

AN ACT

Of the Parliament of the Bayer Free State

No. 7 of 2022

(As amended by No. 20 of 2022 and No. 21 of 2022)

Be it enacted by this Parliament, That, this legislation shall be cited as the “2022 Election Act”.

Part I. Scope

Article 1. Scope

This Act shall govern the procedures taken in the period before, during, and after elections of the Head of State or Members of Parliament in the Bayer Free State as required by the Constitution, and any other extraordinary elections authorized by law.

Part II. Election Commission

Article 2. [Repealed]

Article 3. [Repealed]

Article 4. [Repealed]

Part III. Vote Recording Instrument

Article 5. Instrument

The instrument for recording votes in elections shall be a Discord bot account along with its scripts authorized by the Election Commission.

Article 6. Purpose

The instrument shall be utilized in elections to record ballots from voters, and to store those ballots anonymously to await hand counting.

Article 7. Access

The account and scripts of the instrument shall only be accessible to Members of the Election Commission and those authorized by it for the purpose of editing and maintenance of the scripts and account.

Article 8. GitHub Repository

Section 1

The scripts of the instrument along with all records of past elections shall be stored on a GitHub repository controlled by the Election Commission which shall remain public for the purpose of viewing, downloading, and analyzing.

Section 2

The version of the scripts stored in the main branch of the GitHub repository shall be the only version of the scripts authorized to control the instrument for the purpose of recording votes in elections.

Section 3

Credentials such as secret tokens and keys shall not be subjected to the requirement of being publicly disclosed as provided by Section 1 of this Article.

Article 9. Hosting

For the purpose of recording votes, the instrument shall be hosted locally by a Member of the Election Commission authorized.

Article 10. Anonymity

Any identification recorded by the instrument shall only be stored after being irreversibly hashed by a publicly disclosed algorithm; shall not be stored in association with any ballots; and shall only be stored for the purpose of preventing multiple ballots from being submitted by the same voter.

Article 11. Record

Any ballots submitted to the instrument shall be stored in a file, which shall not be altered by any person; shall not have its content disclosed until the closing of the poll; and shall be published in full after the certification of the election results.

Article 12. Provisions for Alternate Vote Recording Methods

Under extraordinary circumstances where utilizing the usual instrument for recording votes in elections is highly impractical or impossible, an alternate method of recording votes which ensures anonymity and trust as much as possible under the circumstances may be authorized by the Elections Commission to be utilized and to have the full legality as the usual instrument.

Part IV. Preparations for Election

Article 13. Candidate Registration

Any qualified person wishing to run in an election shall register with the Election Commission within the period of time allotted by the Commission, during which the Commission shall always be considered open for registration. The period shall be no longer than thirty days, and no shorter than fourteen days.

Article 14. Candidate Withdrawal

Any registered candidate wishing to withdraw from an election shall notify the Election Commission within the period of time allotted by the Commission, during which the Commission shall always be considered open for notification of withdrawal. The period shall be no longer than thirty days, and no shorter than fourteen days.

Article 15. Ballot Order

The order of appearance of candidates on the ballot shall be randomly determined by the Election Commission. The process shall be streamed in a voice channel for members of the public to spectate.

Article 16. Instrument Test

Within three days before the election, a test of the instrument shall be carried out by the Elections Commission. A mock ballot shall be used in the test and the ballots cast shall hold no legal value. Prior to the test, an announcement shall be made to the public, clearly stating that the mock election and ballots hold no legal value.

Article 17. Announcement

Upon determining the dates for registration, withdrawal, campaigning, and election, and upon any candidate registering and resigning, a public announcement shall be made from the Election Commission to the public at the earliest possible opportunity.

Article 18. Postponement

On grounds of concern of fraud raised, technical errors, or other extraordinary circumstances, the Election Commission may postpone the election for no more than fourteen days. An announcement stating the reason for the postponement and the new election dates shall be made to the public at the earliest possible opportunity.

Part V. Campaigning

Article 19. Campaigning Period

Campaigning shall only be conducted within a period of time allotted by the Election Commission. The period shall be no longer than fourteen days, and no shorter than five days, and the campaigning period shall not include the day on which the election is held.

