

2003-01-02 no. 05: Regulations relating to parliamentary and local government elections (Representation of the People Regulations)

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Regulations relating to parliamentary and local government elections (Representation of the People Regulations)

Statutory basis: Laid down by the Norwegian Ministry of Local Government and Regional Development on 2 January 2003 with a statutory basis in Act no. 57 of 28 June 2002 relating to parliamentary and local government elections (Representation of the People Act) section 2-9, section 5-8, section 6-9, section 7-3, section 8-6, section 9-10, section 10-10 and section 15-11 seventh paragraph.

Amendments: Amended by Regulations no. 139 of 16 February 2005 (including the title), no. 323 of 19 April 2005, no. 994 of 24 August 2006, no. 143 of 6 February 2007, no. 504 of 11 May 2007, and no. 535 of 20 May 2009.

Chapter 1. Registration of electors. Access to the electoral register (cf. section 2-9 of the Representation of the People Act)

§ 1. Basis for updating the register of electors after 30 June

Updating of the electoral register after 30 June may only occur for the following reasons:

- a) Demands for correction, errors discovered or complaint.
- b) Notice of a change of residence that was not registered before the draft electoral register was printed, but which has been received by the Population Registry Authority by the cut-off date of 30 June. The person shall be included in the register of electors in the municipal authority area to which he or she has moved and be deleted from the register of electors in the municipality from which he or she has moved. The Population Registry Authority issues notice to both municipal authority areas.
- c) Application to be included in the electoral register from a person living abroad. The person shall be included in the electoral register in the municipal authority area in which he or she was last registered as a resident.
- d) Notice from the Population Registry Authority of persons living abroad who have moved back to Norway. The person shall be included in the electoral register in the municipal authority area to which he or she has moved. If the municipal area authority to which he or she has moved was another municipal authority area than the one in which he or she was registered as a resident at the time he or she moved, notice shall also be sent to the municipal authority area in which he or she was previously registered as a resident. If the person is already included in the electoral register in this municipal authority area, he or she shall be deleted from the register of electors on the basis of this notice.
- e) Notice from the Population Registry Authority concerning a person who has acquired Norwegian citizenship. If the person's acquisition of citizenship means that he or she is entitled to vote at the election, he or she shall be included in the electoral register in the municipal authority area where he or she lives.
- f) Notice of death. The person shall be deleted from the electoral register, unless he or she has already cast a vote in advance.
- g) In municipal and county council elections, persons who are not Norwegian nationals but who otherwise satisfy the provisions concerning voting rights on Election Day shall be deleted from the electoral register if they move from Norway after the cut-off date.

0 Amended by Regulations no. 139 of 16 February 2005 and no. 504 of 11 May 2007.

§ 2. The Electoral Committee's updating of the electoral register

(1) The Electoral Committee shall update the electoral register pursuant to section 1 as close to Election Day as possible, with a view to including as many electors as possible in the correct electoral register.

(2) The Electoral Committee must not include in or remove from the electoral register anyone who would then be included in the electoral register in more than one municipal authority area, or would not be included in the electoral register in any municipal authority area. In such cases the Electoral Committee must not update the

electoral register without first ensuring that the electoral register in the other municipal authority area has been updated correspondingly.

(3) The Electoral Committee must not include in the electoral register any elector who is included in the electoral register in another municipal authority area and has voted in advance in that municipal authority area. When the Electoral Committee receives notice that an elector is to be transferred to the electoral register in another municipal authority area, it must notify the new municipal authority area as soon as possible if the person in question has already voted in advance.

0 Amended by Regulations no. 139 of 16 February 2005.

§ 3. Access to copies of the electoral register

(1) Anyone who submits a list proposal at the election is entitled at no cost to receive one copy of the electoral register for the constituency. A demand for a copy of the electoral register must be submitted to the Electoral Committee in the relevant municipal authority area(s) within the deadline set by the Electoral Committee.

(2) Anyone submitting a list proposal may have access to more copies of the electoral register and also lists of specific groups of electors, provided they themselves pay the extra costs relating to this.

(3) Copies of electoral registers and any other material based on the electoral register can only be used for political purposes and shall not be passed on to third parties unless for the purpose of political handling. Linking the electoral register to other public registers is not permitted.

