

ELECTION RULES of the Pharmaceutical Society of Hesse, Public Corporation,

resolved by the Delegates Assembly of the Pharmaceutical Society of Hesse (*Landesapothekerkammer Hessen*) on 15 August 2007, approved by the Hessian Ministry for Social Affairs and Integration (*Hessisches Ministerium für Soziales und Integration*) on 29 August 2007, published in the *Pharmazeutische Zeitung* (PZ) no. 39/2007, p. 3616 *et seq.* and in the *Deutsche Apotheker Zeitung* (DAZ) no. 39/2007, p. 4370 *et seq.*, most recently amended by resolution of the Delegates Assembly of the Pharmaceutical Society of Hesse on 19 March 2008, and last approved by the Hessian Ministry for Social Affairs on 8 April 2008, published in PZ no. 17/2008, p. 1506 and in DAZ no. 17/2008, p. 1852.

§ 1

The Delegates Assembly of the Pharmaceutical Society of Hesse is composed of 28 Pharmaceutical Society members. It is elected for a term of five years by free, secret, equal, direct and universal suffrage in accordance with the principles of proportional representation.

§ 2

(1) Every Pharmaceutical Society member has the right to vote in and to stand as a candidate for the Delegates Assembly of the Pharmaceutical Society of Hesse.

(2) The following shall not be eligible to vote:

1. persons who as a result of a judicial decision are not entitled to vote;
2. persons who are members of the profession within the meaning of section 2 (1) sentence 1 of the Hessian Health Care Professions Act (*Hessisches Heilberufsgesetz*) for whom a custodian has been appointed to deal with all matters not merely by provisional order; the foregoing shall also apply where the custodian's scope of duties does not include the matters referred to in section 1896 (4) and section 1905 of the German Civil Code (*Bürgerliches Gesetzbuch*, "BGB");
3. persons who have been temporarily disenfranchised pursuant to section 50 (1) no. 3 of the Hessian Health Care Professions Act;
4. persons who are not eligible to vote under section 50 (2) of the Hessian Health Care Professions Act.

The right to vote shall be suspended for Pharmaceutical Society members who are in a psychiatric hospital pursuant to an order under section 63 of the German Criminal Code (*Strafgesetzbuch*, "StGB").

(3) Pharmaceutical Society members who are eligible to vote, but who lose the ability to be elected or hold public office as a result of a judicial decision, may not be elected.

§ 3

The Management Board of the Pharmaceutical Society of Hesse shall stipulate a period of time within which the election is to be conducted (election period). The election period shall be at least 10 days and must be announced in the *Pharmazeutische Zeitung* and in the *Deutsche Apotheker Zeitung*.

§ 4

(1) The election shall be conducted on the basis of nominations that must be signed by at least 10 eligible voters.

(2) Each eligible voter may sign one nomination only.

§ 5

(1) The Management Board shall appoint an Election Committee consisting of five members. Candidates for a seat in the Delegates Assembly may not be a member of the Election Committee.

(2) The Management Board shall appoint an election officer and deputy election officer from among the ranks of the Election Committee. The election officer shall conduct the elections. The election officer and the deputy election officer shall be qualified to hold judicial office.

(3) The Election Committee shall decide the cases delegated to it by majority vote. In the event of a tie, the election officer shall have the deciding vote.

§ 6

Eligible voters may only exercise their right to vote if they are registered in the electoral roll. Eligible voters who become a member of the Pharmaceutical Society of Hesse after the electoral roll is closed pursuant to § 7 (4) may not exercise their right to vote.

§ 7

(1) The election officer shall draw up the electoral roll based on the documents provided by the Management Board. The electoral roll shall be sub-divided into the municipal districts and cities.

(2) At least eight weeks before the start of the election period, the lists of eligible voters shall be put on public display in the individual municipal districts and cities at the district administration offices (*Landrat*) and city councils (*Magistrat*), respectively. The display period shall be four weeks.

(3) The election officer shall publish a notice indicating where and when the lists will be on display in the *Pharmazeutische Zeitung* and *Deutsche Apotheker Zeitung*. The notice must advise that claims to have names included and objections to the inclusion of names in the electoral roll must be raised in writing to the election officer by no later than 6:00 p.m. on the day after the display period ends.

(4) The Election Committee shall decide on claims and objections within two weeks of the end of the display period. The electoral roll shall then be definitively closed.

§ 8

(1) Nominations (candidate lists) must contain the surname, name and address of the candidate and be submitted no later than 70 days prior to the start of the election period.

(2) The nominations must also include the candidates' consent to being included in such nomination. Candidates may only consent to one nomination.

(3) In each nomination, a representative and a deputy who are authorised to make declarations to the election officer and the Election Committee shall be designated. If this information is not provided, the first nominee specified shall be deemed the representative and the second nominee shall be deemed the deputy.

(4) The Pharmaceutical Society of Hesse shall send an election circular in which each candidate list may present its election objectives. The details shall be coordinated by the Election Committee.

(5) The Pharmaceutical Society of Hesse shall review the presented election objectives to ensure they are legally permissible.

(6) The candidate lists shall not receive any address records from the Pharmaceutical Society of Hesse containing the names or addresses of the eligible voters.

