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## **Federal Act on Political Rights (PRA)<sup>1</sup>**

of 17 December 1976 (Status as of 1 November 2015)

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*The Federal Assembly of the Swiss Confederation,*  
on the basis of Article 39 paragraph 1 of the Federal Constitution<sup>2,3</sup>  
and having considered a Federal Council Dispatch dated 9 April 1975<sup>4</sup>,  
*decrees:*

### **Title 1           Right to Vote and Voting**

#### **Art. 1<sup>5</sup>**

#### **Art. 2<sup>6</sup>**           Ineligibility to vote

Persons lacking legal capacity who are ineligible to vote in accordance with Article 136 paragraph 1 of the Federal Constitution are persons who are subject to a general deputyship or are represented by a carer as they are permanently incapable of judgement.

#### **Art. 3**           Political domicile

<sup>1</sup> Votes shall be cast in the political domicile, i.e. the commune in which the person eligible to vote is resident and registered to vote. Persons of no-fixed residence shall vote in their commune of origin.<sup>7</sup>

AS **1978** 688

- <sup>1</sup> Inserted by No I of the Federal Act of 26 Sept. 2014 (National Council elections), in force since 1 Nov. 2015 (AS **2015** 543; BBl **2013** 9217).
- <sup>2</sup> [BS **1** 3; AS **1962** 1695, **1971** 329, **1984** 290]. The provisions mentioned now correspond to Articles 39, 136, 149 and 192 of the Federal Constitution of 18 April 1999 (SR **101**).
- <sup>3</sup> Amended by No I of the Federal Act of 26 Sept. 2014 (National Council elections), in force since 1 Nov. 2015 (AS **2015** 543; BBl **2013** 9217).
- <sup>4</sup> BBl **1975** I 1317
- <sup>5</sup> Repealed by No I of the Federal Act of 21 June 2002, with effect from 1 Jan. 2003 (AS **2002** 3193; BBl **2001** 6401).
- <sup>6</sup> Amended by Annex No 3 of the Federal Act of 19 Dec. 2008 (Adult Protection, Law of Persons and Law of Children), in force since 1 Jan. 2013 (AS **2011** 725; BBl **2006** 7001).
- <sup>7</sup> Second sentence inserted by No I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS **1994** 2414; BBl **1993** III 445).

<sup>2</sup> Any person who deposits an identification document other than the certificate of origin (certificate of residence, provisional certificate, etc.) shall acquire political domicile only if they prove that they are not registered to vote in the place where their certificate of origin is deposited.

#### **Art. 4** Electoral register

<sup>1</sup> Persons who are eligible to vote at the political domicile must be entered in the electoral register. Registrations and deletions must be carried out officially.

<sup>2</sup> Prior to an election or vote, entries must be made in the electoral register until the fifth day before the polling day provided the requirements for participation are fulfilled on the polling day.

<sup>3</sup> The electoral register shall be available for inspection to those who are eligible to vote.

#### **Art. 5** Principles of voting

<sup>1</sup> Official ballot papers must be used for voting. Cantonal vote recording vouchers for electronic data processing shall be regarded as equivalent to official ballot papers.<sup>8</sup>

<sup>2</sup> Ballot papers that are not pre-printed must be completed by hand. Pre-printed ballot papers may be altered only by hand.

<sup>3</sup> Persons who are eligible to vote may vote in person or by post.<sup>9</sup> Voting in electronic voting pilot schemes is governed by Article 8a.<sup>10</sup>

<sup>4</sup> and <sup>5</sup> ...<sup>11</sup>

<sup>6</sup> Votes may be cast by proxy at the polling station provided cantonal law permits this for cantonal votes and elections. Persons who are eligible to vote but who are unable to write may have their ballot paper completed in accordance with their instructions by person of their choice who is eligible to vote.<sup>12</sup>

<sup>7</sup> Voting secrecy must be preserved.

<sup>8</sup> Second sentence inserted by No I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS 1994 2414; BBl 1993 III 445).