(4) The Electoral Committee shall maintain an overview of all distributed copies of the electoral register and ensure that all are returned to the Electoral Committee within two years.

0 Amended by Regulations no. 139 of 16 February 2005.

§ 4. The electoral register made available for public inspection

The electoral register made available for public inspection in pursuance of section 2-6 of the Representation of the People Act shall only contain the name, address and any elector number and ward information of the persons registered in the electoral register.

0 Amended by Regulations no. 504 of 11 May 2007.

Chapter 2.

0 This chapter was repealed by Regulations no. 994 of 24 August 2006.

Chapter 3. Handling of list proposals (cf. section 6-9 of the Representation of the People Act)

§ 12. Heading on the list proposal - language

Registered political parties may decide whether the party's name is to be written in Bokmål or Nynorsk. The party's name in the Sami language may be included as an addition to the name in Bokmål or Nynorsk.

0 Amended by Regulations no. 149 on 16 February 2005.

§ 13. Signatures pursuant to section 6-3 (2) of the Representation of the People Act – writing on paper, duty of secrecy

(1) The signatures on list proposals submitted by unregistered groups and by registered parties that have not received sufficient support to come under the terms of the simplified rules for the submission of list proposals as laid down in section 6-3 (1) of the Representation of the People Act shall be in writing on paper.

(2) Information about who has signed a list proposal pursuant to section 6-3 (2) of the Representation of the People Act is subject to a duty of confidentiality and shall not be divulged (see section 15-4 (1) of the Representation of the People Act and section 13 first paragraph no. 1 of the Public Administration Act). Information about who is shall represent the list proposal is public.

⁰ Amended by Regulations no. 139 of 16 February 2005.

§ 14. Designated representatives – committee of representatives

(1) If a list proposal from a registered political party has been signed by two board members from the local division of the party, these are considered to be the designated representative and his or her deputy. The board of the local division is considered to comprise the committee of representatives.

(2) If a list proposal submitted in accordance with the requirements laid down in section 6-3 second paragraph of the Representation of the People Act does not state who is the designated representative and the committee of representatives for the list proposal, the two top signatories are considered to be the designated representative and his or her deputy. The five uppermost signatories are considered to comprise the committee of representatives and the next three their deputies.

§ 15. Changes to list proposals after the deadline for submission

(1) After the deadline for submissions of list proposals has expired, list proposers may only make changes to list proposals that are necessary in order to bring it compliance with the requirements of the law

(2) If a candidate is deleted from the list proposal, the designated representative shall decide whether a new name shall be added in the empty space or whether the subsequent names shall advance one position in unchanged order and the list be supplemented with a new name at the bottom. No other modifications are permitted. If the deadline for submission of list proposals has expired, the designated representative shall attach a declaration from the new candidate indicating that he or she is willing to stand as a candidate on the list.

§ 16. Who represents a registered political party at the local level

If it is unclear who is entitled to represent a registered political party at the local level the electoral authorities shall obtain and use as their basis a statement from the party's executive body, *cf.* section 3 (2) litra b of the Political Parties Act.

⁰ Amended by Regulations no. 139 of 16 February 2005, no.323 of 19 April 2005 and no. 143 of 6 February 2007.

§ 17. Information about the candidates

(1) If information concerning the candidates' occupations and/or place of residence is included in the list proposal, this shall be done for all candidates on the list.

(2) If information is provided on joint lists about the individual candidate's affiliation in respect of the various groups behind the proposal, this shall be done for all candidates on the list.

0 Amended by Regulations no. 139 of 16 February 2005.

§ 18. Notification to list proposers

(1) As soon as the lists have been approved, the designated representatives shall be notified of this and receive a copy of the approved list.

(2) If a list proposal is not approved, the designated representatives for the list proposal shall be notified of this as soon as possible and be informed of their right to lodge an appeal and the conditions relating thereto.

Chapter 4. The design and printing of ballot papers (cf. section 7-3 of the Representation of the People Act)

§ 19. Requirements concerning ballot papers bearing names of candidates

(1) When designing the ballot papers, importance shall be attached to the fact that the ballot papers shall be easy to read.

(2) Ballot papers used at the polling stations must be produced in such a way so that it is not possible to see what the electors have voted after the ballot paper has been folded.

