal voting by overseas Icelandic citizens in general elections. Particular consideration shall be given to ballot secrecy and how to ensure the secure conduct of such postal voting.

The Minister shall submit the results of this work to the Althingi no later than at the start of the parliamentary session in the autumn of 2022.

<sup>1)</sup>Act No. 113/2021, Article 2

**■ [IX.]**

Notwithstanding the provisions of point 7 of paragraph 2 of Article 22, Article 143 and point 3 of Article 144, the Local Government Elections Act No. 5/1998 and the Act on Parliamentary Elections to the Althingi No. 24/2000 shall remain in force during polls for the inhabitants of municipalities on the basis of Articles 38, 107 and 119 of the Local Authorities Act No. 138/2011 held before 14 May 2022. The conduct of these polls shall be governed by the Local Government Elections Act No. 5/1998 and the Act on Parliamentary Elections to the Althingi No. 24/2000, as appropriate.<sup>1)</sup>

<sup>1)</sup>Act No. 137/2021, Article 1

**■ [X.]**

For the municipal elections to be held on 14 May 2022, postal ballots may also, notwithstanding the provisions of paragraph 5 of Article 74, be sent to the district commissioner

of the administrative district in which the voter believes he or she is on the electoral register. Notwithstanding the provisions of point (e) of paragraph 1 of Article 94, ballots cast in early voting may be accepted as valid even if older voting materials are used, if the sending envelope is marked with the name and address of the voter and/or a covering letter is used containing text to the effect that assistance is permitted because of the voter's poor eyesight or inability to use his or her hand together with a rights protection officer's certificate. Notwithstanding the provisions of point (f) of Article 103, a ballot cast in early voting shall not be deemed invalid even if older voting materials are used, if the sending envelope is marked with the name and address of the voter and/or a covering letter is used containing text to the effect that assistance is permitted because of the voter's poor eyesight or inability to use his or her hand together with a rights protection officer's certificate.]<sup>1)</sup>

<sup>1)</sup>Act No. 18/2022, Article 9

■ [XI.

The National Electoral Commission shall issue notifications under paragraph 1 of Article 113 to those deputy MPs who were not issued with election certificates after the parliamentary elections held on 25 September 2021, and shall send the names of the elected MPs together with the names of the deputy MPs for publication in the *Government Gazette* under paragraph 2 of Article 113.]<sup>1)</sup>

<sup>1)</sup>Act No. 18/2022, Article 9