

54

ACT

of the Czech National Council
of 6 March 1990
on elections to the Czech National Council

Elections are held in the territory of the Czech Republic.

The Czech National Council adopted this Act:

PART ONE
GENERAL

Section 1

Elections to the Czech National Council are held on the basis of general, equal and direct suffrage by secret ballot according to the principle of proportional representation in electoral regions.

Section 2

(1) The right to vote shall be granted to Czechoslovak citizens who reside in the Czech Republic and who are at least 18 years old on the day of elections.

(2) However, the right to vote is not granted to citizens who have been deprived of their legal capacity or whose legal capacity has been restricted.¹⁾

(3) Statutory restrictions of personal freedom due to the reasons of protection of people's health constitute an obstacle to the exercise of the right to vote.²⁾

Section 3

Any citizen of the Czech Republic that has a right to vote and is at least 21 years old on the day of elections may be elected a Member of the Czech National Council.

PART TWO
ELECTORAL TERRITORY

Section 4

Geographic scope of elections

Section 5

Electoral regions

Electoral regions correspond to the territories of individual regions³⁾ as of the day when the elections are announced.

Section 6

Number of Members of the Czech National Council

The number of Members of the Czech National Council is stipulated by a constitutional law.

Section 7

Constituencies

(1) Constituencies are established in municipalities for the purposes of casting ballots and counting the votes.

(2) The councils of local national committees or municipal national committees (hereinafter referred to as a "local national committee") shall establish constituencies and polling stations in each constituency not later than 30 days before the date of elections.

(3) Constituencies shall, as a rule, comprise 1000 voters. Separate constituencies may be established in remote parts of a municipality provided they comprise at least 50 voters.

(4) Special constituencies may be established in hospitals, maternity hospitals, sanatoriums, social care institutions and similar institutions and facilities or in their parts, provided there are at least 100 voters.

(5) The possibility of exercising the right to vote in cells of detention⁴⁾ or police cells⁵⁾ or in places where

¹⁾ Sections 10 and 499 of Act No. 40/194 Coll., the Civil Code.

²⁾ Section 5 (2) (b), Section 9 (2) (a) and Section 24 of Act No. 20/1966 Coll., on public health care.

³⁾ Sections 4 to 10 of Act No. 36/1960 Coll., on the territorial division of the State.

⁴⁾ Sections 75 and 76 of Act No. 141/1961 Coll., on criminal court proceedings.

⁵⁾ Section 23 of Act No. 40/1974 Coll., on the Corps of National Security.

remand in custody or custodial sentence or disciplinary punishment of imprisonment is being served, on the basis of an electoral card, shall be secured in collaboration with the chief of the respective facility by a ward electoral commission with competence over the given territory. In such a case, the size of a constituency determined in paragraph 3 does not apply. These persons shall vote on the basis of electoral cards they have requested unless they reside in the given constituency. In case of summons⁶⁾, the competent authority of the Corps of National Security shall proceed in a manner that allows the person summoned to exercise the right to vote.

(6) If elections to the Czech National Council are held simultaneously with elections to the Federal Assembly, the constituencies may be the same for both these elections.

PART THREE LISTS OF VOTERS AND ELECTORAL CARDS

Section 8

Registration in a list of voters

(1) All Czechoslovak citizens who have the right to vote shall be registered in the lists of voters at the place of their permanent residence.⁷⁾ Members of armed forces and armed security corps that are accommodated collectively shall be registered in the list of voters in the municipality where the unit of their assignment is located. The commander of the unit, in cooperation with the local national committee of the municipality of assignment, shall inform the competent local national committee of the place of residence of these members.

(2) Citizens who acquire or forfeit the right to vote after the compilation of the lists of voters shall be additionally registered in a list of voters or additionally erased from it.

(3) Should a voter be disqualified due to an obstacle to the exercise of the right to vote (Section 2 (3)), this fact shall be noted in the list of voters.

(4) Each voter may be registered in one list of voters only.

Section 9

Compilation of lists of voters

(1) Lists of voters shall be compiled by a local national committee on the basis of constituencies.

