

**Official Note**

of Hochschule Geisenheim University



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According to § 1 of the Statutes of Hochschule Geisenheim University regulating the promulgation of Statutes of January 23, 2013 (State Gazette 10/2013 of March 4, 2013, p. 394/395) the 4th amendment to the

**Election Regulations of Hochschule Geisenheim University**

is published herewith.

Based on § 36 Section 2 No. 1 of the Hessian Higher Education Act (Hessisches Hochschulgesetz, HHG) in its version of December 14, 2009 (GVBl\*. I p. 666), last amended by Art. 2 of the Act of December 18, 2017 (GVBl\*. p. 482), the Academic Senate of Hochschule Geisenheim University adopted the amendment to the election regulations on December 15, 2020.

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**Tabular Overview of the Version Information**

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\* Gesetz- und Verordnungsblatt (Law and Ordinance Gazette)

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## **Chapter 1: Principles for Committee Elections and Candidates Elections**

### **§ 1 Scope of Application**

- (1) These election regulations shall apply to all elections to the committees determined by the University Constitution (Hessian Higher Education Act and Constitution of Hochschule Geisenheim University). These include in particular the direct elections to the Academic Senate, the committees, commissions and the Department Council as well as the election and deselection of the President and the Vice-Presidents.
- (2) References to paragraphs without further details given refer to these election regulations.

### **§ 2 Election Principles**

- (1) All elections and deselections shall be held using ballot boxes, unless otherwise provided for in these election regulations.
- (2) Postal voting shall be permitted only for the election of the Academic Senate.
- (3) Electronic voting shall be permitted only for committee elections.

### **§ 3 Election Bodies**

- (1) Election bodies are
  1. the Election Committee and
  2. the Election Officer, exercised by the Chancellor, unless otherwise provided for in these election regulations.
- (2) The election bodies may call on election assistants to fulfil their tasks. The Election Officer shall appoint deputies in writing and may be represented by them in the performance of his/her duties.
- (3) Any activities carried out as Election Officer, as Election Committee members and election assistants are on a voluntary basis. The Election Officer, the members of the Election Committee and the election assistants are obliged to fulfil their duties impartially and with due diligence.
- (4) In order to participate in the election and to conduct the election, an appropriate release from other official duties shall be granted.
- (5) Candidates for election may not be members of the Election Committee or assume the duties of Election Officer.

## **Chapter 2: Committee Elections**

### **§ 4 Election Principles Applying to Committee Elections**

- (1) In any case, the elections shall be conducted according to the principles of proportional representation.
- (2) In agreement with the Election Committee, the Election Officer shall determine, whether the election shall be conducted as a ballot box election with the option of postal voting or as an internet-based online election (web poll) with the option of postal voting.
- (3) Should the election of members of a committee be declared invalid or the election scrutiny procedure reveal that the committee has not been properly constituted, this shall not affect the validity of previously executed resolutions by the committee.

### **§ 5 Eligibility to Stand and Vote, Represented Groups**

- (1) As a basic principle and according to § 32 HHG , the following members of Hochschule Geisenheim shall be eligible to vote in and stand for election:
  1. professors (professors' group),
  2. students and doctoral students enrolled according to § 24 Sect. 4 HHG (students' group),
  3. academic and scientific staff according to § 75 Abs. 2 HHG (scientific members),
  4. administrative and technical staff.
- (2) The members of the President's Council do not have the right to stand for election. The President and the full-time Vice-Presidents shall also not have the right to vote.
- (3) All persons already appointed and entrusted with the representation of their future professorships until they are employed or appointed shall exercise their right to vote in the professors' group.
- (4) All persons eligible to vote in and stand for election both in the group of scientific members and that of administrative and technical staff shall be assigned to the group in which they are mainly employed at the time of the election. If a predominant employment cannot be ascertained, the person himself/herself shall decide.

- (5) Persons who are eligible to vote both in the students' group and in other groups shall exercise this right in the group they are, based on their employment, assigned to.
- (6) Persons who are eligible to stand for election both in the students' group and other groups may only exercise this right for elections to committees under these election regulations if they are not eligible candidates for election to committees of the student body (pursuant to HHG or the Statutes of the Student Body of Hochschule Geisenheim University) at the same time.
- (7) Should the group affiliation of an eligible voter change, such change shall be taken into account ex officio until the period for publication of the electoral register has expired.
- (8) Insofar as rights and obligations arising from a legal relationship with the University are suspended, both the eligibility to stand and vote of these persons shall also be suspended.

## **I. Election to the Academic Senate**

### **§ 6 Principles, Election Periods, Terms of Office and Deadlines**

- (1) The representatives of the member groups in the Academic Senate shall be elected in free, equal, secret and direct elections by the respective member group in compliance with the principles of proportional representation (list election).
  - (a) Elections shall be held pursuant to the principles of proportional representation if at least two nominations (list nominations or one list nomination and one individual nomination) are submitted. In this case, individual nominations shall be considered as a single list. Each person entitled to vote shall have one vote.
  - (b) If only one list of candidates has been accepted in a group, the election of this group shall be conducted according to the principles of direct election (majority voting). Each eligible voter shall have as many votes as there are seats to be allocated in their respective group. If more votes are cast, the vote shall be invalid. If more than one vote is cast for a candidate, this shall be considered as one vote for this candidate.
- (2) Elections to the Academic Senate shall take place every year for the representatives of the students' group and every two years for those of all other groups, usually in the winter semester.

- (3) The term of office shall begin on the first day of the semester following the election. The term of office of the representatives of the member groups defined in § 5 Section (1) Subsections 1., 3., 4.. shall be two years, that of the representatives of the students' group shall be one year. It will end prematurely, if the member loses membership in the group to which he or she belonged at the time of election.
- (4) The deadlines provided for in these election regulations shall end at 12.00 noon on the respective expiry day. If the last day of a given period of time is a Saturday, Sunday or public holiday, the time limit shall only expire at the end of the next working day. Working days are week days, excluding Saturdays.

## **§ 7 Members and Formation of the Election Committee**

- (1) An Election Committee shall be constituted by the Academic Senate for the elections to the Academic Senate. For this purpose, the Academic Senate shall appoint a person of trust for each group who shall propose interested persons from the respective member group as candidates for the Election Committee.
- (2) The Election Committee has five members and five substitutes:
  1. for the group of professors two members and two deputies,
  2. for the group of academic and scientific staff one member and one deputy,
  3. for the students' group one member and one deputy,
  4. for the group of administrative and technical staff one member and one deputy.

Neither the members of the Election Committee nor their substitutes need to be members of the Academic Senate.

- (3) The members of the Election Committee and their substitutes shall be elected by the representatives of their respective groups in the Academic Senate. Upon request by members of the Academic Senate and when approved unanimously, the Election Committee may be elected by acclamation, provided that only as many candidates as necessary stand for election as members or substitutes of the Election Committee. The election shall take place in the semester preceding the election to the Academic Senate until the last meeting of the Academic Senate during the lecture period.
- (4) If a group does not elect the members to be appointed by it or does not do so in time, the missing members of the Election Committee and their substitutes shall be appointed by the Chair of the Academic Senate.

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- (5) If a member of the Election Committee or a deputy resigns early, a by-election shall be held.
- (6) The Election Officer shall invite to the first meeting of the Election Committee and shall chair the meeting until the chairperson has been elected.
- (7) At its constitutive meeting, the Election Committee shall elect a Chair and a deputy from among its voting members. Furthermore, the Election Committee shall elect a Secretary and a substitute from among its elected voting members and substitutes. The member with the highest number of votes shall be considered elected. If there is an equal number of votes, the election shall be decided by lot.
- (8) The Election Committee shall remain in office until the formation of the new Election Committee.