<sup>9</sup> Amended by No I of the Federal Act of 18 March 1994, in force since 15 Dec. 1994 (AS 1994 2414; BBl 1993 III 445).

<sup>10</sup> Second sentence inserted by No I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS 2002 3193; BBl 2001 6401).

<sup>11</sup> Repealed by No I of the Federal Act of 18 March 1994, with effect from 15 Nov. 1994 (AS 1994 2414; BBl 1993 III 445).

<sup>12</sup> Amended by No I of the Federal Act of 23 March 2007 on the Amendment of the Federal Legislation on Political Rights, in force since 1 Jan. 2008 (AS 2007 4635; BBl 2006 5261).

**Art. 6** Voting by persons with disabilities

The cantons shall ensure that any person who, due to a disability or any other reason, is permanently incapable of carrying out the procedures required for voting is able to vote.

**Art. 7** Advance voting

<sup>1</sup> The cantons shall permit advance voting on at least two of the four days immediately prior to the polling day.

<sup>2</sup> For the purpose of advance voting, cantonal law must provide for all or certain polling stations to be open for a specific time or that persons eligible to vote may hand over their ballot paper in a sealed envelope at a public office.

<sup>3</sup> Where cantons provide for an extended form of advance voting, this also applies in federal votes and elections.

<sup>4</sup> The cantons shall enact the required provisions relating to the counting of all the votes cast, the preservation of voting secrecy and the prevention of abuses.

**Art. 8** Postal voting

<sup>1</sup> The cantons shall provide a simple procedure for postal voting. In particular, they shall enact provisions to guarantee the verification of eligibility to vote, voting secrecy and the counting of all the votes cast, and to prevent abuses.

<sup>2</sup> Postal voting is permitted from the time of receipt of the documents required to cast a valid vote in accordance with cantonal law.<sup>13</sup>

**Art. 8a**<sup>14</sup> Electronic voting

<sup>1</sup> The Federal Council may in consultation with interested cantons and communes permit electronic voting pilot schemes that are limited in their geographical scope, in the dates on which they are held, and in the subject matter to which they relate.

<sup>1bis</sup> It may on application authorise cantons that have conducted electronic voting pilot schemes successfully and without malfunction over a lengthy period to continue such schemes for a period that it stipulates. It may make authorisation subject to requirements or conditions or, taking account of the overall circumstances, exclude electronic voting at any time, whether in terms of its geographical scope, the subject matter to which it relates, or the date on which it is held.<sup>15</sup>

<sup>2</sup> The verification of eligibility to vote, voting secrecy and the counting of all the votes cast must be guaranteed and abuses prevented.

<sup>13</sup> Amended by No I of the Federal Act of 18 March 1994, in force since 15 Dec. 1994 (AS 1994 2414; BBl 1993 III 445).

<sup>14</sup> Inserted by No I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS 2002 3193; BBl 2001 6401).

<sup>15</sup> Amended by No I of the Federal Act of 23 March 2007 on the Amendment of the Federal Legislation on Political Rights, in force since 1 Jan. 2008 (AS 2007 4635 4637; BBl 2006 5261).

<sup>3</sup> ...<sup>16</sup>

<sup>4</sup> The Federal Council shall regulate the details of such schemes.

**Art. 9<sup>17</sup>**

**Title 2        Votes**

**Art. 10        Organisation**

<sup>1</sup> The Federal Council shall determine the rules by which polling days are appointed. In doing so, it shall take account of the requirements of those eligible to vote, parliament, the cantons, the parties and the agencies responsible for effecting service of voting documents, and shall avoid any collisions of dates that may result from differences between the calendar year and the church year.<sup>18</sup>

<sup>1bis</sup> The Federal Council shall determine, four months prior to the polling day at the latest, which proposals are to be submitted to the vote of the People. This period of four months may be reduced in the case of federal acts that have been declared to be urgent.<sup>19</sup>

<sup>2</sup> Each canton is responsible for the conduct of the vote within its own territory and issues the required regulations.

**Art. 10a<sup>20</sup>    Information for persons eligible to vote**

<sup>1</sup> The Federal Council shall continually inform persons eligible to vote about federal proposals to be submitted to the vote of the People.

