



Committee for the Scrutiny of Elections, Immunity and the Rules of Procedure of the German Bundestag

FSC06/14-15

General Information	
Overview	<ul style="list-style-type: none"> The Committee for the Scrutiny of Elections, Immunity and the Rules of Procedure ("the Committee") is known as the "1st Committee" among the 23 permanent committees in the Bundestag. Unlike other permanent committees which specialize in the scrutiny of particular policy areas⁽¹⁾, the Committee is responsible for the internal affairs of the Bundestag. The Committee performs three main functions, namely dealing with any objections to the conduct of the federal elections, upholding Members' immunity, and serving as the referee of parliamentary procedures.
Organisational structure	<ul style="list-style-type: none"> The Committee, which is appointed to serve for the current parliamentary term (2013-2017), has 14 members from the following parliamentary groups: <ol style="list-style-type: none"> Christian Democratic Union/Christian Social Union ("CDU/CSU") – seven members; Social Democratic Party of Germany – five members; The Left Party – one member; and Alliance 90/The Greens – one member. The chairman of the Committee is Dr Johann Wadephul. He is a member of CDU/CSU, the largest parliamentary group in the Bundestag.

Note: (1) Most of the permanent committees in the Bundestag are departmental committees which conduct their business by deliberations. They obtain information from the government and through hearings of witnesses. The number of permanent committees varies from one electoral term to the next. The committees differ in size depending on the terms of their appointment. Seats are distributed according to the relative strengths of the parties: each parliamentary group (i.e. a political party or a coalition of parties) has a right to a certain number of places in each of the committees proportional to its share of seats in the Bundestag. The leaderships of the parliamentary groups decide which Members are to sit on which committees.

Roles and functions	
Electoral scrutiny	<ul style="list-style-type: none"> • The Committee deals with any objection to the federal elections. Under Article 41 of the German <i>Basic Law</i>, the responsibility for the scrutiny of the federal elections lies with the Bundestag. Any objection challenging the validity of a federal election can be lodged with the Bundestag within two months of polling day. The result of elections to the European Parliament can also be challenged. • According to the <i>Scrutiny of Elections Act</i>, the Committee considers each objection individually and may hear witnesses, experts and other persons concerned with the case. In response to each objection, the Committee submits a recommendation to the Bundestag for a decision stating the reasons for its position. A decision is then taken by the plenary.
Members' immunity	<ul style="list-style-type: none"> • Under Article 46 of the <i>Basic Law</i>, Members may only be called to account or arrested for a punishable offence with the permission of the Bundestag, unless they are apprehended in the act of committing the offence or in the course of the following day. The immunity enjoyed by Members is to ensure that Parliament is able to conduct its business at all times. • The Committee is tasked to protect Members from unjustified criminal prosecution. It considers requests by the relevant authorities to arrest Members, or requests to search rooms used by a Member of the Bundestag. The Committee then submits a recommendation on each case to the plenary for a decision, which adopts it without debate.
Procedural matters	<ul style="list-style-type: none"> • On procedural matters, the Committee is tasked to consider any amendments to the Rules of Procedure for adoption by the Bundestag. Since the rules governing parliamentary procedure must meet with the approval of both the majority and the minority, the Committee has to reach an unanimous decision on all the amendments.

Roles and functions (cont'd)

Procedural matters (cont'd)

- The Committee is also responsible for clarifying procedural disputes. With the exception of procedural questions raised during plenary sittings which are resolved on a case-by-case basis by the President of the Bundestag, the Committee is the body responsible for interpreting the provisions of the Rules of Procedure.
- Pursuant to the Rules of Procedure, the President of the Bundestag, a committee, a parliamentary group, a quarter of the members of the Committee, or 5% of the Members of the Bundestag may demand that a procedural ruling by the Committee be submitted to the plenary for a decision.

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References

1. Deutscher Bundestag. (2010) *Basic Law for the Federal Republic of Germany*. Available from: <https://www.btg-bestellservice.de/pdf/80201000.pdf> [Accessed February 2015].
2. Deutscher Bundestag. (2014) *Rules of Procedure of the German Bundestag*. Available from: <https://www.btg-bestellservice.de/pdf/80060000.pdf> [Accessed February 2015].
3. *Deutscher Bundestag*. (2015a) Available from: <http://www.bundestag.de/> [Accessed February 2015].
4. Deutscher Bundestag. (2015b) *Committee for the Scrutiny of Elections, Immunity and the Rules of Procedure*. Available from: http://www.bundestag.de/htdocs_e/bundestag/committees/a01 [Accessed February 2015].
5. Linn S. & Sobolewski F. (2010) *The German Bundestag: Functions and Procedures*. Available from: <https://www.btg-bestellservice.de/pdf/80080000.pdf> [Accessed February 2015].