(2) In case of collectively accommodated members of armed forces and armed security corps, the lists of voters shall be compiled by a local national committee on the basis of data furnished by the unit commander. Local national committees shall ensure that no constituencies comprising only these members or constituencies in which only persons referred to in Section 7 (5) cast ballots are established.

(3) If elections to the Czech National Council are held simultaneously with elections to the Federal Assembly, the lists of voters may be the same for both these elections.

Section 10

Display of lists of voters

(1) Local national committees shall display the lists of voters not later than 30 days before the date of the elections so as to allow the citizens to consult the lists on official premises. Local national committees shall inform the citizens about the display of lists of voters in a manner conventional in the given place.

(2) In municipalities in which there are more than 5000 people registered in lists of voters, local national committees shall ensure that a list is displayed on each building comprising the voters living in the building. Local national committees may take such measures in a municipality with less than 5000 persons registered in a list of voters. They shall always do so on premises where members of armed forces and armed security corps are collectively accommodated.

Section 11

Opposition proceedings

(1) Any citizen may, verbally or in writing, draw attention of a local national committee to errors and inaccuracies in a list of voters and propose a correction. A local national committee shall, within 3 days, either make the appropriate correction in the list of voters or inform the citizen in writing about the reasons why the correction cannot be made.

(2) Should the proposal be rejected, the citizen may submit it to a district court with jurisdiction over the respective constituency; the court shall decide within 3

⁶⁾ Section 20 of Act No. 40/1974 Coll.

⁷⁾ Act No. 135/1982 Coll., on reporting and registration of residence of citizens.

days. Provisions of the Code of Civil Procedure on the review of decisions of other authorities shall apply analogously. The local national committee and the ward electoral commission shall make, on the day the elections are held, a correction in the list of voters in line with the court's decision. The procedure before the court is not subject to a judicial fee. The court's decision shall not be subject to appeal.

Section 12

Electoral card

(1) Voters who cannot vote in the constituency where they are registered in the list of voters shall be issued, upon request, with electoral cards and deleted from the list of voters by the local national committee.

(2) An electoral card entitles the voter to register in the list of voters of another constituency for the purposes of elections to the Czech National Council.

PART FOUR ELECTORAL BODIES

Section 13

General

(1) Elections to the Czech National Council shall be managed by the Czech Electoral Commission. In individual electoral regions, elections shall be managed by regional electoral commissions, which shall establish district commissions in the district seats.

(2) Ward electoral commissions shall be established in constituencies.

(3) Any Czechoslovak citizen who has the right to vote and who is not disqualified due to an obstacle to the exercise of the right to vote may be a member of an electoral commission. A candidate for a Member of the Czech National Council cannot be a member of an electoral commission.

(4) Electoral commissions consist of an equal number of representatives posted by political parties,⁸⁾ political movements,⁹⁾ and their coalitions¹⁰⁾ (hereinafter referred to as "political parties") which submit separate candidate lists. First and last names of the representatives and substitutes and their exact addresses shall be communicated by the political parties to the person who convenes the first meeting of the electoral commission. A declaration of invalidity of a candidate list or withdrawal of a candidate list results in termination of membership of the representatives of the respective political party in

the respective electoral commission. In case a member of an electoral commission is ill or busy, or in case his membership in an electoral commission is terminated, the chairman of the electoral commission shall call up a substitute in the order specified by the political party.

(5) Members of electoral commissions take the office by swearing the following oath: "I hereby swear on my honour that I shall conscientiously and impartially discharge my office and I shall obey the laws and other legislation". A member shall swear the oath to the person who convenes the first meeting of the electoral commission.

(6) An electoral commission has a quorum if an absolute majority of all its members is present and adopts decisions by an absolute majority of the votes. In case of equality of votes, the proposal shall be deemed rejected.

(7) At its first session, the electoral commission shall choose its chairman and vice-chairman by lot from among its members. Each office-holder of the electoral commission shall be a member of a different political party. The choice of office-holders by lot shall be managed by the eldest member.

