

## **Election Regulations**

**for the Elections to the Senate and the Faculty Councils**

**Dated February 27, 2012**

**in the Seventh Revised Version**

**for the Elections to the Senate and the Faculty Councils**

**Dated December 14, 2021**

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**Please note: This publication is an English translation. Only the German original of these regulations as published in the Official Announcements of RWTH Aachen University (“Amtliche Bekanntmachungen”) is legally binding.**

Based on § 2 (4) and § 11a (4) Sentence 1 and 13 (1) Sentence 2 of the Higher Education Act of the State of North Rhine-Westphalia (Hochschulgesetz; HG) in the version dated September 16, 2014 (Law and Official Gazette NRW p. 547, most recently amended by Article 1 of the Act to Amend the Higher Education Act and the Art School Act dated November 25, 2021 (GV. NRW S. 1210a) as well as the Charter and Bylaws of RWTH Aachen University dated September 21, 2007, in the currently valid version, RWTH Aachen University has issued the following Election Regulations of the University:

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## I. General

### § 1 Scope of Application

These election regulations apply to elections to the RWTH Senate and Faculty Councils as well as to Member Initiatives. When drawing up lists and nominations for an electoral body, equal representation of women and men shall be ensured in accordance with Section 11b (1) Higher Education Act (HG).

### § 2 Combining the Elections

The elections shall be prepared and conducted simultaneously as combined elections.

### § 3 Deadlines

If the last day of any of the periods specified in these Election Regulations falls on a Saturday, Sunday or state-recognized holiday, the end of the period shall be on the next working day.

## II. Elections to the Senate and Faculty Councils

### § 4 Election Rules

- (1) The Senate is elected by the members of the University, and the Faculty Councils are elected by the members of the respective faculties, divided into University groups, in direct, free, equal, and secret elections. Pursuant to § 11 (1) Sentence 1 Higher Education Act (HG), each of the following form a group:
  - a) the professors, junior professors and, pursuant to Section 6 (4) of the RWTH Charter and Bylaws, the academic staff working full-time at RWTH Aachen University who have been awarded the title of “adjunct professor” by RWTH Aachen University (group of University professors),
  - b) the academic and artistic staff and the instructors for specific tasks (group of academic staff)
  - c) the technical and administrative employees as well as the individuals working full-time at the University with medical, dental, or veterinary tasks who do not belong to the group of University professors or to the group of academic employees (group of technical and administrative employees)
  - d) the doctoral candidates, insofar as they are not employees within the meaning of § 11 paragraph 1 no. 2 or 3 Higher Education Act (HG), and the students (group of students).

The number of members to be elected shall be determined for the Senate in accordance with Section 15 (1) and for the Faculty Councils in accordance with Section 33 of the RWTH Charter and Bylaws.

- (2) Elections are held according to lists drawn up on the basis of valid election nominations (election lists). The electoral lists contain the names of the candidates for election.

### **§ 5 Constituency and Seat Distribution in the Elections to the Senate**

- (1) The number of seats in the Senate allocated to the above groups shall be determined in accordance with Section 15 (1) of the RWTH Charter and Bylaws. Accordingly, the group of University professors has 14 seats; the groups of academic staff, technical and administrative employees and students each have 4 seats.
- (2) The group of University professors is formed from 10 constituencies. The constituencies and the seats corresponding to them are distributed as follows:

Constituency 1	Faculty for Mathematics, Computer Science and Natural Sciences	2 seats
Constituency 2	Faculty of Architecture	1 seat
Constituency 3	Faculty of Civil Engineering	1 seat
Constituency 4	Faculty of Mechanical Engineering	2 seats
Constituency 5	Faculty of Georesources and Materials Engineering	1 seat
Constituency 6	Faculty of Electrical Engineering and Information Technology	1 seat
Constituency 7	Faculty of Arts and Humanities	2 seats
Constituency 8	School of Business and Economics	1 seat
Constituency 9	Faculty of Medicine	2 seats

The 10th constituency is an overarching, cross-faculty constituency for the election of the group spokesperson of the University professors and their deputy. Each member of this group may exercise their right to vote in one of the constituencies 1 to 9 as well as in constituency 10.

- (3) The group of academic staff is formed from 4 constituencies. Facilities that are not assigned to a faculty (e.g., Central Facilities and Central University Administration) are grouped together and referred to as "Central Facilities." The constituencies are distributed as follows:

Constituency 1	Faculty of Mathematics, Computer Science and Natural Sciences, Faculty of Architecture and Faculty of Arts and Humanities	1 seat
Constituency 2	Faculty of Civil Engineering and Faculty of Mechanical Engineering	1 seat

Constituency 3	Faculty of Georesources and Materials Engineering, Faculty of Electrical Engineering and Information Technology, and Central Facilities	1 seat
Constituency 4	Faculty of Medicine and School of Business and Economics	1 seat