(3) The ballot papers shall be of A5 format or be fanfolded, or ready for fanfolding, to A5 format.

(4) For parliamentary elections and municipal council elections, ballot papers shall be white.

(5) For county council elections, ballot papers shall be blue.

(6) The ballot paper shall contain:

- a) information about the election to which it pertains.
- b) the heading showing which party or group the list emanates from. The heading shall be printed in a font size of at least 20 points.
- c) the first name, surname and year of birth of the candidates standing for election on the list. Information about the candidates' occupation and/or place of residence may be presented on the ballot paper. This shall be done if it is necessary in order to avoid confusion between candidates on the list. On joint lists information may be provided about each candidate's affiliation in relation to the different groups behind the proposal. If such information is included on the ballot paper, this shall be done for all candidates on the list.
- d) a guide concerning the opportunity one has to make amendments to the ballot paper. If this guide is printed on the reverse of the ballot papers, notice of this shall be given on the front.

(7) On ballot papers for county council elections and municipal council elections, one column of boxes shall be printed so that personal votes may be given. The column shall be placed to the left of the candidates' name and bear the heading "Personal votes" (Bokmål) or "Personal votes" (Nynorsk).

(8) On ballot papers for municipal council elections a field shall be printed where candidates from other lists may be included. The field shall bear the heading "Candidates from other lists" (Bokmål) or "Candidates from other lists" (Nynorsk). On ballot papers for municipal council elections, candidates who shall have an increased share of the poll pursuant to section 6-2 (3) of the Representation of the People Act must be placed first on the ballot paper and their names must be printed in bold.

(9) On ballot papers for parliamentary elections, a column of boxes shall be printed allowing electors to change the order of the candidates. The column shall be placed to the left of the names of the candidates and bear the heading "No.". To the right of the candidates' names a column shall be printed allowing electors to put a stroke through the names of candidates. The column shall have the heading "Delete". In the guidelines it shall be evident a) how the elector changes the order of the candidates and b) that if the elector wishes to delete one or more candidate names, this must be done by placing a mark in the box to the right of the names of the candidates.

⁰ Amended by Regulations no. 139 of 16 February 2005 and no. 323 of 19 April 2005.

§ 20. Duty to produce blank ballot papers

(1) In connection with parliamentary elections, the County Electoral Committee shall ensure that blank, white ballot papers are produced.

(2) In connection with county council elections, the County Electoral Committee shall ensure that blank, blue ballot papers are produced.

(3) In connection with municipal council elections, the Electoral Committee shall ensure that blank, white ballot papers are produced.

(4) The outside of the blank ballot paper shall have the same design as that of ordinary ballot papers. It shall not set itself apart from other ballot papers. The following text shall be printed on the inside (in Bokmål and Nynorsk, respectively):

BLANK BALLOT PAPER

To be used when returning a blank ballot paper.

or

BLANK BALLOT PAPER

To be used when returning a blank ballot paper.

⁰ Amended by Resolution no. 139 of 16 February 2005.

§ 21. The right to receive ballot papers

The representative for each list proposal may on his or her own account demand to receive any number of ballot papers he or she wishes. Such a demand must be submitted within the deadline set by the election authorities.

Chapter 5. Production, design, distribution and use of polling cards (cf. section 2-9 of the Representation of the People Act)

⁰ Title amended by Regulation no. 504 of 11 May 2007.

§ 22. Production, distribution and use of polling cards

(1) The electoral register as at 11 June shall form the basis of the production of polling cards.

(2) The Electoral Committee shall distribute polling cards to electors no later than 3 August.

(3) If an elector who casts an advance ballot does not have his or her polling card, the returning officer in Norway (with the exception of Svalbard and Jan Mayen) shall issue the elector with a polling card.

(4) The polling card shall be filled in so that it is possible to clearly identify the elector on the basis of the information on the polling card.

0 Amended by Regulations no. 504 on 11 May 2007 and no. 535 of 20 May 2009.

§ 23. Design of polling cards

(1) The following information shall appear on polling cards distributed in pursuance of section 2-3 of the Representation of People Act:

- a) in which election and year they are valid,
- b) the elector's name, registered address and year of birth,
- c) the name and address of the Electoral Committee in the municipal authority area in which the elector is registered in the electoral register,
- d) polling district, rode, page, line, the number of the municipality's electoral register and the municipal authority area number,
- e) the address and opening hours of the polling station on the Election Day(s)
- f) the field where the returning officer shall write down the time and the place where the vote was cast and sign for receipt of the vote.