**§ 8 Responsibilities and Quorum of the Election Committee**

- (1) All meetings of the Election Committee shall be public meetings.
- (2) The Chair of the Election Committee shall invite the members of the Election Committee and the Election Officer to the meetings by announcing the agenda, he or she shall prepare the meetings and chair them. He or she shall execute the resolutions of the Election Committee, conduct the day-to-day business and represent the Election Committee.
- (3) Any member who is unable to attend the meeting shall immediately notify the deputy member thereof and ask him or her to attend.
- (4) The Election Committee, in consultation with the Election Officer, shall be responsible for the organization and good conduct of the elections as well as for all technical preparations.
- (5) In particular, the Election Committee shall be responsible for :
  1. setting up the entire election timetable in accordance with these election regulations,
  2. creating and publishing the election notice,
  3. preparing the election documents (ballot papers, polling card, etc.),
  4. checking, approving and announcing the nominations (lists of candidates),
  5. providing details of the publication of the electoral register,



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6. determining and staffing the polling stations as well as securing the smooth running of the elections,
  7. counting of votes (assisted by the election staff),
  8. determining and declaring the provisional election results and the provisional allocation of seats upon approval by the Election Officer,
  9. deciding on objections according to § 11 Sections (9) and (10)(9) as well as § 13 Section (4),
  10. carrying out the election scrutiny procedure,
  11. determining and declaring the final election results and the allocation of seats by the Election Officer.
- (6) The prior consent of the Election Officer shall be required with regard to the responsibilities under Section (5) Subsections 1., 2., 3., and 4.
  - (7) The Election Committee has a quorum if more than half of its members are present. It shall decide by a majority of those present. If a member is unable to attend, his or her substitute shall be entitled to vote.
  - (8) Notice of meeting dates, meeting rooms and resolutions of the Election Committee shall be made public.

**§ 9 Responsibilities of the Election Officer**

- (1) The Election Officer shall have the right to participate in all meetings of the Election Committee.
- (2) The Election Officer shall be responsible in particular for:
  1. determining the election date and setting the deadline for submitting the nominations (lists of candidates),
  2. the prior approval of the election timetable submitted by the Election Committee,
  3. the prior approval of the election notice,
  4. compiling the electoral registers,
  5. correcting the electoral register,
  6. the preliminary check of nominations and objections under § 11 Sections (9) and (10) and §13 Section (4),
  7. the prior approval of the ballot papers and election documents,

8. collecting and safekeeping postal ballot papers,
  9. releasing the provisional and final results,
  10. informing elected members and their substitutes about the final election results.
- (3) The election office shall support the Election Officer in his or her duties related to the elections to the Academic Senate.

## **§ 10 Election Notice**

- (1) The Election Committee shall, no less than eight weeks ahead of the election, make notice of such election and a call for nominations for the elections to the Academic Senate to all eligible staff.
- (2) The election notice shall include in particular:
  1. the groups entitled to vote and the body whose members are elected,
  2. the mode of election (ballot box election or online election),
  3. the election date,
  4. the locations and opening hours of the polling stations for the ballot box election and the voting period for the online election respectively,
  5. a note that with ballot box elections eligible voters must identify themselves upon request,
  6. the time and place of publication of the electoral register,
  7. the deadline for submitting nominations (lists of candidates) as well as the office that shall collect them,
  8. a note that postal voting is only possible upon application,
  9. the names of the Election Committee members.

## **§ 11 Electoral Register**

- (1) Only such persons who are listed in the electoral register may exercise the right to vote. Access to the electoral register must be made available to all members of the University.
- (2) The electoral register shall be set up in good time after notice of the election and prior to its publication.

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- (3) The registration of eligible voters in the electoral register shall no longer be possible if employment, appointment, enrolment or re-registration or the change of members to another group take place after the electoral register has been closed.
- (4) The electoral register shall contain the surname, first name and date of birth. It shall be divided into four groups in accordance with § 5 Section (1) in conjunction with § 32 Section 3 HHG.
- (5) The registration in the electoral register including allocation to the member groups pursuant § 5 Section (1) shall be made on the basis of the employee and enrolment documents kept on file by the University administration.
- (6) The electoral register shall be open for inspection by the electorate on three working days from 9.00 a.m. to 12.00 noon. It shall be closed at the latest four weeks before the beginning of the voting period. No entry shall be made thereafter; only obvious mistakes or clerical errors may be corrected ex officio by the Election Officer.
- (7) The electoral register must be re-opened by resolution of the Election Committee and closed again on the date to be determined by the Election Officer after hearing the Election Committee if the election date is postponed or the election is repeated. The deadlines according to Section (6) may be deviated from in the process.
- (8) In the event the electoral register is opened again, the Electoral Officer of the University after the date specified in Section (3) may be registered in the electoral register. The same shall apply to eligible voters whose group membership has changed after this date.
- (9) An objection against the non-registration or the registration of an incorrect group membership of a person entitled to vote may be lodged with the Election Officer up to one working day after the expiry of the publication period. The Election Committee shall decide on the objection after preliminary investigation by the Election Officer. If the Election Committee allows the objection, the person lodging the objection shall be registered in an addendum to the electoral register; the addendum to the electoral register shall be kept separate from the electoral register.

- (10) Any member of the University may lodge an objection with the Election Officer against the registration in the electoral register of a person not entitled to vote up to one working day after the end of the publication period. The registered person shall be heard on the matter. If the Election Committee decides on the registered person to be removed from the electoral register, this decision shall be communicated in writing to the person concerned. He or she may lodge an objection with the Election Officer within two working days after receipt of the notification. Section (9) sentences 2 and 3 shall apply accordingly.
- (11) If an objection is rejected, the objection decision shall be reasoned in writing, accompanied by an explanation on rights of appeal and be forwarded to the person concerned.

## **§ 12 Nominations**

- (1) Nominations (lists of candidates) may be submitted by all eligible voters within their respective member group. The forms provided shall be used.
- (2) Each list of candidates may contain any number of names of persons who are willing to stand for election, in the correct order. An appropriate representation of women and men in proportion to their numbers in the respective group shall be aimed at.
- (3) The lists of candidates shall include a sufficient number of candidates to enable a sufficient number of substitutes to be appointed to the wider Academic Senate pursuant to § 36 Section 4 Hessian Higher Education Act (Hessisches Hochschulgesetz, HHG).
- (4) List of candidates may only include nominations from one member group. If candidates are not eligible to stand for election in the respective group, they shall be deleted from the list of candidates by resolution of the Election Committee and in agreement with the Election Officer.
- (5) The nomination must state: the surname and first name of the candidate, the date of birth, the organizational unit or the degree program.
- (6) The list of candidates shall be given a name. Names of bodies and committees provided for in the HHG or established on the basis of a legal decree, a provision in the Statutes or by resolution of a body of the University may not be used. If no special name is given, the person's name listed in the first place shall be deemed to be the list name.

- (7) The written declarations of consent of all persons nominated shall be submitted together with the list of candidates. The nomination of persons without their declaration of consent shall be invalid.
- (8) For each list of candidates, a person of trust shall be nominated, stating his/her contact address and, if possible, also a telephone number or an email address. If no special nomination is made, the person named first on the list shall be deemed to be the person of trust. The person of trust shall be authorized to make statements to and receive statements by the Election Committee and the Election Officer, and the election bodies may receive statements from and make statements to the candidates.
- (9) The list of candidates shall be submitted to the election office within the time period specified in the election timetable. Until the expiry of this deadline, the person of trust may withdraw, amend or supplement the list of candidates. Thereafter, however, lists of candidates can no longer be changed or supplemented. The withdrawal of a list of candidates is no longer permitted after it has been approved by the Election Committee.
- (10) A person may be nominated for election to a body only on one list of candidates. If, with his/her consent, a person is nominated on several lists for the same body, he/she shall be removed from all of them by resolution of the Election Committee.
- (11) Only original lists of candidates and related documents shall be submitted.

### **§ 13 Verification of the Lists of Candidates**

- (1) The election office shall note the day and time of receipt on each candidate list submitted. It shall check the candidate lists for their formal correctness and completeness and, if necessary, point out obvious formal deficiencies.
- (2) Immediately after expiry of the submission deadline, the Election Officer shall pre-examine the nominations. The results of this preliminary investigation shall be forwarded to the Election Committee.
- (3) The Election Committee shall check the nominations received and decide on their admission or rejection. It shall not allow lists of candidates if they
  1. have been received late,
  2. do not include any eligible candidates,
  3. lack candidates' declarations of consent,
  4. do not meet the requirements stipulated by these election regulations.