- (4) The group of technical and administrative staff forms a constituency. This constituency has 4 seats.
- (5) The group of students is formed from 4 constituencies. The constituencies are distributed as follows:

Constituency 1	Faculty of Mathematics, Computer Science and Natural Sciences and the Faculty of Medicine	1 seat
Constituency 2	Faculty of Architecture, Faculty of Civil Engineering and Faculty of Electrical Engineering and Information Technology	1 seat
Constituency 3	Faculty of Georesources and Materials Engineering, Faculty of Arts and Humanities, and Faculty of Business and Economics	1 seat
Constituency 4	Faculty of Mechanical Engineering	1 seat

## § 6 Constituency and Seat Distribution in the Faculty Council Elections

- (1) The number of seats in the Faculty Councils to which the groups are entitled shall be determined in accordance with § 33 of the RWTH Charter and Bylaws.
- (2) 1. With the exception of the Faculty of Mathematics, Computer Science and Natural Sciences, the Faculty of Georesources and Materials Engineering, and the Faculty of Medicine, the group of University professors shall be formed from one constituency per faculty.
2. In the Faculty of Mathematics, Computer Science and Natural Sciences, 6 constituencies are formed. The constituencies and the seats corresponding to them are distributed as follows:

Constituency 1	Mathematics	1 seat
Constituency 2	Computer Science	1 seat
Constituency 3	Physics	1 seat
Constituency 4	Chemistry	1 seat
Constituency 5	Biology	1 seat

The 6th constituency serves as an overarching constituency for the entire faculty. This constituency sends 3 representatives. Each member of this group may exercise their right to vote in one of the constituencies 1 - 5 as well as in constituency 6.

3. 4 constituencies are formed in the Faculty of Georesources and Materials Engineering . The constituencies and the seats are distributed as follows:

Constituency 1	Mineral Resources and Raw Materials Engineering	2 seats
Constituency 2	Materials Science and Materials Engineering	2 seats
Constituency 3	Earth Sciences and Geography	2 seats

The 4th constituency is formed as an overarching constituency for the entire faculty. This constituency sends 2 representatives. Each member of this group may exercise their right to vote in one of the constituencies 1 - 3 as well as in constituency 4.

4. In the Faculty of Medicine, 2 constituencies are formed. The constituencies and the seats are distributed as follows:

Constituency 1	Theoretical Medicine	4 seats
Constituency 2	Clinical Medicine/Dentistry	4 seats

- (3) 1. For the group of scientific employees, one constituency per faculty shall be formed, with the exception of the Faculty of Mathematics, Computer Science and Natural Sciences and the Faculty of Georesources and Materials Engineering
2. In the Faculty of Mathematics, Computer Science and Natural Sciences, 2 constituencies shall be formed. The constituencies are as follows:

Constituency 1	Mathematics, Computer Science, Physics	1 seat
Constituency 2	Chemistry, Biology	1 seat

3. 2 constituencies are formed in the Faculty of Georesources and Materials Engineering. The constituencies are as follows:

Constituency 1	Materials Science and Materials Engineering	1 seat
Constituency 2	Mineral Resources and Raw Materials Engineering, Earth Sciences and Geography	1 seat

- (4) 1. For the group of technical and administrative employees, one constituency per faculty shall be formed, with the exception of the Faculty of Mathematics, Computer Science and Natural Sciences and the Faculty of Georesources and Materials Engineering.
2. In the Faculty of Mathematics, Computer Science and Natural Sciences, 2 constituencies are formed. The constituencies are as follows:

Constituency 1	Mathematics, Computer Science, Physics	1 seat
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Constituency 2	Chemistry, Biology	1 seat
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3. 2 constituencies are formed in the Faculty of Georesources and Materials Engineering. The constituencies are as follows:

Constituency 1	Mineral Resources and Raw Materials Engineering, Earth Sciences and Geography	1 seat
Constituency 2	Materials Science and Materials Engineering	1 seat

- (5) 1. For the group of students, one constituency per faculty shall be formed, with the exception of the Faculty of Mathematics, Computer Science and Natural Sciences and the Faculty of Georesources and Materials Engineering.
2. 3 constituencies are formed in the Faculty of Mathematics, Computer Science and Natural Sciences . The constituencies are as follows:

Constituency 1	Physics and Mathematics	1 seat
Constituency 2	Computer Science	1 seat
Constituency 3	Chemistry and Biology	1 seat

3. 3 constituencies are formed in the Faculty of Georesources and Materials Engineering . The constituencies are as follows:

Constituency 1	Mineral Resources and Raw Materials Engineering	1 seat
Constituency 2	Materials Science and Materials Engineering	1 seat
Constituency 3	Earth Sciences and Geography	1 seat

## § 7 Election System

- (1) The seats shall be allocated to each electoral list in proportion to the votes cast for the electoral list using the d'Hondt highest averages method per constituency.
- (2) For the group of academic staff and the group of students, the seats subsequently allocated to the individual electoral lists shall be distributed to the candidates listed in the electoral lists in the order of the number of votes obtained by the candidates (personalized proportional representation). For the allocation of seats in the group of University professors and in the group of technical and administrative employees, these seats shall be distributed in accordance with paragraph 1 and allocated to the candidates specified in the election nomination in the order in which they were nominated (proportional representation).
- (3) In the event of a tie between several candidates on a list, the order of the candidates on the list shall determine the order of precedence. In the event of a tie and when several lists have the same highest number of votes according to d'Hondt, the election officer shall decide by

drawing lots which list is to be allocated the seat. Candidates for whom no vote has been cast shall be deemed not to have been elected.