Article 20. Campaigning Channel

Campaigning shall only be conducted in a channel or a set of channels of the guild authorized by the Election Commission. The number of channels authorized for campaigning shall not exceed three.

Article 21. Prohibition of Use of Official Positions, State-Owned Channels, and Facilities

No campaigning authorized by or connected to any candidate shall be conducted in an official capacity by any office, nor shall it be conducted in any State-owned channels or using State-owned facilities.

Article 22. Prohibition of Disruptive Campaigning

No campaigning authorized by or connected to any candidate shall be conducted in the direct message with any person without prior consent, or be conducted in any channel of the guild in a disruptive, malicious, or unfair manner.

Article 23. Dissolution of Parliament

At the start of the campaigning period of a parliamentary election, Parliament shall be dissolved.

Article 24. Prohibition of Certain Executive Orders and Legislation Being Enacted

During the campaigning period, or on the day of the election, no executive order or legislation concerning the composition, functions, duties, and powers of the Election Commission, election procedures, the number of elected candidates, or qualifications of voters, and candidates may be enacted. Nor shall executive orders or legislation which are part of any candidate's campaign be enacted during the campaigning period, or on the day of the election.

Article 25. Exceptions during Crisis

In times of crisis, when temporarily and properly authorized by the Head of State or the Prime Minister with no objection offered by the reassembled Parliament, Parliament shall not need to be dissolved or shall be reassembled, and Article 24 of this Act shall not apply. Election shall be postponed until the end of the crisis.

Article 26. Disqualification of Candidate

At any point during the campaigning period and the election, a candidate violating any article of this Act shall be disqualified and removed from the ballot by the Election

Commission. An announcement stating the name of the candidate disqualified and the reason for disqualification shall be made to the public at the earliest possible opportunity. A candidate disqualified by the Election Commission may petition for an appeal to the Supreme Court within seven days after the disqualification.

Article 26.A. Candidate Removal after the Determination of Ballot Order

In the event that a candidate withdraws or is removed for reasons of death, illness, other disabilities, termination of citizenship, or disqualification after the determination of the ballot order, the name of such candidate shall be displayed on the ballot, and votes cast for the candidate shall be valid and counted as usual. In the event that such candidate wins, there shall be a vacancy in that office, and an election to fill such vacancy shall be held as prescribed by law.

Part VI. Election

Article 27. Date and Time of Election

An election shall be held on a Saturday or a Sunday, or on any other date when it is definitively known that a substantial percentage of voters are available for voting. Poll shall be open from 8 AM to 10 PM UTC+7. An election shall be held no less than seven days and no more than fourteen days before the end of the term of the incumbent of the office being elected, unless in consequence of the unexpected removal from office of the incumbent.

Article 28. Poll Opening

When poll opens, the instrument shall be started and affirmed as working normally, and an announcement shall be made to the public, stating that poll is open, the time poll closes, and the final list of candidates.

Article 29. Poll Monitoring

During the election, the Election Commission shall regularly monitor the instrument and the candidates.

Article 30. Poll Closing

Fifteen minutes before poll closes, a public announcement shall be made by the Election Commission. When poll closes, an announcement shall be made, the instrument shall be stopped and the certification of results shall start without unnecessary delay.

Part VII. Certification of Election Results

Article 31. Public Viewing

The process of certifying the election results shall be streamed in a voice channel for the public to spectate.

Article 32. Recording Vote Counting

The results and counting process shall be carried out and documented step by step by the Election Commission.

Article 33. Publication of Results

Upon completing the certification of results, without unnecessary delay, the results along with the documentation of the counting process shall be published in full to the public, and the winners of the election shall be declared.

Article 34. Clerical Errors

Within seven days after the announcement of the results, the Election Commission may correct the documentation of the counting process or the results that resulted from arithmetical, technical, or other clear errors.

Article 35. Provisions for Alternate Methods of Counting Votes

Under extraordinary circumstances where opening the counting vote process for public viewing or publishing the documentation of the counting process is highly impractical or impossible, an alternate method of counting votes which ensures anonymity and trust as much as possible under the circumstances may be authorized by the Elections Commission to be utilized and to have the full legality as the usual process.