- (4) If the Election Committee does not accept a nomination, it shall immediately inform the person of trust, stating the reasons for refusing the acceptance. An objection against the refusal to accept a nomination may be lodged with the Election Officer within two working days. The period commences once the decision of the Election Committee has been announced at its meeting. After preliminary investigation, the Election Officer shall forward the objection to the Election Committee, which shall decide on the objection.
- (5) If the Election Committee deletes individual candidates from a candidate list, it shall notify the person concerned and the person of trust; Section (4) shall apply accordingly.
- (6) The order of the nominations (lists of candidates) shall be determined by lot to be drawn in public by the Chair of the Election Committee if the nominations are submitted on the same day and at the same time. Otherwise, the order shall be determined by receipt.
- (7) The accepted nominations (lists of candidates) shall immediately be made public by the Election Committee in the order stipulated in Section (6).
- (8) If there is only one list of candidates or only one has been accepted in a group, the election of this group shall be conducted according to the principles of direct election. The candidates shall be listed in the order of the nomination.
- (9) If there is no valid candidate list for a member group after the expiry of the deadline specified in § 12 Section (9), the Election Committee shall immediately make notice to all members of the University. At the same time, in agreement with the Election Management, it shall call for the submission of nominations within a grace period of three working days. The provisions of Sections (1) to (8) shall apply accordingly.

## **§ 14 Election Documents**

- (1) Depending on the possible methods of election, the election documents shall comprise the following:
  1. Ballot box election: ballot papers for each group in different colors,
  2. Postal vote:
    - ballot papers for each group in different colors,
    - ballot envelope (inner envelope),
    - „Absentee Voter Declaration“ form and
    - ballot paper envelope (outer envelope).
  3. Online voting:
    - election letter with access data,
    - information on the election procedure and the use of the election portal.

- (2) In a ballot box election, the ballot papers shall be handed out to the eligible voters at the polling station.
- (3) Ballot papers or ballot envelopes that have been filled in or written on in a wrong way or which have become unusable shall only be replaced if returned.
- (4) For the postal vote, all eligible voters who are registered in the electoral roll shall receive the election documents listed under Section (1) either by mail or handed out by the election office according § 19 Sections (1) and (2).
- (5) Lost postal voting documents shall not be replaced. However, if a person entitled to vote asserts in a trustworthy manner that he or she did not receive the requested postal ballot documents, they may be handed out again until 12:00 noon of the penultimate working day before the first polling day. A respective remark shall be made in the electoral register.
- (6) For online voting, eligible voters shall receive their election documents electronically at the instigation of the Election Officer.

### **§ 15 Election Procedure**

- (1) The electors shall cast their vote and votes respectively according to the following procedures:
  1. proportional vote (list election) or
  2. majority vote (direct election).
- (2) In a proportional vote (list election), individual voters can cast a vote for one of the lists stated on the ballot paper.
- (3) In a majority vote (direct election), which according to § 13 Section (8) can only take place if only ONE candidate list with several persons is submitted, voters have at most as many votes for the candidates listed on the ballot paper as there are seats to be filled by their member group.

### **§ 16 Ballot Papers**

- (1) Separate ballot papers shall be produced for each group.
- (2) Ballot papers must be marked in such a way as to exclude possible confusion between the groups.



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- (3) On the ballot paper, the nominations (lists of candidates) shall be listed in the order stipulated in § 13 Section (7) or, for direct elections, in accordance with § 13 Section (8) stating all candidates in the order of the nomination. In the case of lists that have a list name, such list name shall also be indicated on the ballot paper.
- (4) The ballot papers shall indicate the method of voting (proportional representation or majority vote) and the maximum number of votes to be cast.
- (5) The layout of the ballot papers and other election documents shall be approved by the Election Officer upon submission by the Election Committee.

**§ 17 Voting Principles**

- (1) Votes are cast by ticking the candidate of choice on the ballot paper.
- (2) If more votes are cast on a ballot paper than the maximum number allowed, the vote shall be invalid. If a candidate is ticked more than once, this shall be deemed to be one vote for the candidate.

**§ 18 Voting by Ballot Box**

- (1) As a rule, the electorate shall be given the opportunity to vote at the ballot box on three working days. The opening hours of the polling stations for ballot box elections shall be decided by the Election Committee in agreement with the Election Officer.
- (2) Prior to the commencement of the voting, the Election Committee shall make arrangements for the voter to be able fill out the ballot paper in the polling station screened from observation. (polling booth). It shall check whether the ballot boxes intended to hold the ballot papers are empty and shall lock them. The ballot boxes shall be kept locked until the polling station opens. The ballot boxes must be designed in such a way that the ballot papers or envelopes can only be inserted through a slot in the lid.
- (3) The list of all candidates must be displayed in the polling station.
- (4) As long as the polling station is open for voting, at least two election assistants appointed in accordance with § 3 Section (2), who should preferably belong to different member groups, must be present in the polling station.
- (5) Each person entitled to vote shall receive a ballot paper at the polling station.



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- (6) The voter shall mark the ballot paper screened from observation, fold the ballot paper in such a way that their vote is not visible and insert the ballot paper into the ballot box. Immediately before doing so, the Election Committee or the election assistants shall ascertain the voter's eligibility to vote and tick his/her name in the electoral register (voting note).
- (7) If the ballot is interrupted or if the result of the election is not determined immediately after the close of voting, the Election Committee must meanwhile seal and store the ballot box in such a way as to prevent ballot papers from being inserted or the ballot boxes being stolen. When the voting is started again and when the ballot papers are removed for count, the Election Committee shall check that the seal is not damaged.
- (8) The polling station must be accessible to all eligible voters during the opening hours. All members of the Election Committee as well as the Election Officer have the right to be present in the polling station.
- (9) Upon expiry of the time set for the ballot, only those eligible voters who are present in the polling station at that time may vote. Access to the polling station shall be blocked until the voters present have cast their votes. The member of the Election Committee present or the appointed election assistants shall then declare the ballot closed.
- (10) Any uncertainties arising during the election shall be clarified by the Election Officer, who may involve the Election Committee.
- (11) For each polling day, the appointed election staff shall write the minutes. These records shall include the opening and closing times of the polling stations, the names of the election assistants on duty and the period of time they worked in the polling station, as well as special incidents. The minutes shall be signed by the election staff.

**§ 19 Postal Vote (only for Senate Elections)**

- (1) Persons entitled to vote who cannot participate in the ballot box election for important reasons and therefore wish to vote by postal ballot may apply in writing to the election office for postal vote by handing in a form. An application by telephone is not permitted.
- (2) Postal votes may be applied for up to two weeks before the commencement of the election, 12:00 noon. Written applications received late shall not be processed, be packed together with the attached envelopes and kept sealed for the time being.

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- (3) If a person entitled to vote has received the postal voting documents, the remark "postal vote" will be made in the column specifying the method of voting in the electoral register.
- (4) Those who vote by postal ballot shall
  1. mark the ballot paper personally and without being observed,
  2. fold it so that the vote is not visible,
  3. place it in the ballot envelope (inner envelope) and seal it,
  4. sign the pre-printed declaration, indicating the place and the day (postal vote form),
  5. put the sealed ballot envelope and the signed declaration into the ballot paper envelope (outer envelope),
  6. seal up the ballot paper envelope, and
  7. mail this envelope or hand it over to the Election Officer during office hours.
- (5) The receipt of the postal vote papers shall be noted in the electoral register.
- (6) The incoming postal ballot papers shall be kept safe and unopened by the Election Officer. The election office shall note the day and time of receipt on the ballot papers received late and confirm this by signature or token.
- (7) Voting shall be deemed to have taken place in due time if the postal ballot paper is received by the Election Officer at 12:00 noon on the last working day before the start of the ballot box election.
- (8) For opening and counting the ballot papers, the Election Committee (needs to be quorate) and the election assistants shall come together.
- (9) Immediately after the completion of the ballot box voting, the Election Committee shall initiate the postal ballot papers to be opened. The envelopes shall be opened one by one. The postal ballot declaration and the ballot envelope shall be removed.
- (10) The vote shall be invalid if
  1. the official ballot paper envelope (outer envelope) does not contain the signed postal ballot declaration,
  2. the official ballot envelope (inner envelope) is missing,
  3. the ballot paper has not been put into the official ballot envelope (inner envelope),
  4. the ballot paper envelope (outer envelope) has not been sealed,
  5. the official ballot envelope (inner envelope) has not been sealed.