(8) The registrar of the Czech Electoral Commission is an employee of the Ministry of Interior of the Czech Republic appointed by the Minister of Interior of the Czech Republic. The registrar of a regional electoral commission is employee of a regional national committee appointed by the secretary of the regional national committee where the electoral commission is seated. The registrar of a district commission is an employee of a district national committee appointed by the secretary of the respective district national committee. The registrar of a ward electoral commission is an employee or office-holder appointed by the council of the local national committee. At meetings of electoral commissions, the registrar has the right of consultative vote and shall swear an oath as referred to in paragraph 5.

(9) The Czech Electoral Commission, regional electoral commissions and their district commissions shall, for purposes of computational processing of election results, establish professional (summation) services consisting of personnel assigned for this purpose by the competent State statistics authority. Such personnel shall swear an oath as referred to in paragraph 5.

Section 14

Czech Electoral Commission

(1) Each political party that submits a candidate list in at least one electoral region shall appoint two members and two substitutes to the Czech Electoral Commission not later than 60 days before the day of elections.

(2) The Prime Minister of the Czech Republic shall

⁸⁾ Act No. 15/1990 Coll., on Political Parties.

⁹⁾ Section 8 of Act No. 15/1990 Coll.

¹⁰⁾ Section 8 of Act No. 15/1990 Coll.

convene the first meeting of the Czech Electoral Commission within 3 days after the expiry of the period referred to in paragraph 1.

(3) The Czech Electoral Commission shall, in particular:

- a) supervise compliance with the electoral legislation,
- b) decide on complaints regarding the acts of regional electoral commissions and on appeals against their decisions,
- c) determine and publish the results of elections,
- d) submit a protocol on the elections results to the Presidium of the Czech National Council,
- e) issue a certificate of election to the elected candidates,
- f) fulfil other tasks pursuant to this Act and other legislation.

Section 15

Regional electoral commissions

(1) Each political party that submits a candidate list in the respective electoral region shall appoint two members and two substitutes to the regional electoral commission not later than 60 days before the day of elections.

(2) The chairman of the respective regional national committee shall convene the first meeting of the regional electoral commission within 3 days after the expiry of the period referred to in paragraph 1.

(3) Regional electoral commissions shall:

- a) supervise compliance with the electoral legislation,
- b) decide on complaints regarding acts of ward electoral commissions and on appeals against their decisions,
- c) consider and register the candidate lists in the electoral region,
- d) determine the results of the elections in the electoral region,
- e) transmit files related to the elections to the custody of the regional national committee,
- f) fulfil other tasks pursuant to this Act and other legislation, and tasks delegated to it by the Czech Electoral Commission.

Section 16

District commissions

(1) Each political party that has registered a candidate list in the electoral region shall appoint one member and one substitute to the district commission not later than 30 days before the day of elections. The chairman of the respective district national committee shall convene the first meeting of the district commission.

(2) District commissions shall:

- a) oversee the processing of the results of voting in constituencies,
- b) in case of doubts, have the right to request explanations and other information from the ward electoral commission. A district commission shall, in agreement with the ward electoral commission, correct obvious errors itself or otherwise it shall require the ward electoral commission to reconvene and to remedy the detected shortcomings,
- c) submit the processed results of voting for individual constituencies within districts to the regional electoral commission.

Section 17

Ward electoral commissions

(1) Each political party whose candidate list has been registered in an electoral region that includes a given constituency has the right to appoint, not later than 30 days before the day of elections, one member and one substitute as its representative to the relevant ward electoral commission. Taking into account the local conditions, the council of the local national committee may invite the political parties to appoint a greater number of representatives into the ward electoral commission.

(2) Ward electoral commissions shall consist of at least 3 members. Should a political party fail to appoint its representatives or a greater number of representatives, if applicable, the council of the local national committee shall appoint members of the ward electoral commission in their place.

(3) The chairman of the respective local national committee shall convene the first meeting of the ward electoral commission within 3 days after the expiry of the period referred to in paragraph 1.

(4) If elections to the Czech National Council are held simultaneously with elections to the Federal Assembly, only one district electoral committee shall be established.