In addition, the polling card shall state that the elector must show a form of identification in order to cast a ballot.

The Electoral Committee may decide that other information is to be included on the polling card.

(2) Polling cards which the returning officers print for the elector in connection with advance voting shall contain the following information:

- a) in which election and year they apply,
- b) information that clearly identifies the elector,
- c) the name and address of the Electoral Committee in the municipal authority area in which the elector is registered in the electoral register and
- d) the time and place the casting of the ballot took place as well as the returning officer's signature.

(3) The name and address of the Electoral Committee in the municipal authority area in which the elector is included in the register of electors and information that identify the elector (except the elector's date of birth, Norwegian identity number and address) shall be visible in the window on the windowed envelope. No other information shall be visible in the window of the envelope.

0 Amended by Regulations no. 139 of 16 February 2005 and no. 504 of 11 May 2007.

Chapter 6. The conduct of advance voting (cf. section 8-6 of the Representation of the People Act)

§ 24. Announcement of advance voting

The Electoral Committee shall announce the time and place of the advance voting.

§ 24a. Advance voting in Norway during the period 1 July to 9 August

(1) The Electoral Committee has a duty to ensure that electors who contact the municipal authority during the period 1 July to 9 August are able to cast their vote.

(2) The Electoral Committee indicates where such voting is to take place. In so far as it is practically possible, the Electoral Committee shall take into account the elector's wishes with regard to the time at which advance voting takes place.

(3) The rules concerning advance voting laid down in the Representation of the People Act and the Representation of the People Regulations apply accordingly.

0 Added by Resolution no. 535 of 20 May 2009.

§ 25. Advance voting at health and social institutions

In connection with voting at health and social institutions, votes may also be cast by people resident in social security and care housing in the immediate vicinity of the institution.

§ 26. Polling stations

(1) The Electoral Committee shall arrange advance voting in premises that are easily accessible and where all voters can gain access without requesting assistance. Other premises shall not be used unless special reasons exist.

(2) In connection with the organisation of advance voting in polling stations, importance shall be attached to providing good accessibility to all electors. Electors with visual impairments must be able to cast their votes without requesting assistance.

§ 27. Procedure for advance voting - forwarding

(1) The returning officer shall give the elector a ballot paper envelope and show the elector to the place where the ballot papers have been placed.

(2) In the case of ambulatory voting, voting in patient rooms and in social security and care housing, the elector receives on ballot paper for each group that has put up a list at the election. The returning officer must not take back any of the ballot papers that were handed out.

(3) Electors with voting rights in another constituency shall instead receive a ballot paper containing the names of the registered political parties.

(4) The elector shall place the ballot paper in a ballot paper envelope. In the case of municipal council elections and county council elections, the same ballot paper envelope shall be used for both elections.

(5) If a vote is cast in Norway, the returning officer shall sign the polling card and write down the time and place voting occurred. The returning officer shall then place the ballot paper envelope and polling card in a cover envelope, seal it and place it in a sealed ballot box in front of the elector.

(6) If a vote is cast abroad, on Svalbard or Jan Mayen, the returning officer shall place the ballot paper envelope in a cover envelope and seal this in front of the elector. The returning officer shall then write the following information on the cover envelope:

- a) the name and address of the Electoral Committee,
- b) the elector's name, date of birth and Norwegian identity number,
- c) the elector's home address as at 30 June in the year of the election, or the elector's last address in Norway if he or she has notified the authorities of a move abroad, and
- d) the time and place when voting occurred.

The returning officer and the elector then sign the cover envelope.

(7) In the final week of the advance voting period advance votes shall be forwarded to the elector's home municipality each day. In connection with the forwarding of cover envelopes, forwarding envelopes may be used.

(8) Advance votes are to be sent as category A mail or in a swifter manner.

0 Amended by Resolutions no. 139 of 16 February 2005, no. 504 of 11 May 2007 and no. 535 of 20 May 2009.

§ 28. *Postal voting abroad*

(1) The elector shall place the ballot paper in a ballot paper envelope. In the case of municipal council elections and county council elections, the same ballot paper envelope shall be used for both elections.