- (4) If several election lists are submitted from the group of academic staff from a faculty or the Central Institutions, the election list with the highest number of votes within the faculty or the Central Institutions shall prevail. When determining the substitutes, no consideration is given to the lower-ranking electoral lists (paragraph 6).
- (5) The substitute for an absent member of the Senate or a faculty council is recruited from the same list in the order of the number of votes received (group of students and group of academic employees in the Faculty Councils) or in the order on the electoral list (group of university professors and group of technical and administrative employees).
- (6) In deviation from this, the substitute of an absent member of the Senate from the group of academic employees shall be taken from across all lists if there are several electoral lists. The order of substitutes shall be determined by the number of votes received by the electoral lists, initially disregarding the electoral list which provides the member. Within an electoral list, the person who has received the most votes shall serve as the substitute. As soon as a deputy member of the Senate has been appointed from each electoral list, the order of the other deputies shall be determined in the order of the votes received by the electoral lists and within the electoral lists in the order of the number of votes obtained by the candidates. The distribution will continue until all persons have been accounted for.
- (7) If no valid election nomination of a group's constituency is submitted for the election or if the number of candidates of all election nominations per group and constituency is smaller than the number of seats to be filled, the seats concerned shall remain unoccupied; the number of seats in the bodies affected thereby shall be reduced accordingly.
- (8) If an electoral list of the group of members receives more seats than it has candidates, the surplus seats shall be allocated to the remaining lists of candidates of the same group of the constituency in the order of votes received.
- (9) If an elected member withdraws, the seat shall be allocated to the candidate from the same electoral list who, according to the election results, has the most votes among the candidates not previously included (substitute member). If the electoral list is exhausted, the surplus seats shall be allocated to the remaining lists of candidates of the same group of the constituency in the order of votes received. The same applies if an elected individual does not accept the election.
- (10) If a member of a body leaves the group for which they were elected during the electoral term and it is not possible for a listed candidate to take up the vacant position, in accordance with subsection 9, a by-election shall be held in this constituency without delay. The provisions of these Election Regulations shall apply accordingly to the by-election. The election officer may by resolution, which shall be publicly announced, make provisions deviating from these Election Regulations regarding deadlines and other relevant dates as well as regarding announcements, provided that it is ensured that the individuals concerned have had sufficient opportunity to take note of the by-election and to submit objections and proposals.

## **§ 8 Eligibility to Vote and Eligibility to be Voted for**

- (1) All individuals who are members of the University on the 63rd day prior to the 1st day of elections and whose participation in elections is not precluded by the Higher Education Act are eligible to vote and to be elected.



- (2) The 63rd day prior to the 1st election day shall be decisive for membership of a group and a constituency. Members who are on leave of absence for at least 6 months on the 63rd day before the 1st election day are not entitled to vote and cannot be elected. The same applies to students who have not re-registered on the 63rd day before the 1st election day.
- (3) If a member belongs to two different University groups or constituencies, they must declare by the time the electoral roll is closed to which group or constituency they want to belong for the election; otherwise the Electoral Board shall assign them to a group or constituency. Section 5 para. 2 sentence 3 , and section 6 para. 2 no. 2 sentence 4 and no. 3 sentence 4 remain unaffected.

### **§ 9 Electoral Bodies**

- (1) The electoral bodies shall be the election officer and the chairperson of the Election Evaluation Board pursuant to Section 23.
- (2) The election officer and the deputy election officer shall be appointed by the Chancellor from among the employees of the Central University Administration – preferably the Academic Affairs division (Election Office).
- (3) The election officer shall arrange for the conduct of the elections in consultation with the Rectorate. They inform the Rectorate about the election result.
- (4) For the preparation (of voting by mail, in particular) and conduct of the elections, the election officer may appoint election assistants from among the eligible voters of the various groups pursuant to § 4 para. 1.
- (5) In the event of a dispute over the interpretation of the election rules, the Chancellor shall decide.
- (6) The election officer may not be a candidate for a board or committee.