The documents shall be kept separately and such invalid votes be noted.

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- (11) The postal vote form is checked and compared with the electoral register entry. If there are no objections, the vote shall be registered in the electoral register and the ballot envelope dropped into the ballot box without being opened.
- (12) Empty ballot paper envelopes or ballot paper envelopes with the postal vote form missing as well as postal ballot papers received late shall not be considered as votes. They shall be kept separately.

**§ 20 Online Voting**

- (1) If it has been decided to conduct the election online (§ 4 Section (2)), it shall be proceeded according to the regulations specified below.
- (2) At the request of the Election Officer, eligible voters shall receive the election documents required for the online election electronically. They consist of a letter providing the access data as well as information on how to conduct the election and to use the election portal. The latter allows voting by means of an electronic ballot.
- (3) The vote shall be cast via the internet in person and without being observed. Eligible voters shall authenticate themselves by entering the access data for the voting portal provided in the election letter. The electronic ballot shall be filled in and sent electronically in accordance with the instructions given in the election letter and on the election portal. The online voting system used shall ensure that the right to vote cannot be exercised more than once. The votes sent must be stored anonymously and in such a way that the order of receipt of the vote cannot be traced. The electorate must have the option of correcting their entry or cancelling the vote before the final vote is cast. Transmission of the vote shall only be made possible after electronic confirmation by the person entitled to vote. Successful transmission must be shown on the voter's screen. Once the successful voting has been confirmed by the system, the process shall be considered completed.
- (4) During the voting process it must be avoided that the vote cast is stored on the eligible voter's device by the electronic voting system used. It must be made sure that any unnoticed changes by third parties to the vote cast are impossible. The ballot paper must be removed from the screen immediately after the vote has been cast. The online voting system used must not allow for the votes cast to be printed out or permanently stored after the voting has been completed. Votes must be stored in the electronic ballot box according to a non-traceable random principle. The registration to the voting system, the selection and casting of votes as well as personal information and IP addresses of eligible voters must not be logged.

**§ 20 a Technical Requirements**

- (1) Online elections may only be conducted if the electronic voting system used complies with state-of-the-art technical standards, in particular with the security requirements for online voting products of the Federal Office for Information Security. The system must have the technical specifications listed in the following paragraphs. Compliance with the technical requirements must be proven by appropriate documentation (e.g. certification).
- (2) In order to preserve the secrecy of the ballot, the electronic ballot box and the electronic electoral register must be kept on separate systems. The electoral register shall be stored on a University server.
- (3) The election servers must be protected against web-based attacks; in particular, only authorized access may be permitted. Such authorized access shall include, in particular, all activities for the purpose of verifying the right to vote, storing of votes of eligible voters, registering the voting and checking for multiple use of voting rights (election data). Suitable technical measures shall be taken to ensure that no votes will be lost irretrievably in the event of a failure or malfunction of the server or a section of the server.
- (4) Transmission of the election data shall be made in such a way as to protect them against attempts to spy out or decrypt them. The transmission channels for the verification of the voter's eligibility to vote as well as for the registration of the vote in the electoral register and the casting of the vote in the electronic ballot box must be separated from each other so as to make sure that it is not at any time possible to attribute the voting decision to the voter.
- (5) The transmission of data must be encrypted in order to prevent unnoticed changes to the election data. When transmitting and processing the election data, it must be ensured that no access to the content of the vote is possible during the registration of the vote in the electoral register.
- (6) Voters shall be informed about suitable security measures to protect the electronic device used for voting against intrusion by third parties by means of state-of-the-art technology; reference shall be made to free downloads of suitable software. The voter shall officially confirm in electronic form that he or she has taken note of the security instructions before casting his or her vote.

## **§ 20 b Commencement and Close of the Online Election**

Starting and closing the online voting is only permissible with the authorization by at least two entitled persons at the same time. Entitled persons are members of the Election Committee and the Election Officer.

## **§ 20 c Failures and Malfunctioning during an Online Election**

- (1) If electronic voting is not possible during the election period for technical reasons which the University is responsible for, the Election Officer may extend the election period in agreement with the Election Committee. All persons entitled to vote must be informed of the extension.
- (2) The Election Officer shall, in agreement with the Election Committee, interrupt or stop the online election in justified specific cases, in particular in the event of manipulation or attempted manipulation as well as technical or mechanical malfunctions, if the further proper conduct of the election is no longer guaranteed as a result. If the election is interrupted, the Election Officer shall decide on the further procedure in agreement with the Election Committee; § 26 shall apply accordingly.

## **§ 21 Count**

- (1) The count of the votes shall start immediately after the end of the election and once ballot envelopes from the postal vote have been dropped into the ballot boxes. The ballot boxes shall be opened, the number of ballot papers or ballot paper envelopes placed in the boxes and the number of votes cast according to the electoral register shall be counted and then compared with each other.
- (2) The ballot papers shall be sorted by groups. The absentee ballot envelopes shall be opened. Empty ballot envelopes, ballot envelopes containing several ballot papers of one election as well as ballot envelopes giving rise to concerns pursuant to § 19 Section (12) shall be sorted out.
- (3) During the count, such ballot papers that, pursuant to § 19 Section (12) and § 21 Section (5), are invalid without any doubt shall be placed in a separate pile. In addition, ballot papers for which the validity is not free of doubt shall be sorted out into another pile. The Election Committee shall decide on the ballot papers defined in sentence 2 in accordance with § 21 Section (6).

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- (4) For the count, the following procedure shall apply: In the case of proportional representation (list election), the valid votes cast for each list of candidates shall be added together. In a majority election (direct election), the valid votes for each individual candidate shall be added up.
- (5) Apart from situations as set out in § 19 Section (12), the voting shall be considered invalid if
  1. the ballot cannot be identified as an official paper,
  2. the ballot paper does not clearly show the voter's intention,
  3. the ballot paper contains an addition or reservation of any kind,
  4. the ballot paper has not been marked at all,
  5. in the case of proportional representation (list election), more than one candidate has been ticked,
  6. in the case of a majority election (direct election), more candidates than allowed have been ticked.
- (6) Ballot papers which give rise to doubt shall be marked with a consecutive number and handed over to the Election Committee for decision on their validity or invalidity. The result of the resolution shall be noted on the ballot envelope. These ballot papers shall be kept separately by the election office until the final election result has been declared.
- (7) All interim results and the final results of the count, all significant incidents during the count, the number of eligible voters per group according to the electoral register, the turnout in per cent and the number of seats allocated to the individual nominations and candidates respectively shall be recorded in the minutes of the count. Furthermore, the minutes shall state the beginning and the end of the count as well as the names of all persons involved in the count. The respective partial minutes shall be signed by the election staff conducting the count and shall be handed over to the Chair of the Election Committee together with all election documents.
- (8) If the election is conducted as an online election, the administration of the election server and, in particular, the count and storing of the election shall require the authorization of at least two eligible persons (Election Officer and members of the Election Committee). Immediately after the close of the online election, the Election Committee shall arrange for the computer-based, public count of the votes cast and shall ascertain the provisional election result by printing out the results of the count. This printout is to be signed by at least two members of the Election Committee. All datasets of the online election shall be stored in a suitable manner, and the count process must be reproducible at any time. § 25 Sections (3) and (4) shall apply accordingly.

## **§ 22 Determination and Declaration of the Provisional and Final Election Results**

- (1) The Election Committee shall determine the provisional election result.
- (2) The determination of the (provisional) election result must include:
  1. the number of persons entitled to vote,
  2. the total number of votes cast,
  3. the number of valid and invalid votes cast for the lists of nominations or for the candidates,
  4. the allocation of seats pursuant to § 23 and § 24, and
  5. the date and time the results were determined.
- (3) The provisional election result shall be made public by the Election Committee to the all members of the University in a suitable way immediately after the votes have been count and results been determined - usually on the working day following the count. With the declaration, the applicable period for the scrutiny procedure shall start.
- (4) Upon expiry of the scrutiny period, the elected members and their deputies shall be informed of the election result in writing by the Election Officer.
- (5) Upon expiry of the time period referred to in § 26 Section (1) sentence 2, after the decision resulting from the scrutiny procedure has become binding or after the end of the repeat election pursuant to § 26 Section (3), the final result shall to be made public to all University members by the Election Committee upon approval by the Election Officer.