<sup>2</sup> In doing so, it shall comply with the principles of completeness, objectivity, transparency and proportionality.

<sup>3</sup> It shall present the most important views represented in the parliamentary decision-making process.

<sup>4</sup> It shall not make a recommendation on how to vote that diverges from the position of the Federal Assembly.

<sup>16</sup> Repealed by No I of the Federal Act of 23 March 2007 on the Amendment of the Federal Legislation on Political Rights, with effect from 1 Jan. 2008 (AS **2007** 4635 4637; BBl **2006** 5261).

<sup>17</sup> Repealed by No II 4 of the Federal Act of 20 March 2008 on the Formal Revision of Federal Legislation, with effect from 1 Aug. 2008 (AS **2008** 3437; BBl **2007** 6121).

<sup>18</sup> Amended by No I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS **2002** 3193; BBl **2001** 6401).

<sup>19</sup> Inserted by No I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS **2002** 3193; BBl **2001** 6401).

<sup>20</sup> Inserted by No I of the Federal Decree of 5 Oct. 2007, in force since 15 Jan. 2009 (AS **2009** 1 2; BBl **2006** 9259 9279).

**Art. 11** Proposals submitted to a vote of the People, ballot papers and explanatory statements<sup>21</sup>

<sup>1</sup> The Confederation shall provide the cantons with the proposals to be submitted to a vote of the People and the ballot papers.

<sup>2</sup> Each proposal shall be accompanied by a short, objective explanation from the Federal Council that shall also take account of the opinions of significant minorities. The proposal must contain the wording of the questions on the ballot paper. In the case of popular initiatives and referendums, the initiative committee shall inform the Federal Council of their arguments and the Federal Council shall take such arguments into account in its explanatory statement. The Federal Council may amend or reject defamatory, blatantly false or excessively long statements. References to electronic sources may be included in the explanatory statement only if the author of the references declares in writing that none of the content of the sources is illegal and that the sources are not linked to electronic publications with illegal content.<sup>22</sup>

<sup>3</sup> Persons eligible to vote shall receive the documents required to cast a valid vote under cantonal law (ballot paper, polling card, official voting envelope, validation stamp<sup>23</sup>, etc.) at least three and no more than four weeks prior to the polling day. Proposals submitted to a vote of the People and explanatory statements may be sent at an earlier date. The Federal Chancellery shall publish the proposals and the explanatory statement electronically at least six weeks prior to the polling day.<sup>24 25</sup>

<sup>4</sup> The cantons may by law authorise communes to send only one copy of the proposals and the explanatory statements to each household unless a member of the household who is eligible to vote requests that personal copies be sent.<sup>26</sup>

**Art. 12** Invalid ballot papers

<sup>1</sup> Ballot papers are invalid if they

- a. are not official;
- b. have been completed other than by hand;
- c. do not permit the intention of the voter to be clearly recognised;
- d. contain defamatory remarks or obviously irrelevant markings;

<sup>21</sup> Amended by No I of the Federal Act of 21 June 1996, in force since 1 April 1997 (AS 1997 753; BBl 1993 III).

<sup>22</sup> Amended by No I of the Federal Act of 23 March 2007 on the Amendment of the Federal Legislation on Political Rights, in force since 1 Jan. 2008 (AS 2007 4635; BBl 2006 5261).

<sup>23</sup> Term in accordance with No II 4 of the Federal Act of 20 March 2008 on the Formal Revision of Federal Legislation, with effect from 1 Aug. 2008 (AS 2008 3437 3452; BBl 2007 6121). This amendment has been made throughout the text.

<sup>24</sup> Third sentence inserted by No I of the Federal Act of 21 June 2002, in force since 1 Jan. 2003 (AS 2002 3193; BBl 2001 6401).

<sup>25</sup> Amended by No I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS 1994 2414; BBl 1993 III 445).

<sup>26</sup> Inserted by No I of the Federal Act of 18 March 1994, in force since 15 Nov. 1994 (AS 1994 2414; BBl 1993 III 445).