(2) The ballot paper envelope shall be placed inside a cover envelope which is to be sealed.

(3) The elector writes the following information on the outside of the cover envelope:

- a) the name and address of the Electoral Committee,
- b) The elector's name, date of birth and Norwegian identity number,
- c) the elector's registered address as at 30 June in the year of the election, or the elector's last address in Norway if he or she has notified the authorities of a move abroad. and
- d) the time and place when voting occurred.

(4) The elector shall sign the cover envelope.

(5) If possible one witness should confirm the correctness of the information written on the outside of the cover envelope. The address and date of birth of the witness shall be written on the outside of the cover envelope.

0 Amended by Regulations no. 504 of 11 May 2007 and no. 535 of 20 May 2009.

§ 29. *Emptying of ballot boxes. Keeping of materials etc.*

Sections 33 and 34 apply accordingly.

Chapter 7. Organisation and conduct of the voting at election proceedings. Sealing, keeping and transportation of election material (cf. section 9-10 of the Representation of the People Act)

§ 30. The polling station

When deciding which premises are to be used and in connection with the organisation of matters for voters at the election proceedings, section 26 shall apply accordingly.

§ 31. Use of special cover envelopes

Electors who are not included in the relevant section of the register of electors or who have already been crossed off in the electoral register shall not place their ballot papers in the ballot box. After the ballot paper has been stamped, the voter shall place it in the ballot paper envelope. The polling committee shall place the ballot paper envelope in a special cover envelope, seal it and write on it the elector's name, residential address and date of birth.

§ 32. Voting immediately outside the polling station

(1) If the elector appears in the register of electors in the municipal authority area, a cross shall be placed in the register of electors by the elector's name before he is given ballot papers.

(2) Two returning officers take with them one set of ballot papers – one ballot paper for each group with an electoral list – a stamp and a ballot box out to the elector.

(3) The elector folds the ballot paper in person, or alternatively with assistance pursuant to section 9-5 (5) of the Representation of the People Act, and places it in the ballot box after it has been stamped by one returning officer. The returning officers then bring the ballot box back into the polling station. The returning officers must not return any of the ballot papers given to the elector.

(4) If the elector does not appear in the register of electors in the municipal authority area, or if a cross has already been placed in the register of electors by the elector's name, the ballot paper must not be placed in the ballot box, but must be dealt with in pursuance of section 31.

0 Amended by Resolution no. 323 of 19 April 2005.

§ 33. Emptying of ballot boxes during Election Day

If it is necessary to empty ballot boxes during Election Day, the Electoral Committee shall ensure that the polling committees establish secure routines for keeping of the content. Ballots cast shall be stored separately from other election material.

§ 34. Keeping and transportation of election material. Sealing.

(1) The Electoral Committee shall establish secure routines for keeping and transporting election material at all stages of election proceedings.

(2) The election material must be sealed if at times it is not under direct supervision of the election authorities. Such sealing shall be carried out so that no one can access the sealed material without leaving clear marks.

(3) All transportation of election material shall take place in the safest and quickest manner possible and by others than those who store the sealing equipment.

0 Amended by Resolution no. 139 of 16 February 2005.

Chapter 8. Validation of the ballots cast and ballot papers. Counting (*cf.* section 10-10 of the Representation of People Act)

§ 35. *Opening of cover and ballot paper envelopes*

The Electoral Committee shall ensure that the opening of cover and ballot paper envelopes is not carried out by the same people, if this takes place at the same time. Two people must be present at the opening of ballots cast.

§ 36. *Several ballot paper envelopes or ballot papers from the same elector*

If one vote contains several ballot paper envelopes or ballot papers without an envelope, the ballot paper or ballot papers shall be placed unread in one ballot paper envelope.

§ 37. *Provisional counting of ballot papers cast in advance*

The Electoral Committee shall keep a certain number of ballot papers cast in advance separate from the provisional count and mix these in with ballot papers cast in advance that are received after the provisional count has begun.

§ 38. *Ballots papers cast in favour of joint lists*

A ballot paper in the name of one of the groups forming a joint list shall be considered to have been cast in favour of the joint list.