### **§ 9a Election Procedure and Schedule**

- (1) The election officer shall determine, in agreement with the group spokespersons, how the election will be conducted. Three options are possible: ballot box election with the possibility of voting by mail; voting by mail only; or an Internet-based online election (electronic voting) with the possibility of a voting by mail. Electronic voting is only permissible if the applicable principles of electoral law, in particular the principles of secret ballot and public nature of the election, are observed in its implementation.
- (2) The ballot box election shall be held on 5 consecutive business days. The date for the 1st day of the election shall be determined in such a way that the deadlines set in these Election Regulations for the conduct of the election can be met. The election times for the group of students is published in the official election announcement.
- (3) The election officer, in agreement with the group spokespersons, shall draw up a schedule on the timing of the preparations for the elections and the elections to the Senate and the Faculty Councils. The schedule is binding.

## § 10 Electoral Roll

- (1) The election officer shall draw up a list of voters by group no later than the 59th day before the 1st day of voting, which must contain the surnames and first names of the eligible voters and, in the event of identical names, the dates of birth. The affiliation to the constituencies shall be shown.
- (2) The electoral roll shall be made available for inspection at the Election Office no later than from the 56th to the 11th day before the 1st day of voting. In the case of electronic voting, the electoral roll shall be made available for inspection at the Election Office no later than from the 56th day to the 28th day before the 1st day of voting.
- (3) Objections to the correctness of the electoral roll shall be submitted to the election officer in writing or be recorded in writing within the inspection period. The election officer shall decide on the objection no later than 7 days before the 1st election day.

## § 11 Election Announcement

- (1) The election officer shall publicly announce the election within RWTH no later than 70 days prior to the 1st day of the election.
- (2) The announcement must contain at least:
  1. Place and date of its publication,
  2. the designation of the bodies to be elected,
  3. a presentation of the regulatory content of §§ 5 and 6,
  4. the election days,
  5. places and times of voting,
  6. the deadline within which election nominations may be submitted and the number of endorsements required,
  7. the body responsible for receiving election nominations,
  8. A note informing the addressees that only persons listed in the electoral roll may vote, also including information on the possibility of lodging an objection in accordance with section 13 (3),
  9. place and time of display of the electoral roll,
  10. A note that a voter's notification will be sent to the eligible voters:
  11. a note on the election procedure pursuant to section 9a (1),
  12. the notification that if voting takes place by mail only, the complete voting documents will be sent to all eligible voters,
  13. A notice on the deadlines to be observed when voting by mail,
  14. in the case of electronic voting, instructions on how to register at the electronic voting registration portal,
  15. a copy of the election rules.
- (3) The election is initiated when the announcement is issued.

## § 12 Election Nominations

- (1) The election nominations for the respective bodies must be submitted to the election officer by 12:00 noon on the 49th day before the first day of the election, separated according to groups and constituencies and, in the case of elections of academic staff to the Senate, additionally separated according to faculties and central institutions. The list is numbered in the order in which it is received.
- (2) Each election nomination must be supported by at least 10 percent of the eligible voters of the same group and the same constituency. For constituencies with more than 100 eligible voters, 10 endorsements are sufficient. Endorsements must be accompanied by the last name, first name, and area of activity. An irrevocable declaration by each candidate that they have agreed to be nominated must be submitted with the election nomination document; the declaration shall also constitute an endorsement of the list within the meaning of sentences 1 and 2.
- (2a) Submission of election nominations pursuant to paragraph 1 and endorsements and declarations pursuant to paragraph 2 may be made electronically after authentication by user ID.
- (3) A candidate must belong to the constituency in which they are running. In the case of elections of the group of academic staff to the Senate, the candidates must also belong to the faculty for which the election nomination is submitted or to the central institutions within the meaning of § 5 para. 3 sentence 2. They may not be included in several election nominations from the same constituency.
- (4) In elections to the Senate, the spokesperson to be elected for the group of University professors or their deputy may be included in an election nomination for constituencies 1 to 9 as well as in one for constituency 10. They may hold only one mandate. In this context, the election in the University-wide constituency shall take precedence; Section 7, Paragraph 9, Sentence 1 shall apply to the election in the faculty constituency.
- (5) In elections to the faculty councils, a candidate from the Faculty of Mathematics, Computer Science and Natural Sciences from the group of University professors may be included both in an election nomination for constituencies 1 to 5 and additionally in an election nomination for constituency 6. They may hold only one mandate. A mandate in constituency 6 cannot be exercised if a mandate is exercised in constituencies 1 to 5. The same applies to a candidate of the Faculty of Georesources and Materials Engineering of the group of University professors. They may be included in an election nomination for constituencies 1 - 3 as well as additionally in an election nomination for constituency 4. Section 7 (9) sentence 1 shall apply to the election in the overarching constituency.
- (6) The election nomination must contain the body, group, constituency, last name, first name, area of activity, and address. Special designations of lists and candidates are permitted.
- (7) The election officer must examine the election nominations submitted by the deadline without delay. If they do not meet the requirements, they shall be returned without delay, stating the reasons, with a request to remedy the defects within 3 days of the request. Otherwise, the election nomination is invalid.
- (8) The decision on the validity of the election nominations shall be made by the election officer no later than on the 45th day before the 1st election day. An appeal against the rejection of a nomination may be lodged in writing with the election officer no later than 40 days before the 1st day of the election. The election officer shall decide on the appeal by the 35th day before the 1st election day. The appeal decision is final; however, it does not preclude the filing of an appeal in the election review proceedings.