## **§ 23 Principles of Allocation of Seats**

- (1) In the case of proportional representation (list election), the allocation of seats within the respective member group for its individual nominations shall be made according to the Hare-Niemeyer procedure. For this purpose, the total number of seats to be allocated shall be multiplied by the number of votes received by a list and divided by the total number of valid votes cast in the ballot. Each list shall first receive as many seats as there are integers for it. If there are still seats to be assigned thereafter, they shall be allocated in the order of the highest fractional numbers resulting from the calculation according to sentence 2. If there are more equal maximum numbers for the allocation of the last seats in a group than there are seats to be assigned, these seats shall be allocated by lot. For this purpose, as many lots shall be made as there are lists with equal maximum numbers. The lot shall be drawn by a member of the Election Committee.



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- (2) If a list of candidates has fewer candidates than the number of seats it would be entitled to according to the maximum numbers, the remaining seats shall remain vacant.
- (3) In the case of proportional representation (list election), the elected candidates shall be allocated their seats according to the order specified in the respective list of candidates.
- (4) In the case of a majority election (direct election), the candidates shall be considered elected in the order of the highest number of votes received by them. If any two or more candidates receive an equal number of votes, the Election Committee shall draw the deciding lot.

**§ 24 Allocation of Seats in the Academic Senate, Substitutes**

- (1) First, the seats in the Academic Senate to be allotted to the lists of candidates shall be allocated in accordance with § 23.
- (2) In the case of proportional representation, the substitutes for the members of the Academic Senate shall then be determined. The number of seats to be allotted to the list of candidates of a group in accordance with Section (1) shall be decisive for the number of deputy members this list is entitled to have in the Academic Senate.

Substitutes shall be the next candidates on the list who have not been allocated a seat on the grounds of the election result and who have the next highest number of votes.

- (3) If only one list of candidates has been submitted for a member group (majority election), the candidates who have not been allocated a seat on the grounds of the election result and who have the next highest number of votes shall be substitutes.

**§ 25 Election Records**

- (1) The minutes of the meeting of the Election Committee and of its resolutions shall in particular record the conduct of the elections and special incidents. They shall be signed by the Chair of the Election Committee and the Secretary. The partial minutes pursuant to § 18 Section (11) and § 21 Section (7) shall be attached to the election records.



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- (2) After the election result has been ascertained, the ballot papers shall be tied together and attached to the records of the election together with the lists of candidates and other election documents.
- (3) The election documents (election records including documents enclosed) shall be handed over to the Election Officer for safekeeping. The Election Officer shall make his/her decisions according to § 18 Section (10) based on these election documents.
- (4) The election documents may be destroyed as soon as a newly elected Senate has met for the first time and a decision has been reached on possible scrutiny procedures.

**§ 26 Scrutiny Procedure**

- (1) If the Election Officer or individual eligible voters claim that mandatory legal provisions or these election regulations have been breached during the course of the election, resulting in the election outcome to be challenged, the Election Committee shall enter into an election scrutiny procedure. This requires a substantiated motion which must be submitted to the Election Committee within seven working days after the provisional election result has been made public to all members of the University.
- (2) An election may not be challenged on the grounds that a person entitled to vote was prevented from exercising his or her right to vote because he or she was not registered at all or was not registered as a member of the group he or she belongs to, or that a person participated in the election who was registered on the electoral register but was not entitled to vote.
- (3) If in the course of the scrutiny procedure the Election Committee comes to the conclusion that the breaches substantiated by the complainant could have influenced the result of the election, it shall, in agreement with the Election Officer, decide on the re-running of the election, if necessary only for individual groups. The Election Committee shall make its decision by a majority of its members within four weeks after expiry of the time period stated in Section (1) sentence 2. The determination as to whether motions for scrutiny have been submitted to the Election Committee in due form and time shall be made by the Chair. The result of the scrutiny shall be substantiated in writing, accompanied by instructions on rights of appeal, and sent to the complainant.
- (4) If no motions for scrutiny are received within the period specified in Section (1) sentence 2 or if motions for scrutiny are rejected, the Election Committee shall confirm the election result (final election result) by resolution. If a repeat election according to Section (3) is mandated for only one group, the Election Committee shall confirm the election result for the remaining groups.

- (5) If a repeat election is mandated pursuant to Section (3), Sections (1) to (4) shall apply mutatis mutandis.
- (6) If an election is to be re-run, the Election Officer may shorten the time periods provided for in these election regulations and arrange for other procedural simplifications in agreement with the Election Committee. Notwithstanding § 6 Section (3), the term of office of the elected candidates shall begin with the confirmation of the final election result.

## **§ 27 Retirement, Resignation, Succession, Substitution**

- (1) An elected member of the Academic Senate shall immediately notify the Chair of the body in writing if he/she resigns his/her seat, leaves the University or loses eligibility in his/her member group.
- (2) If a member or deputy member of the Academic Senate is elected to the President's Council, he or she shall lose his or her current seat in the Senate when taking office. Likewise, a former member of the Academic Senate shall lose his or her seat in the Senate if he or she loses eligibility in his or her member group.
- (3) A resignation of the seat shall only become effective upon receipt of the declaration of resignation by the Election Officer. The declaration is irrevocable.
- (4) If a member of the Senate resigns, the respective deputy member in the Senate who is first on the list of substitutes shall take his/her place. Those candidates on the list who are next on the same list of substitutes in accordance with Section (8) shall move up the list.
- (5) If, after an election, candidates are no longer on the list of nominees due to resignation, they shall immediately inform the Chair of the body in writing.
- (6) If a member is granted leave of absence, is seconded or if the rights and duties arising from his/her legal relationship with the University are suspended, his/her mandate shall be suspended. For the period of time in which his or her mandate is suspended, the next candidate from the list of nominees for which the member on leave was elected shall move up. If the mandate of the member on leave of absence is reinstated, the person who last succeeded him/her shall return to the list of nominees. The same shall apply for the period of a member's practical studies, a semester abroad or a research semester. A member may suspend his/her mandate for a certain period of time by written declaration to the Election Officer. In these cases, sentences 1 and 2 shall apply.

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- (7) If there are no more candidates on a list of nominees who can move up, the seats shall remain vacant for the remainder of the term of office of the body.
- (8) After having verified a person's eligibility again, the Election Officer shall determine who shall take the place of a member who has resigned or is on leave of absence. For this purpose, the Election Officer, based on the election result, shall keep separate lists of substitutes by member groups and nominations (lists of candidates). The succeeding member shall acquire the mandate upon receipt of the notification by the Election Officer; the regulations on substitution shall remain unaffected.

## **II. Elections of the Committees and Commissions of the Academic Senate**

### **§ 28 Voting Rights, Election Periods and Terms of Office**

- (1) The members of committees and commissions as well as their deputies shall be proposed by the members of the Academic Senate belonging to their group and shall be elected by the Academic Senate, unless special regulations are provided by law or other Statutes of HGU. They do not need to be members of the Academic Senate.
- (2) As a rule, elections to committees and commissions shall take place in the winter semester, unless otherwise provided for in the Statutes.
- (3) In general, the term of office is three years, unless special regulations are stipulated by law or other Statutes of HGU. The term of office of the students' group shall be one year.
- (4) The term of office shall begin in the semester following the election.
- (5) Elections of subcommittees (e.g. examination committee) shall be conducted in the Senate committees in charge of them. The regulations regarding the elections of committees and commissions of the Senate shall apply accordingly.

### **§ 29 Election Officer and Election Staff**

- (1) The Chair of the body for which the election is being conducted shall be the Election Officer. If a body is being elected for the first time, the Election Officer shall be the person specified in § 3, Section (1) Subsection 2.
- (2) At its meeting, the Academic Senate shall appoint two election assistants to ensure the good conduct of the election. They do not necessarily have to be members of the Academic Senate.
- (3) Candidates for election may not be election assistants.
- (4) The duties of the election staff shall end after the election results have been determined.

