

99128015037001, 99128015037001

# District council election

## Determination of grounds for exclusion

Heruntergeladen am 29.06.2025

<https://fimportal.de/xzufi-services/121412373/L100002>

Modul	Sachverhalt
Leistungsschlüssel	99128015037001, 99128015037001
Leistungsbezeichnung I	District council election Determination of grounds for exclusion
Leistungsbezeichnung II	
Typisierung	4 - Land: Regelung
Quellredaktion	Nordrhein-Westfalen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Wahlen (128)
Verrichtungskennung	Feststellung (037)
SDG-Informationsbereich	Teilnahme an Kommunalwahlen und Wahlen zum Europäischen Parlament

Modul	Sachverhalt
Lagen Portalverbund	Wahlen (1100200)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	18.03.2021
Fachlich freigegeben durch	Ministry of the Interior of the State of North Rhine-Westphalia
Handlungsgrundlage	<a href="https://recht.nrw.de/lmi/owa/br_bes_detail?sg=0&amp;menu=0&amp;bes_id=4752&amp;anw_nr=2&amp;aufgehoben=N&amp;det_id=462030">https://recht.nrw.de/lmi/owa/br_bes_detail?sg=0&amp;menu=0&amp;bes_id=4752&amp;anw_nr=2&amp;aufgehoben=N&amp;det_id=462030</a> <a href="https://recht.nrw.de/lmi/owa/br_bes_detail?sg=0&amp;menu=0&amp;bes_id=4752&amp;anw_nr=2&amp;aufgehoben=N&amp;det_id=462032">https://recht.nrw.de/lmi/owa/br_bes_detail?sg=0&amp;menu=0&amp;bes_id=4752&amp;anw_nr=2&amp;aufgehoben=N&amp;det_id=462032</a> <a href="https://recht.nrw.de/lmi/owa/br_bes_detail?sg=0&amp;menu=0&amp;bes_id=4752&amp;anw_nr=2&amp;aufgehoben=N&amp;det_id=462030">https://recht.nrw.de/lmi/owa/br_bes_detail?sg=0&amp;menu=0&amp;bes_id=4752&amp;anw_nr=2&amp;aufgehoben=N&amp;det_id=462030</a> <a href="https://recht.nrw.de/lmi/owa/br_bes_detail?sg=0&amp;menu=0&amp;bes_id=4752&amp;anw_nr=2&amp;aufgehoben=N&amp;det_id=462032">https://recht.nrw.de/lmi/owa/br_bes_detail?sg=0&amp;menu=0&amp;bes_id=4752&amp;anw_nr=2&amp;aufgehoben=N&amp;det_id=462032</a>
Teaser	You can find out more about exclusion from the district council elections.
Volltext	<p>The electoral term for the district council is 5 years.</p> <p>You are entitled to vote in a district election if you are German or German within the meaning of Article 116 (1) of the Basic Law or a national of a Member State of the European Community on election day, have reached the age of sixteen and have lived in the district since at least the 16th day before the election, or your main residence if you have more than one residence, or otherwise usually reside in the district and do not have a residence outside the district.</p> <p>You are excluded from the right to vote if you do not have the right to vote in the Federal Republic of Germany as a result of a court ruling.</p> <p>There are no other grounds for exclusion from the right to vote.</p>

## Erforderliche Unterlagen

## Modul

## Sachverhalt

### Voraussetzungen

You are excluded from the right to vote if you do not have the right to vote in the Federal Republic of Germany as a result of a court ruling. Exclusion from the right to vote is not contrary to the general principle of equality in Article 3 of the Basic Law (Grundgesetz - GG) and the principles of equality and universality of the vote, because disenfranchisement does not occur automatically, but may only be imposed by a judge's decision in the presence of legally defined facts.

However, this exclusion as a result of a German court ruling is only possible in a few cases expressly mentioned in the Criminal Code (StGB) and the Federal Constitutional Court Act (BVerfGG) and applies for a maximum of two to five years. You will be excluded from the right to vote if you have been sentenced to a prison term of at least six months or at least one year for the following offenses, for example:

- Preparation of a war of aggression and high treason against the federal government, treason and disclosure of state secrets
- Attack against organs and representatives of foreign states
- Obstruction of elections and falsification of election documents
- Bribery of members of parliament
- acts of sabotage of means of defense or intelligence service endangering security (in this case, a prison sentence of at least one year is required).

In these cases, the disqualification from voting is at the discretion of the court in accordance with the special criminal law provisions and is not an automatic consequence of a conviction for these offenses.

In addition, you may be deprived of your right to vote by the Federal Constitutional Court due to the violation of fundamental rights. There are no other grounds for exclusion.

The previously existing grounds for exclusion of the permanent appointment of a guardian for the management of all affairs and placement in a

Modul	Sachverhalt
	psychiatric institution have been abolished.
Kosten	
Verfahrensablauf	<p>They are excluded from the district election as follows:</p> <ul style="list-style-type: none"> <li>• All persons are entered in the voters' register for whom it is established on the forty-second day before the election (cut-off date) that they are entitled to vote and are not excluded from the right to vote by a judge's ruling.</li> <li>• Persons excluded from the right to vote are therefore not entered in the electoral roll ex officio.</li> </ul>
Bearbeitungsdauer	
Frist	
weiterführende Informationen	
Hinweise	
Rechtsbehelf	
Kurztext	<ul style="list-style-type: none"> <li>• District council election Determination of grounds for exclusion</li> <li>• Anyone who is German or German within the meaning of Article 116 (1) of the Basic Law or has the nationality of a Member State of the European Community on election day, has reached the age of sixteen and has lived in the district since at least the 16th day before the election, or has their main residence if they have more than one residence, or otherwise habitually resides in the district and has no residence outside the district, is eligible to vote in the district election.</li> <li>• Exclusion possible as a result of a judge's decision</li> <li>• Responsible: Judicial authorities, courts</li> </ul>
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	Kreistagswahl Feststellung von Ausschlussgründen,

**Modul**

**Sachverhalt**

District council election Determination of grounds for exclusion