§ 39. *The significance of changes when the elector has returned several ballot papers for the same party*

If an elector at the same election has returned several ballot papers for the same party and some of them have been changed, the following shall apply:

- a) if only one of the ballot papers has been changed, it shall be approved,
- b) if several ballot papers have been changed in the same way, one of the ballot papers shall be approved,
- c) if several of the ballot papers have been changed in different ways, one of the ballot papers shall be approved, but the changes will be ignored.

§ 39a. *A lack of stamp on ballot papers in special cover envelopes*

If a ballot paper that has been placed in a special cover envelope in pursuance of section 31 lacks a public stamp, the Electoral Committee shall stamp the ballot paper afterwards.

0 Added by Regulation no. 535 of 20 May 2009.

§ 40. *Counting in another municipal authority area*

All counting of ballot papers carried out in another municipal authority area or by the County Electoral Committee, shall take place under the inspection of the Electoral Committee.

Chapter 9. Keeping the record of elections (cf. section 10-10 of the Representation of the People Act)

§ 41. Preparation of forms

The Ministry shall prepare forms in which administrative matters, the receipt and handling of ballot papers and votes cast, counting, the final election result and checking shall be recorded. The electoral authorities are obliged to use the stipulated forms.

Chapter 10. Penalty fine pursuant to section 9-9 of the Representation of the People Act, cf. section 15-11 of the Representation of the People Act

0 Added by Regulation no. 535 of 20 May 2009.

§ 42. Payment of a penalty fine

(1) A penalty fine shall fall due for payment three weeks after notice concerning a final decision in a case concerning the imposing of a penalty fine has reached the entity.

(2) In the event of late payment of the penalty fine, interest on overdue payment is accrued in accordance with Act no. 100 of 17 December 1976 relating to interest on overdue payments etc.

(3) If the penalty fine has not been paid by the due date pursuant to the first paragraph of the Act, the penalty fine and interest may be recovered fourteen days after notice of recovery has reached the entity.

0 Added by Regulation no. 535 of 20 May 2009.

§ 43. Appeal body

(1) Decisions concerning the imposing of a penalty fine in pursuance of section 15-11 of the Representation of the People Act may be appealed to an independent appeal body.

(2) The members of the appeal body are appointed by the King for a five-year period. The appeal body shall consist of three members and two deputies with adequate competence. Among the members the King shall appoint a leader who has competence as a judge. Members may not be dismissed or suspended during the term of office unless there is a particular reason to do so.

(3) The Ministry appoints a technical secretariat for the appeal body. The office of the secretariat shall be placed with an advocate.

(4) The appeal body cannot reverse the decision of the Norwegian Media Authority on its own initiative. Neither the King nor any other supreme body may instruct the appeal body or the secretariat with regard to interpretation of the law, the exercising of discretion, decisions concerning individual cases or administrative procedure.

(5) The appeal body's deliberations take place in a meeting. Decisions are made by simple majority.

(6) Decisions made by the appeal body cannot be appealed, but may in the ordinary way be brought before a court of law.

0 Added by Regulation no. 535 of 20 May 2009.

§ 44. *The appeal*

(1) The appeal must be lodged no later than three weeks after notice to impose a penalty fine has reached the entity.

(2) The appeal shall contain the name and address of the complainant. The appeal shall be in writing and state the actual facts and legal aspects on which the appeal is based. Relevant documentary evidence must be attached.

0 Added by Regulation no. 535 of 20 May 2009.

§ 45. *Concerning the appeals procedure*

(1) The appeal shall be submitted to the Norwegian Media Authority who will ensure that investigations necessitated by the appeal are carried out. The Norwegian Media Authority may set aside or amend the decision if it finds the appeal to be reasonable. If the Norwegian Media Authority finds no basis for reversing the decision, the documents must be sent to the appeal body's secretariat.

(2) The appeal body shall review all aspects of the case, including any new information relating to the case. The appeal body shall consider any views submitted by the complainant, and may take up matters that the complainant has raised.

(3) The appeal body shall ensure that the case is illuminated in the best manner possible.

0 Added by Regulation no. 535 of 20 May 2009.

Chapter 11. Commencement

0 Amended by Regulation no. 535 of 20 May 2009 (formerly chapter 10).

These Regulations come into force immediately.