- (9) The election officer shall announce the election nominations that have been approved as valid, divided into committees, groups and constituencies, no later than on the 27th day before the 1st day of the election, by posting them in the designated place in front of the election office.
- (10) If there is no valid election nomination for a constituency by the time the election nominations are submitted, an extension shall be granted to the 42nd day before the first election day, 12:00 noon. If no valid election nomination is submitted within this extension period either, the seats in the body in question shall remain vacant for the electoral term. Paragraphs 7 and 8 shall apply accordingly, with the deadlines specified in paragraph 8 being shortened by 7 days until the first day of voting. All other deadlines remain unaffected. § Section 13 (3) sentence 1 HG shall not apply in this case.

### **§ 13 Voter's Notification**

- (1) The Central University Administration will send voter's notifications to eligible voters no later than the 21st day prior to the 1st day of voting.
- (2) The voter's notification shall contain at least:
  1. information on the person entitled to vote in the electoral roll,
  2. the group to which the eligible voter belongs, with a verbatim reproduction of Section 8(3) and information on when the electoral roll will be closed (exact date),
  3. the bodies to be elected,
  4. the constituencies, places, and times of the election,
  5. a reference to the documents to be presented at the election.
- (3) If the election is held as a ballot box election with the option of vote-by-mail, the voter's notification shall contain a form with which the vote-by-mail can be applied for, stating the application deadline, as well as a note that vote-by-mail can also be applied for informally.
- (4) If the election is conducted as vote-by-mail election, the voter's notification shall contain information on when the postal voting documents will be sent out.
- (5) If the election is conducted as an electronic election, the voter's notification shall contain, in addition to the information in paragraph 2, in particular the data required for authentication, the election period, and information on the use of the electronic ballot box and the election portal.
- (6) Objections concerning the non-delivery or incompleteness of the required election documents are to be submitted in writing to the election officer no later than 7 days before the 1st day of the election or are to be recorded in writing at the Election Office. The election officer shall decide on the objection at the latest by the 4th day before the 1st election day.

### **§ 14 Ballot Papers**

- (1) Official election documents (ballot papers or, for absentee voting, also ballot envelopes and absentee ballot envelopes) must be used for the elections.

- (2) In each constituency, each group shall receive its own ballot papers with the election nominations.
- (3) The election officer shall arrange for the production of the official election documents through the Central University Administration.

### **§ 15 Voting**

- (1) The voter casts their vote by clearly marking one or, if applicable, several prepared boxes on the ballot paper with a cross or by other means.
- (2) In the group of academic staff, each voter may mark as many candidates on a list as half of the mandates to be allocated in his or her constituency. If half of the mandates to be awarded do not result in a whole number, they shall be rounded up to the next higher whole number.
- (3) Accumulation and splitting of votes are not permitted.

### **§ 16 Ballot**

- (1) In the case of a ballot box election, the voter marks the ballot papers and puts them into the ballot box.
- (2) Prior to voting, the voter's eligibility shall be checked against the electoral roll and participation shall be noted in such a way as to prevent multiple voting. A valid student ID is required for this purpose. If the person entitled to vote cannot be clearly identified, an official photo ID must also be presented.
- (3) Voting takes place in public.

### **§ 17 Vote-By-Mail**

- (1) In the case of a ballot box election with the option to vote by mail, eligible voters may apply to the election officer to vote by mail no later than 12 noon on the 3rd day before the 1st day of the election. The application deadline must be stated in the voter's notification.
- (2) The postal voter receives the vote-by-mail documents, i.e. the ballot papers for the bodies to be elected, the ballot paper envelope, the voter registration card, and the voting letter envelope. The handing over or sending of the vote-by-mail documents shall be noted in the electoral roll.
- (3) The postal voter shall send their voter registration card in the sealed voting letter envelope and his or her ballot papers in the ballot paper envelope to the election officer in good time so that the voting letter envelope is received no later than on the last day of the election within the specified election period.
- (4) The voting letter envelopes received shall be kept under lock and key until the close of the election. In the case of voting letter envelopes received late, the date and time of receipt shall be noted.
- (5) An voting letter shall be rejected if

- a) the voter is not registered in the electoral roll,
  - b) the ballot envelope does not contain a ballot paper,
  - c) the ballot papers are not placed in the ballot paper envelope,
  - d) the voting letter envelope or the ballot paper envelope are not closed,
  - e) the voter registration card is not signed.
- (6) Voters who have lost their vote-by-mail documents will receive new ones from the election officer but will have to sign an affidavit. This must be noted in the electoral roll.