### **§ 30 Election Notice and Candidacy**

- (1) The Election Officer shall publish the election date four weeks before the election is held. Voting may take place during or after the meeting of the Academic Senate as well as on a separate election date to be determined.
- (2) The Election Officer may decide that the election shall be conducted as an online election. The provisions on online elections in § 20 et seq. shall apply accordingly.
- (3) After the announcement of the election date and during the meeting of the Academic Senate, each member group shall nominate a Senate member of their respective group as a person of trust. This person shall recruit a sufficient number of interested candidates for their respective member group. Interested persons shall declare to the person of trust that they wish to stand as candidates.
- (4) The persons of trust shall forward the nominations for their member groups, which shall be composed of the persons specified in Section (3), to the Senate's committee administration no later than one week before the election date. In doing so, they shall ensure the consent of the candidates.

### **§ 31 Ballot Papers and Election Procedure**

- (1) Separate ballot papers shall be produced for each group of members on the basis of the nominations received in an informal way. All candidates shall be listed alphabetically on the ballot paper.
- (2) The election shall be held in accordance with the principles of majority voting. Each eligible voter may, at most, vote for as many candidates listed on the ballot paper per group as there are seats to be filled by this group. If more votes are cast, the vote is considered invalid. Only one vote per candidate is allowed. If more than one vote is cast for a candidate, the vote shall be counted as one vote for that candidate.
- (3) The ballot paper shall indicate the maximum number of votes to be cast for each group.
- (4) The vote shall be cast by ticking the candidates of choice.
- (5) The count of votes shall be conducted by the election staff immediately after the close of the election.

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- (6) The candidates shall be declared elected as members and deputies respectively in the order of the highest number of votes they receive. If the votes are shared by such a small number of candidates that the election does not result in a sufficient number of deputies, all substitutes shall be elected separately in a second ballot. Further nominations shall be allowed for the second ballot. The election of deputies may also take place in the Senate meeting following the election.
- (7) In the event of an equality of votes, the Election Officer shall draw the deciding lot.

**§ 32 Voting by Acclamation (Show of Hands)**

- (1) If there are only as many candidates for election on the ballot paper for each group as there are seats to be allocated, a request may be made by members of the Senate to conduct the vote by acclamation.
- (2) If the members of the Senate unanimously approve the motion under Section (1), voting may be by acclamation.
- (3) A separate ballot shall be conducted for each candidate.
- (4) Should an elected member resign during his/her term of office, his/her substitute shall succeed him/her as a voting member. In this case, the person with the next highest number of votes shall move up as a deputy member. The same applies to the resignation of a substitute member during his/her term of office.
- (5) A by-election of successors shall only be possible in exceptional cases and with the prior consent of the Election Officer.

**§ 33 Election Records, Scrutiny and Other Matters**

- (1) Minutes of the election proceedings and the result of the election shall be taken during the meeting in which the election is conducted. They shall in particular record the place and time of the election, as well as the names of the candidates and the number of votes they received. They shall be signed by the Election Officer and the election staff.
- (2) If individual eligible voters claim that mandatory legal provisions or these election regulations have been breached in the course of the election, resulting in the election outcome to be challenged, the Election Committee shall enter into an election scrutiny procedure. This requires a substantiated motion which must be submitted to the Election Officer within seven working days after the provisional election result has been made public to all members of the University.

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- (3) If in the course of the scrutiny procedure the Election Officer comes to the conclusion that the breaches substantiated by the complainant could have influenced the result of the election, it shall decide on the re-running of the election.
- (4) The final result of the election shall be made public to all members of the University by the Election Officer.
- (5) The election documents shall be kept by the Election Officer. They may be destroyed as soon as new elections have taken place.
- (6) Should an elected member resign during his/her term of office, a by-election shall take place immediately after the resignation in the affected member group, with a simplified procedure being applied. In this case, the relevant member group in the Senate shall propose candidates for election.

### **III. Elections of the Administrative and Technical Representatives in the Department Council**

#### **§ 34 Members of the Department Council**

In accordance with the “Statutes Governing the Departments of Hochschule Geisenheim“, the Department Council is composed of all full-time professors, academic and scientific staff in the department, as well as up to two representatives from the group of administrative and technical staff to be elected, with each of them having up to two substitutes.

If the department does not have more than two administrative and technical staff members, they shall become members of the Department Council without having to be elected.

#### **§ 35 Voting Rights and Terms of Office**

- (1) Only the administrative and technical members of the respective department shall be eligible to vote in and stand for election.
- (2) As a rule, the administrative and technical members shall be elected by their group in the respective department for a term of three years. The term of office shall begin on April 1. For all representatives elected to the Department Council for the first time under these election regulations, the term of office shall begin immediately after the election results have been declared.

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**§ 36 Election Officer and Election Committee**

- (1) The Managing Head of Department shall act as Election Officer. If the Head of Department is permanently unavailable, the Deputy Head of Department shall be the Election Officer.
- (2) The Election Officer shall appoint an Election Committee consisting of two persons, regardless of which group they belong to. The Election Officer and the Election Committee shall ensure good conduct of the election.
- (3) Candidates for election may not be members of the Election Committee.
- (4) The duties of the Election Committee shall end once the election result has been declared valid.

**§ 37 Election Notice and Candidacy**

- (1) The Election Committee shall make notice of the date of the election meeting to all department members no later than two weeks before the election.
- (2) From the time the election has been announced until three days before the election commences, candidates may contact the Election Committee expressing their willingness to stand as candidates for the Department Council or may be nominated for election. Valid nominations require the consent of the candidate.

**§ 38 Ballot Papers and Election Procedure**

- (1) Ballot papers shall be produced on the basis of the nominations received. All candidates shall be listed alphabetically on the ballot paper.
- (2) The election shall be conducted in accordance with the principles of majority voting as a ballot box election. Eligible voters may have as many votes as there are seats to be allocated, but not more than four. In the event of an equality of votes, a run-off ballot shall be held.
- (3) The ballot paper shall indicate the maximum number of votes to be cast.
- (4) The vote shall be cast by ticking the candidates of choice.
- (5) If more candidates have been ticked on a ballot paper than there are votes to be cast, the vote shall be considered invalid. If a candidate has been marked more than once, this shall be considered as one vote for the candidate.
- (6) The count of votes shall begin immediately after the close of the election. The result of the election shall be determined in such a way as to ensure that first the members and then their substitutes are declared elected in the order of the number of votes they receive.
- (7) Should the run-off ballot result in an equality of votes, the Election Officer shall draw the deciding lot.



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**§ 39 Voting by Acclamation (Show of Hands)**

- (1) If there are only as many candidates on the ballot paper as there are candidates to be elected, a motion may be brought forward by the Election Officer or the Election Committee to conduct the vote by acclamation.
- (2) If the members entitled to vote unanimously approve the motion under Section (1), voting may be by acclamation.
- (3) A separate ballot shall be conducted for each candidate.
- (4) Should an elected member resign during his/her term of office, Sections (1) and (2) shall apply mutatis mutandis to the election of a succeeding member.

**§ 40 Election Records and Other Matters**

- (1) Minutes of the election proceedings and the result of the election shall be taken during the meeting in which the election is conducted. They shall in particular record the place and time of the election, the number of eligible voters having taken part in the election, as well as the names of the candidates and the number of votes they received. The minutes shall be signed by the Election Committee and the Election Officer and then be forwarded to the election office.
- (2) The final result of the election shall be made public to all members of the University by the Election Officer.
- (3) The election documents shall be kept by the Election Officer. They may be destroyed as soon as new elections have taken place.

**Chapter Three: Candidates Elections****§ 41 Eligibility to Stand for and Vote in Elections/Deselections**

- (1) The President and the Vice-Presidents shall be elected by the wider Senate (consisting of members of the Senate and their deputies).
- (2) The President shall propose candidates to be elected to the position of Vice-Presidents from among the members of the University.
- (3) The President and the full-time Vice-Presidents may be voted out of office by the wider Senate at the request of the University Council. The removal from office may also be effected on the basis of a motion brought forward by members of the wider Senate, provided that the University Council has approved such motion before the resolution on the removal from office has been passed by the wider Senate.
- (4) Re-election is permitted.