§ 9

The Election Committee shall review the nominations and notify the representative or their deputy of any deficiencies, which must then be remedied no later than 50 days prior to the start of the election period.

§ 10

(1) The election officer shall publish the nominations approved by the Election Committee in the *Pharmazeutische Zeitung* and the *Deutsche Apotheker Zeitung* no later than 30 days prior to the start of the election period.

(2) The nominations shall be numbered consecutively in the order of their receipt by the election officer.

§ 11

The election officer shall be responsible for producing the ballots and shall record the approved nominations numbered consecutively in the order of their receipt. The election officer shall indicate the names and addresses of the top three candidates.

§ 12

Once the final electoral roll has been adopted and the ballots have been produced, the election officer shall, no later than the seventh day before the start of the election period, send each eligible voter registered in the electoral roll one ballot along with two envelopes, the first marked "Election for the Delegates Assembly of the Pharmaceutical Society of Hesse" (*Wahl zur Delegiertenversammlung der Landesapothekerkammer Hessen*) with the consecutive number of the relevant eligible voter in the electoral roll and, as the address, the address of the election officer, and the second marked "Ballot for the election for the Delegates Assembly of the Pharmaceutical Society of Hesse" (*Stimmzettel zur Wahl der Delegiertenversammlung der Landesapothekerkammer Hessen*). The outer envelope used to send the ballot and the envelopes should be marked "Election documents" (*Wahlunterlagen*).

§ 13

(1) Eligible voters shall place an "X" behind the name of the nominee for whom they wish to cast their vote. If the ballot contains only one nominee, eligible voters shall place an "X" below either the "yes" or the "no" appearing next to the nominee's name.

(2) Then they shall place the ballot into the envelope marked "Ballot for the election of the Delegates Assembly of the Pharmaceutical Society of Hesse" and seal the envelope. They shall then place that envelope into the envelope marked "Election for the Delegates Assembly of the Pharmaceutical Society of Hesse" bearing the voter registration number and the address of the election officer, seal that envelope as well and send it to the election officer.

§ 14

(1) The envelopes received by the office of the Pharmaceutical Society of Hesse shall be sorted numerically and their number indicated in the electoral roll.

(2) Immediately after the election period expires, the Election Committee shall hold a public meeting in which the number of envelopes received will be determined. On the basis of the voter registration number indicated on the envelope, the Election Committee shall then establish the sender's eligibility to vote by comparing that number against the electoral roll, and open the envelope marked "Election for the Delegates Assembly of the Pharmaceutical Society of Hesse".

Once all the envelopes marked "Ballot for the election of the Delegates Assembly of the Pharmaceutical Society of Hesse" have been shuffled, they shall be opened, and the valid votes attributable to the individual nominees determined.

(3) The number of seats attributable to the individual nominees shall be determined on the basis of the highest averages method (D'Hondt method).

(4) Minutes of the entire process shall be taken and must be signed by the Election Committee.

(5) If only one nomination is approved and that nominee does not receive a majority of the votes cast, then a re-election shall be held in accordance with the provisions governing new elections.

§ 15

(1) The following ballots shall be deemed invalid:

1. ballots that were submitted by an ineligible voter or a voter not registered in the electoral roll;
2. ballots that were not in the sealed envelope marked "Ballot for the election of the Delegates Assembly of the Pharmaceutical Society of Hesse";
3. ballots that contain any mark other than an "X";
4. ballots where the name of more than one nominee has been marked with an "X".

(2) Multiple ballots contained in a single envelope shall constitute one ballot if they all contain the same information or only one of them is marked; otherwise they shall be deemed invalid ballots.

§ 16

(1) The Election Committee shall decide on the validity of ballots.

(2) The Election Committee shall certify the final election results and notify the supervisory authority thereof. The election officer shall notify those elected of their election and request that they declare their acceptance of the appointment within a period of one week. If no declaration is received within that period, the appointment shall be deemed accepted.

(3) The election officer shall publish a notice indicating the election results in the *Pharmazeutische Zeitung* and *Deutsche Apotheker Zeitung*.

(4) Once the final election results have been certified, these shall be published on the website of the Pharmaceutical Society of Hesse within a reasonable period.

§ 17

(1) Eligible voters may raise objections to the legal validity of the election with the supervisory authority within two weeks of the announcement of the election results.

(2) Objections may only be based on a violation of the law or the Election Rules adopted based thereon, which was likely to affect the outcome of the election.

(3) If the certification of the election results (§ 16 (2)) is found to be incorrect, the supervisory authority shall nullify the certification and order a re-certification.

(4) If any violations of the Election Rules are found to have occurred during the election process which are likely to have a material effect on the election results, the supervisory authority shall declare the election invalid and order a new election without undue delay.

§ 18

The constituting Delegates Assembly shall convene within eight weeks of the certification of the election results by the Election Committee.

§ 19

If a member of the Delegates Assembly withdraws or if an elected member rejects the appointment, that member shall be replaced by the Pharmaceutical Society member who was the nominee next in line after the previously elected nominee.

§ 20

The Election Rules may only be amended by a majority of two thirds of the members of the Delegates Assembly. The Election Rules may not be amended in the calendar year in which an election is held.

§ 21

The Election Rules enter into force on 1 January 2008.