### **§ 18 Election Security for Ballot Box Elections**

- (1) The election officer, in consultation with the Central University Administration, must make the necessary arrangements no later than the 3rd day before the 1st day of voting to ensure that those entitled to vote can mark their ballot paper unobserved during the voting process. They shall ensure that the required number of ballot papers and ballot boxes are available. Furthermore, they shall hire the necessary number of election assistants.
- (2) Lockable ballot boxes shall be used to hold the ballot papers, and they shall be arranged so that the ballots inserted cannot be removed before the ballot boxes are opened at the end of the voting period. Before voting begins, the election officer must ensure that the ballot boxes are empty. They shall store the ballot boxes in such a way that ballots cannot be inserted or removed between the voting periods of the voting days. For the duration of the voting period, at least two election assistants to be determined by the election officer must be present at each ballot box. The election officer shall determine the deployment of the election assistants at the latest by the 3rd day before the 1st day of voting.
- (3) If it is not possible to hold the ballot box election due to external circumstances, the election officer may determine that the election in the constituency concerned shall be immediately held as vote-by-mail election.

### **§ 19 Electronic Election**

- (1) Persons entitled to vote shall receive their election documents through the Election Office pursuant to § 13. These consist of the voter's notification with the access data as well as information on how to participate in the election and use the voting portal. The voting portal enables voting by electronic ballot.
- (2) Votes shall be cast in person and unobserved in electronic form. The authentication of eligible voters takes place via the access system to the election portal specified in the election notification. The electronic ballot paper must be completed and submitted electronically in accordance with the instructions contained in the voter's notification and on the election portal. The electronic voting system used must ensure that voters can submit their vote only once. Votes must be stored in anonymous form and in such a way that the order in which the votes were received cannot be traced. Voters must have the opportunity to correct their input or interrupt the submission process until the final vote is cast. Before the vote is submitted, the voter must be asked to confirm their submission. The submission process must be transparent to the voter, so that they can see on the screen that they have cast their vote. As soon as the voter is informed that they have cast their vote, the voting process is completed.

- (3) When entering the vote using the electronic voting system, it is to be ensured that the vote is not stored in the computer used by the voter for the purpose of the election. It must be ensured that unnoticed changes to the vote by third parties are not possible. On the screen, the ballot paper must be hidden immediately after the vote is sent. The electronic voting system shall not make it possible to print out the vote after submission. The registration to the voting system, the selection and casting of the vote, as well as personal information and IP addresses of the voters may not be logged.
- (4) Voting in electronic form is also possible at the Election Office during regular opening hours.
- (5) When voting in the elections to the Senate and Faculty Councils, the voter or their assistant shall declare vis-à-vis the election officer that they have cast the vote in person or, in case of the assistant voting on behalf of the voter, in accordance with the declared intent of the voter. This declaration is submitted in electronic form. The declaration shall be deemed to have been provided in electronic form if the voter or their assistant clicks on the relevant check box in the electronic voting system. Alternatively, they may communicate electronically by another form of conduct provided for in the electronic voting system that they have cast the vote in person or as an assistant in accordance with the declared intent of the voter.

### **§ 19a Start and End of the Electronic Voting Process**

Commencement and termination of electronic voting is permitted only with authorization by at least two authorized individuals. Authorized persons within the meaning of sentence 1 are the election officer and deputy election officer.

### **§19b Malfunctions in the Electronic Voting Process**

- (1) If electronic voting is not possible for eligible voters during the election period for technical reasons in the responsibility of RWTH, the election officer may extend the election period in agreement with the group spokespersons. The extension must be announced in a suitable manner.
- (2) If malfunctions become known during the electronic voting process which can be remedied without risk of premature disclosure or deletion of the votes already cast and possible vote manipulation is excluded, the election officer may remedy such malfunctions or have them remedied and continue with the election; otherwise, the voting process shall be stopped without counting the votes. If the election is continued, the disruption and its duration shall be recorded in the minutes of the election. In the event that the election is canceled, the election officer shall decide on the further procedure in consultation with the group spokespersons.

### **§ 19c Vote-by-Mail as an Alternative to Electronic Voting**

- (1) If the election is conducted electronically, voters shall additionally have the opportunity to vote by mail.



- (2) Eligible voters shall use the official application form to vote by mail, which is available from the Election Office. They will then obtain the vote-by-mail documents. The application must be received by the Election Office no later than 7 days before the beginning of the election period.
- (3) The Election Office shall then immediately send or hand over the vote-by-mail documents to eligible voters in accordance with Section 17 (2) and note this in the electoral roll. Upon mailing or delivery of the vote-by-mail documents, eligible voters are excluded from the electronic voting process.
- (4) The closed voting letter envelopes must be received by the Election Office no later than the end of the electronic voting period. The voting letter envelopes with the ballot papers shall be collected in a common ballot box and counted in accordance with § 20.