**§ 42 Terms of Office**

- (1) The term of office of the President shall be six years, that of the Vice-Presidents three years, provided that the latter execute the office on a part-time basis. If the position of Vice-President is carried out on a full-time basis, the term of office shall be six years.
- (2) Once the candidates have accepted their election, the term of office shall, in general, commence on the day following the end of the preceding term of office.

**§ 43 Members and Formation of the Election Committee**

- (1) A separate Election Committee shall be appointed for each election and deselection.
- (2) For the preparation and conduct of the President's election, an Election Committee shall be appointed immediately in the event of early resignation, otherwise usually during the lecture period of the third last semester in office.
- (3) For the election of a Vice-President, the Election Committee shall be formed at the latest at the beginning of the lecture period of the penultimate semester of office, otherwise without any delay.
- (4) The Election Committee is made up of two professors, one student member, one member from the group of administrative and scientific staff and one member from the group of administrative and technical staff. The members of the Election Committee shall be elected by the representatives of their groups in the Senate from among the members of the wider Senate. Upon request by the members of the Senate and in the case of a unanimous decision, the Election Committee may be voted by acclamation.
- (5) If a group does not elect the members to be delegated by it or fails to do so in time, the missing members of the Election Committee and their substitutes shall be appointed by the Election Officer (§ 3 Section (1) Subsection 2).
- (6) The members of the Election Committee may not at the same time be members of the Selection Committee.
- (7) A substitute shall be elected for each group in accordance with the provisions of Section (4). If a member of the Election Committee resigns, the substitute member shall move up and a by-election of the deputy shall take place immediately.
- (8) At its constitutive meeting, the Election Committee shall elect a Chair and a substitute from among eligible members. Furthermore, the Election Committee shall elect a Secretary and a deputy from among its elected voting members and substitutes. The chairperson shall invite to, prepare and chair the meetings of the Election Committee. He or she shall execute the resolutions of the Election Committee, conduct the day-to-day business and represent the Election Committee in all external matters.
- (9) The Election Officer shall invite to the constitutive meeting of the Election

#### **§ 44 Responsibilities and Quorum of the Election Committee**

- (1) Considering the special regulations for the election of the President as stipulated in § 48 (Election of the President), the Election Committee shall be responsible for the proper preparation and conduct of the elections and deselections respectively, as well as for inviting to the meetings and chairing them, as far as the election and deselection are concerned. In particular, it shall decide on:
  1. the timetable in agreement with the Selection Committee,
  2. the date and place of the public presentation/questioning,
  3. the election/deselection date which must be during the lecture period,
  4. the polling station,
  5. the type of publication channels for the election notice and the election result,
  6. the determination of the election/deselection result,
  7. any election/deselection challenges.
- (2) The Election Committee has a quorum if at least half of the voting members are present. It decides by a majority of the valid votes cast by the members present (simple majority); abstentions are considered votes not cast. In the event of an equality of votes, the motion shall be deemed rejected. In urgent matters, a resolution by circulation is permitted, provided there is no objection by any member. Any objection must be sent immediately, if appropriate by e-mail, to the Chair of the Election Committee. The Chair shall decide on urgent matters.
- (3) The Election Committee shall keep minutes of its meetings. The minutes must state at least the date, the names of the members present and the resolutions made.
- (4) The Election Committee shall debate and make decisions in non-public meetings. The invitations to the members and deputy members of the Election Committee may be sent in writing or electronically.

#### **§ 45 Term of Office of the Election Committee**

- (1) The Election Committee shall take up its duties with its constitutive meeting.
- (2) The duties of the Election Committee shall end after the declaration of the official election result has become incontestable, in the case of successful deselection after the declaration of the official result of the re-election has become incontestable, and after the decision made in the election scrutiny procedure has become incontestable.
- (3) If a member of the Election Committee loses his/her seat in the Academic Senate, he/she shall nevertheless remain a member of the Election Committee until its duties terminate pursuant to Section (2).

#### **§ 46 Formation and Quorum of the Selection Committee**

- (1) For the election of the President, the University Council and the Senate shall, in general, appoint a Selection Committee of six members with equal representation during the lecture period of the third last semester in office. In case of a pre-term vacancy of the position of President, the Selection Committee shall be formed immediately after being requested to do so by the Election Committee.
- (2) Upon request by the Election Committee, the Academic Senate shall elect the representatives to be appointed to the Selection Committee from among its members, with at least one member being female.
- (3) The Women's & Equal Opportunities Representative and the Representative for Employees with Disabilities shall be members of the Selection Committee, having an advisory role.
- (4) Candidates for election may not be members of the Selection Committee, nor may the members of the Election Committee.
- (5) Immediately after the appointment of the Election Committee and the formation of the Selection Committee, the Chair of the Election Committee shall invite the Selection Committee to its first meeting.
- (6) The Selection Committee shall appoint a Chair, a Deputy Chair and a Secretary from among its members. The chairperson shall invite to the meetings of the committee, chair them and conduct the day-to-day business.

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- (7) Meetings of the Selection Committee shall not be open to the public. The committee shall constitute a quorum if at least four of the voting members are present. Decisions are made by simple majority. In the event of an equality of votes, the motion shall be deemed rejected. Resolutions may also be passed by circulation in writing with the consent of all members of the Selection Committee. Minutes shall be taken of the meetings of the Selection Committee.
- (8) The Election Officer (§ 3 Section (1) Subsection 2) may not attend the non-public meetings of the Selection Committee.

**§ 47 Selection of Candidates for the Election of the President by the Selection Committee**

- (1) The position of President shall be advertised publicly by the Selection Committee immediately in the event of an early vacancy, otherwise before the end of the lecture period of the penultimate semester in office.
- (2) The Selection Committee shall define the job profile for filling the position of President and the application period, which shall be six weeks in general. It shall decide on the text of the advertisement and the way of publication.
- (3) The Selection Committee may, on its own initiative, invite suitable candidates to apply and may also make use of professional ways of recruitment.
- (4) Applications may be submitted in writing (letter) or by e-mail. Written applications must be signed by the applicant and sent to the University address for the attention of the Chair of the Selection Committee. Applications sent by e-mail must also be signed by the applicant and sent to the attention of the Chair of the Selection Committee to the functional e-mail address [findungskommission@hs-gm.de](mailto:findungskommission@hs-gm.de), with scans being sufficient in this case. Applications must come with all supporting documents as defined in § 39 Section 1 HHG. Applications that do not meet the requirements of sentences 1 and 2 or are not received by the deadline defined shall be invalid.
- (5) Envelopes of incoming written applications shall be stamped with the date of receipt and shall be kept unopened until the deadline for applications has expired. Candidates shall receive acknowledgements of receipt sent to the sender's data on the envelopes.
- (6) The receipt of applications sent by e-mail shall be confirmed automatically by a respective notice. They shall be kept in the inbox of the functional e-mail address. Only the Chair of the Selection Committee and his/her substitute shall have access to this mailbox.
- (7) Enquiries regarding the applications received shall only be answered by the Chair of the Selection Committee; he or she may only disclose the number of applications received.

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- (8) Immediately after expiry of the application deadline, the Selection Committee shall evaluate the applications received. The Selection Committee shall decide on whether a preselection is required, draw up a shortlist if necessary and invite the shortlisted applicants to a personal interview which may also be conducted by video conference.
- (9) After all interviews have taken place or if the Selection Committee has decided to dispense with interviews in any case, the members of the Selection Committee shall vote on the remaining candidates.
- (10) The Selection Committee shall submit a recommendation for nominations to the University Council. The University Council shall decide on the final list of candidates, which shall include several names, and shall notify the Election Committee thereof.
- (11) The Election Committee shall then invite the nominees to a public questioning session by the wider Senate, determine the order and dates of the questioning sessions as well as the election date, which shall not be later than six weeks after the questioning, and shall invite the wider Senate to these sessions.
- (12) The application documents of those invited to the questioning shall be made available to the wider Senate for their perusal at the University. It is not permitted to make copies of the documents.
- (13) The questioning shall take place in a meeting of the wider Senate open to the public. Candidates shall be interviewed individually, without the other candidates being present. Each questioning shall begin with a short self-presentation by the candidate and shall last no longer than 90 minutes. Requests to speak by members of the wider Senate and the University Council shall be given priority.
- (14) The wider Senate may, by a majority of its members, request the Selection Committee to re-advertise the position of President. A secret ballot shall be held for this purpose.