Part VIII. Transfer of Power

Article 36. Head of State Transfer of Power

The new Head of State shall assume the Office and ownership of the guild at 9 AM the day following the announcement of results.

Article 37. New Parliament Formation

The new Members of Parliaments shall assume Office and a new Parliament shall be formed and opened at 9 AM the day following the announcement of results.

Article 37.A. Inauguration Time

The elected candidate shall assume their office at 9 AM the day following the announcement of the results.

Part IX. Overturning Election and New Election

Article 38. Grounds for New Election

Any suspicion, allegation, or report of fraud or any wrongdoing at any point of the pre-election, election, post-election that is imminently likely to influence the outcome of the election shall be grounds for consideration of overturning the election and organizing a new election.

Article 39. Hearing before and Permission from the Supreme Court

Any party connected to the election, or the Election Commission, on any ground described in Article 38 of this Act, may petition the Supreme Court to grant permission for a new election within fourteen days after the announcement of results. All concerned parties and the Election Commission shall be given an opportunity to investigate, present evidence and arguments before the Supreme Court before a decision.

Article 40. New Election

If the Supreme Court finds sufficient cause for a new election to be organized and does give permission to do so, a new election shall be held by the Election Commission as provided by this Act.

Article 40.A. New Election in Case of a Tie

If the outcome of an election is inconclusive and no clear winner can be determined, the results of the election shall be invalidated, and the Election Commission shall organize and hold a new election in which only candidates registered in the original election shall participate under the manners prescribed by this Act. If there are less than three candidates in a tie, the result shall be determined by a majority vote. In the event that a second attempt of an election fails to produce a conclusive result, a new election in which all citizens are entitled to register shall be organized and held by the Election Commission under the manner described by this Act.

Part X. Election Criminal Offenses

Article 41. Criminal General Provisions

In this Part, Part I (General Provisions) of the 2022 Criminal Act shall apply.

Article 42. Intimidation or Coercion towards a Voter

Section 1

A person shall be guilty of intimidation or coercion towards a voter if that person intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote or to vote as they may choose, or of causing such other person to vote for, or not to vote for, any candidate for any office which requires elections by law, at any election held solely or in part for the purpose of electing such candidate; or to vote for, or not to vote for any option of a public referendum.

Section 2

Any person guilty of intimidation or coercion towards a voter shall be issued a warning, muted, kicked, or banned for no more than 120 days.

Article 43. Intimidation or Coercion towards the Election Commission

Section 1

A person shall be guilty of intimidation or coercion towards a Member of the Election Commission if that person intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other person for the purpose of interfering with the functions and duties of the Election Commission.

Section 2

Any person guilty of intimidation or coercion towards the Election Commission shall be issued a warning, muted, or banned.

Article 44. Alteration of Vote Record or Instrument

Section 1

A person shall be guilty of alteration of vote record or instrument if that person is a Member of the Election Commission and knowingly and unlawfully alters the vote or ballot record of an election or voting instrument.

Section 2

Any person guilty of alteration of vote record or instrument shall be muted, or banned.

Article 45. Voter Fraud

Section 1

A person shall be guilty of voter fraud if that person

- (a) votes under an alternate identity in an election;
- (b) votes while lacking qualifications to vote in an election;
- (c) submits multiple ballots in the same election; or
- (d) buys, sells, or accepts payment or other favors for votes in an election.

Section 2

Any person guilty of voter fraud shall be issued a warning, muted, kicked, or banned.

Part XI. Revocation

Article 46. Repeals

The Resolution regarding the Election for the Position of Prime Minister, with the reference code of RES_30-4-2021/00001, and the Resolution regarding the voting system and the instrument used in elections, with the reference code of RES_2-5-2021/00002, shall hereby be repealed.

In witness whereof, we have approved and set our hands on this document on this twenty-seventh of the month of March, in the year two thousand and twenty-two, and in the third year of our State.

Parliament

Head of State



The image shows four handwritten signatures. Two are positioned under the 'Parliament' heading and two are under the 'Head of State' heading. The signatures are in black ink and vary in style, with some being more stylized and others more legible.