### **§19d Technical Requirements**

- (1) Electronic elections may only be conducted if the electronic voting system used complies with current technical standards, in particular the security requirements for online voting products of the Federal Office of Information Security. The system must have the technical specifications listed in the following paragraphs. The fulfillment of the technical requirements must be proven by appropriate documentation.
- (2) In order to maintain the secrecy of the ballot, the electronic ballot box and the electronic electoral roll must be maintained on different server hardware. The electoral roll is stored on a University-owned server.
- (3) The election servers must be protected against attacks from the internet/network; in particular, only authorized accesses may be permitted. Authorized access includes, in particular, the verification of voting eligibility, the storage of the votes of eligible voters, the registration of votes cast, and the verification of whether any voters have exercised their right to vote multiple times (voting data). Suitable technical measures must be taken to ensure that no votes can be irretrievably lost in the event of a failure or malfunction of a server or a server area.
- (4) The transmission procedure for the election data shall be designed in such a way that they are protected against attempts to spy upon or decrypt them. The transmission paths for verifying the voter's eligibility to vote and for registering the vote in the electoral roll and the vote in the electronic ballot box must be separated in such a way that at no time is it possible to assign a vote cast to a voter.
- (5) The data transmission must be encrypted. During the transmission and processing of voting 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 roll.
- (6) Voters shall be informed of suitable security measures to protect the computer used for voting against third-party access in accordance with the current state of the art; reference shall be made to free sources of suitable software. The voter must confirm in electronic form that they have acknowledged the security instructions before voting.
- (7) The University is entitled to use external service providers for the implementation of electronic voting and to determine that the security standards are sufficient. If the University uses an external service provider to conduct the election, this service must be contractually obligated to comply with the legal requirements of the Ordinance on the Conduct of Online-Based Elec-



tions of Universities and Student Bodies in North Rhine-Westphalia (Online Election Ordinance) of October 30, 2020, in its currently valid version, and these Election Regulations in the currently valid version. This shall be the case unless the terms and conditions of the external service provider, which become part of the contract between this provider and the University, ensure that the service complies with the legal requirements of the Online Election Ordinance and the Election Regulations.

## **§ 20 Counting the Votes**

- (1) The counting of votes, unless done electronically, is performed publicly within the University. It shall begin no later than on the working day following the last day of the election and shall be carried out for each body to be elected separately by constituency under the supervision of the election officer.
- (2) For this purpose, the ballot papers are taken from the ballot boxes and counted.
- (3) When counting the votes, the results shall be determined for each body to be elected and recorded in an official document to be signed by the election assistants involved in the counting and the election officer:
  1. the valid and invalid ballots cast in each constituency,
  2. the valid votes cast for an election nomination,
  3. allocation of seats according to the lists according to the d'Hondt method,
  4. allocation of seats to the candidates in the order of votes received.
- (4) The election records, notes on the voting process, ballot papers, electoral rolls, and all other election documents shall be handed over to the election officer.
- (5) If the election is conducted as an electronic election, authorization by at least two authorized persons pursuant to Section 9 (2) shall be required for the administration of the election servers and in particular for the counting and archiving of the election. Immediately after the conclusion of the electronic voting process, the election officer shall arrange for the computer-based University-public count of votes and shall determine the result by means of a printout of the results of the count, which shall be signed by the election officer and their deputy. All records of the electronic election shall be stored in an appropriate manner. In the case of electronic elections, technical means shall be provided to make the counting process reproducible for any voter at any time. The results of the election shall be announced publicly. § 25 shall apply accordingly.
- (6) The election officer shall exercise their rights as householder in the counting room.

## **§ 21 Invalid Votes**

- (1) A vote is invalid if
  - a) the ballot paper has not been cast in the prescribed form and manner or is recognizable as not having been produced for the election,
  - b) the ballot paper does not clearly indicate the will of the person entitled to vote or contains additions or reservations.

- (2) If an election envelope contains several identical ballot papers, one shall be counted. In the case of several ballot papers that are not identical, paragraph 1 shall apply.
- (3) If the election is conducted as an electronic election, the vote shall be invalid if
  - a) no votes or too many votes were cast
  - b) or the electronic ballot paper has been marked as invalid.
- (4) The votes of a voter shall not be invalidated by their death or their loss of the right to vote before the end of the voting process.

### **§ 22 Official Record/Minutes**

- (1) The election officer shall prepare election minutes for each body to be elected, which must provide information on all circumstances essential for the election and for the determination of the election result for each constituency. The minutes must contain (as minimum information):
  1. the name of the election officer,
  2. the number of eligible voters in the electoral roll,
  3. the beginning and end of the voting process,
  4. a note on rejected voting letters. They shall be numbered and rejected, with a note on the reason of rejection, and attached to the ballot record in a sealed package.
  5. the number of voters who participated in the election,
  6. the number of valid and invalid ballot papers,
  7. the number of valid votes for each election nomination,
  8. the number of valid votes for each candidate,
  9. the establishment of the overall result and the names of candidates elected,
  10. the signature of the election officer.
- (2) Every individual entitled to vote shall have the right to inspect the minutes.