## **§ 48 Election of the President**

(1) The election of the President shall take place by secret ballot using polling booths and ballot boxes. Postal voting is not permitted. The electorate shall be called in groups. Each eligible voter shall receive a ballot paper. If several candidates are nominated, each member entitled to vote may cast his/her vote for only one candidate. Voting is done by clearly ticking a person on the ballot paper. The eligible voter shall fold the ballot paper at least once and place it in the ballot box. Note shall be made of the voting. Ballot papers are considered invalid, if

1. they are not folded,
2. they cannot be identified as an official paper,
3. they do not clearly show the voter's intention,
4. they contain an addition or reservation of any kind,
5. no person has been marked,
6. more than one person has been ticked.

The Election Committee shall decide on the validity of ballot papers. It shall declare the respective voting process closed, open the ballot box, count the votes and announce the result of the election.

- (2) There shall be a maximum of three ballots. Each ballot may be preceded by a candidate debate not open to the public. In the first ballot, voting shall take place for all candidates at the same time. Whoever achieves the majority of the eligible voting members of the wider Senate is considered elected. If no person achieves the required majority, the ballot shall be repeated. If also in the second ballot no candidate reaches the required majority, a third ballot shall be held as a run-off election between the persons who were in first and second place in terms of votes in the second ballot. In the event that two or more persons holding the same number of votes in the second ballot take the first and/or second place, the run-off election shall take place in the third ballot with a corresponding number of persons. If none of the nominated candidates achieves the required majority, the Selection Commission shall initiate a new procedure for the election of a President.
- (3) If only one candidate stands for election, there shall be a maximum of two ballots.
- (4) If a candidate withdraws from candidacy during an ongoing ballot, the withdrawal shall take effect as of the following ballot.

**§ 49 Election of the Vice-Presidents**

- (1) Vice-Presidents shall be elected by the wider Senate on the proposal of the President.
- (2) The proposal of the President shall require the approval of the University Council.
- (3) The election shall be called at the latest three months before the end of the respective term of office. In the event of an early vacancy of the position of Vice-President, the election procedure shall be initiated without delay.
- (4) The President shall prepare a list of candidates proposed for election. He or she may, in order to prepare the list of nominees, consult with the groups represented in the Senate in the manner of the Selection Committee. Possible candidates for the position of Vice-President shall be excluded from participation in the consultation.
- (5) The list of candidates shall be made known to the Election Committee and the members of the wider Senate together with the written declaration of consent of the nominated candidates no later than two weeks before the election meeting. The Election Committee shall announce the date of the election meeting to the wider Senate at least two weeks in advance and shall send an official invitation.
- (6) Ahead of the election, a public hearing of the proposed person or persons shall take place in the election meeting. Requests to speak by members of the wider Senate shall be given priority. Following the hearing, the public shall be excluded. A non-public candidates debate may follow. Immediately afterwards, the election shall take place. After the election has been completed, the public shall be allowed in again.
- (7) The election shall take place by secret ballot using polling booths and ballot boxes. It shall be prepared in good time and conducted by the Election Committee. Each member of the wider Senate shall have one vote. Voting shall be by ballot paper. Postal voting is not permitted.
- (8) The person who receives the majority of the votes of the members of the wider Senate shall be declared elected.
- (9) If none of the proposed candidates obtains the required majority, a second ballot shall be held. If the second ballot does not produce a result, the President shall be asked to submit a new list of candidates. Such new list shall be submitted to the Election Committee and the members of the wider Senate within two weeks of the unsuccessful second ballot. The Election Committee shall initiate a new procedure for the election of the Vice-President.



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- (10) If a candidate withdraws from candidacy during an ongoing ballot, the withdrawal shall take effect as of the following ballot.
- (11) If two Vice-Presidents are to be elected at a meeting, the elections shall be held one after the other in separate ballots.
- (12) The election result shall be made public by the Election Committee.
- (13) If the Vice-President's position is to be full-time, such position shall be publicly advertised prior to the nominations being submitted by the President.
- (14) The Vice-President's term of office shall start in each case with his or her election, however not earlier than his or her predecessor's term of office has expired.

**§ 50 Candidate's Acceptance and Announcement**

- (1) As soon as a candidate has been elected, he or she shall declare, upon request by the Election Committee, whether he or she accepts the election. If the elected person is not present at the election meeting, the result of the election shall be sent to him/her by registered letter with return receipt, and a deadline of one week shall be set for the candidate to accept the election. The date of receipt by Hochschule Geisenheim of such declaration shall be deemed to be the date of the deadline set. Otherwise, the Election Committee shall initiate the complete procedure again.
- (2) After the election has been accepted and, if necessary, confirmed by the Election Committee and the Election Officer (§ 3 Section (1) Subsection 2), the Election Committee shall publicly declare the final election result.

**§ 51 Deselection of the President**

- (1) At the request of the University Council, the President may be deselected by the wider Senate by a majority of two-thirds of its members.
- (2) A deselection may also take place upon a motion by members of the wider Senate, if the University Council has approved such motion prior to the resolution being passed.
- (3) The resolution on the motion shall require a simple majority. A period of at least fourteen days must be allowed between the motion and the decision to vote out of office.
- (4) Invitations to the meeting at which the motion for deselection is to be voted on shall be issued at least two weeks ahead of the meeting.
- (5) Voting shall be by secret ballot on prepared ballot papers and shall take place using polling booths.



## **§ 52 Deselection of the Vice-Presidents**

§ 51 shall apply mutatis mutandis to a full-time Vice-President to be voted out of office.

## **§ 53 Election Records**

- (1) Separate minutes of the election or deselection meetings shall be kept by the Election Committee. They shall be signed by the Chair.
- (2) The minutes shall in particular record the conduct of the election and deselection respectively, as well as special incidents.
- (3) After the election and deselection meeting respectively, the ballot papers and all other election documents shall be tied together and attached to the records of the election together with the lists of candidates.
- (4) The election records with all attachments shall be handed over to the Election Officer (§ 3 Section (1) Subsection 2); he/she shall keep them for the term of office of the elected person. The documents may be destroyed at the earliest when the positions concerned have been filled again or one year has elapsed since the person(s) was/were voted out of office.

## **§ 54 Scrutiny Procedure**

- (1) If a person entitled to vote, a candidate or a person subject to a motion to vote him/her out of office asserts a breach of mandatory election regulations and lodges an appeal, the Election Committee shall immediately enter into the scrutiny procedure. This requires a substantiated written motion (letter) or a substantiated motion by e-mail which must be received by the Election Committee no later than seven working days after the announcement of the provisional election and deselection result respectively.
- (2) If, in the course of the scrutiny procedure, the Election Committee comes to the conclusion that the appeal is justified, it shall meet the appeal by ordering the election or deselection to be repeated.
- (3) In scrutiny procedures, the Election Committee shall take its decisions by a majority of its members. Such resolutions shall be issued by way of appealable notice and shall be submitted to the applicants by registered letter with return receipt.
- (4) If no motions for scrutiny are received by the expiry of the said period or if motions for scrutiny received do not lead to action, the Election Committee shall confirm the result of the election and deselection respectively by way of resolution.

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**Chapter Four: Final Provisions****§ 55 Storing and Processing of Personal Data**

Personal data of candidates for election collected pursuant to these election regulations may be stored and processed in an electronic file for the purpose of preparing for the election, conducting the election, counting the votes and managing the bodies.

**§ 56 Entry into Force**

- (1) These Election regulations shall enter into force on December 15, 2020. The Election regulations of Hochschule Geisenheim of February 12, 2019 shall expire on this date.
- (2) The Election regulations of Hochschule Geisenheim of February 12, 2019 shall continue to apply to all elections that have already commenced at the time these Election regulations take effect.

Geisenheim, December 18, 2020

signed Prof. Dr. Hans Reiner Schultz  
President of Hochschule Geisenheim