### **§ 23 Announcement of the Election Results**

- (1) The complete election results and the composition of the elected bodies shall be announced publicly within RWTH by the election officer in an appropriate manner without delay. With the announcement of the election result, the election officer shall notify the elected individuals and their deputies and request them to make a statement within one week as to whether they accept the election or deputization. If the elected person does not make a declaration by the expiry of the set deadline, the election shall be deemed to have been accepted.
- (2) The election officer shall determine the details.

### **§ 24 Election Audit**

- (1) The election result shall be effective with its announcement, without prejudice to any election audit proceedings.

- (2) Any person entitled to vote may object to the validity of the election within 14 days of the announcement of the election results. The objection must be submitted in writing to the election officer, stating the reasons.
- (3) If the election officer does not remedy the objection, they shall forward the objection with a statement to the Election Evaluation Board for a decision.
- (4) If the result of the election is declared invalid, it shall be annulled and the election result newly determined.
- (5) The election shall be declared invalid in whole or in part if essential provisions concerning the preparation of the election, the allocation of seats, the eligibility to vote, the eligibility to be elected, or the election procedure have been violated, unless this has no effect on the allocation of seats.
- (6) The resignation of a member shall be ordered if their election is declared invalid due to their ineligibility to be elected.
- (7) If the election is declared invalid in whole or in part, it shall be immediately repeated to the extent specified in the decision. If the repeat election is held in the same semester as the first election, it shall be repeated with the electoral lists already on file and the existing electoral roll.
- (8) If a member is ordered to resign, the member shall resign as soon as the order has become final or has been confirmed by a final decision in administrative court proceedings. § Section 7 (9) sentences 1 and 2 shall apply.

### **§ 25 Storage of Election Documents**

The electoral rolls, voter registration cards, and ballot papers shall be kept at least until the elections have become uncontestable. The remaining election documents shall be kept until the end of the electoral term.

### **§ 26 Constituent Meeting of the Elected Bodies**

The elected bodies shall be convened for their constituent meeting immediately after the beginning of the electoral term.

### **III. Member Initiative**

#### **§ 27 Member Initiative of the University**

Members of the University may request that a body of the University deliberate and decide on a particular matter for which the body has jurisdiction.

#### **§ 28 Faculty Membership Initiative**

Members of a faculty may request that a specific matter for which a body of the faculty or the advisory board of studies is responsible pursuant to Section 64 (1) HG be discussed and decided by the responsible organ or that the advisory board of studies make a recommendation.

#### **§ 29**

#### **Member Initiative Procedure**

- (1) The application of a member initiative must be submitted in writing to the RWTH electoral office and is only admissible if an application in the matter at hand has not already been submitted within the last twelve months.
- (2) The application must contain a specific request and a justification. It must designate up to three members of the University or faculty who are authorized to represent the signatories.
- (3) In case of a University member initiative, the petition must be signed by at least four percent of the members of the University or by at least three percent of the students of the University. In the case of a faculty member initiative, the petition must be signed by at least four percent of the faculty members or by at least three percent of the students at the faculty. The cut-off date for determining the number of members of the University or faculty is the date on which the application is submitted to the Election Office.
- (4) Each list of signatures must include the full text of the request, the last name, first name, date of birth, address, and, if applicable, the student ID number of the person signing. If the details of the person signing cannot be identified beyond doubt, the signature is invalid.
- (5) The Election Office shall verify compliance with the requirements of paragraphs 1 to 4 and, if the requirements are met, forward the application to the competent body or commission. The discussion of the request must take place no later than at the next but one regular meeting.
- (6) If the requirements of paragraphs 1 to 4 are not met, the application shall be rejected. The individuals authorized to represent the signatories must be informed accordingly.
- (7) The application may be withdrawn at any time by the authorized members named in the application.

## IV. Final Provisions

### § 30 Entry Into Force

These regulations come into force as an Official Guideline of RWTH on the day following their publication.

Issued based on on the resolutions of the Senate of RWTH Aachen University dated December 9, 2021.

It is pointed out that, in accordance with § 12 (5) NRW Higher Education Act, any claims regarding a violation of procedural or formal requirements of the regulatory or other autonomous rights of the University may no longer be asserted after one year has elapsed since the official publication of this announcement unless:

- 1) the announcement has not been properly published,
- 2) the Rectorate has objected, prior to publication, to the decision of the committee adopting the regulations,
- 3) the University has been previously notified about the defect of form or of procedure in a complaint, specifying the infringed legal provision and the fact which gives rise to the defect, or
- 4) the legal consequence of the exclusion of complaints was not pointed out in the public announcement.

Rector  
of RWTH  
Aachen University

Aachen,      December    14,  
dated            2021

sgd. Rüdiger

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Univ.-Prof. Dr. rer. nat. Dr. h. c. mult. Rüdiger