(5) Ward electoral commissions shall:

- a) organise the voting, in particular supervise

the proper casting of ballots and keep its polling station in order,

- b) count votes and prepare a protocol on the conduct of voting and its results, which it shall immediately submit to the competent district commission,
- c) submit other files regarding the elections to the custody of the local national committee.

PART FIVE

CHAPTER 1

CONSIDERATION OF CANDIDATE LISTS

Section 18

Candidate lists

(1) Candidate lists for elections to the Czech National Council may be submitted by political parties. Candidate lists shall be submitted not later than 60 days before the date of the elections, in two copies, to the registrar of a regional electoral commission. A political party shall attach to the candidate list the following:

- a) a declaration that the party has at least 10 thousand individual members, or
- b) in case the party does not meet the condition referred to in subparagraph (a), a petition requiring this political party to stand as a candidate, signed by as many other eligible voters as the party lacks in respect of the number of individual members. A voter shall complement his signature under the petition, upon producing his identification card, by indicating his name, last name, social security number and place of residence. A signature under the petition cannot be withdrawn. Regional election commissions can verify the veracity of the data on the number of members or the information referred to in the petition.

(2) If a political party presents a candidate list in more than one electoral region, it shall submit the petition only to one regional electoral commission and shall refer to this fact in its submissions to other regional electoral commissions.

(3) Registrars shall verify whether the presented candidate lists comply with the applicable requirements. If a candidate list does not comply with the requirements, the registrar shall inform the political party's agent. A registrar shall confirm the presentation

of a candidate list to the political party's agent.

(4) Candidate lists shall include:

- a) the name of the political party,
- b) the first name and last name, age, occupation and place of residence of the candidates and their position on the candidate list expressed by Arabic numerals,
- c) designation of the political party's agent and two substitutes of the agent, indicating the exact addresses. A candidate cannot be designated as an agent nor his substitute.

(5) On the candidate list, a political party may also indicate with respect to individual candidates, apart from the information referred to in paragraph 4 (b), whether they are affiliated with a particular political party or that they are not members of any political party, or that they are independent candidates.

(6) The highest number of candidates that a political party may present within one electoral region on its candidate list is specified in an annex to this Act, which forms an integral part hereof.

(7) Each candidate presented on a candidate list must enclose a statement, bearing his/her own signature, attesting that he/she agrees to stand as a candidate, that he/she does not stand as a candidate with his/her consent on another candidate list and that he/she is not aware of any disqualifying circumstances.

(8) Political parties may agree on presenting a joint candidate list. The provisions of this Act on political parties shall apply to such coalitions *mutatis mutandis*. If a joint candidate list is presented by several political parties, the compliance with the conditions referred to in paragraph 1 (a) and (b) and in paragraph 2 shall be verified with respect to all these political parties as if the candidate list was presented by a sole political party.

Section 19

Consideration of candidate lists by regional electoral commissions

(1) Regional electoral commissions shall review the presented candidate list 55 days in advance of the date of elections at the latest.

- (2) Regional electoral commissions shall delete:
- a) any candidate who failed to enclose a candidate's statement pursuant to Section 18 (7),
 - b) a candidate who is presented on candidate lists of several political parties; the candidate shall be deleted from the candidate list with which he/she did not enclose the statement referred to in Section 18, (7). If a candidate signed the statement with respect to several candidate lists, the regional electoral commission shall delete the candidate from all candidate lists,
 - c) those candidates who are nominated above the maximum specified number pursuant to Section 18 (6).

(3) Once the candidacy has been considered, the chairman of the regional election commission shall send a copy of the candidate list accompanied by the consent to stand as a candidate and a protocol on the outcome of the consideration of the candidate list to the Czech Electoral Commission without delay. It shall also inform all the political parties that have presented a candidate list in the respective electoral region about the outcome of the consideration.

(4) Upon receipt of the protocol on the outcome of consideration of candidate lists from the electoral region by the Czech Electoral Commission, the regional electoral commission shall register the candidate lists as valid not later than 45 days before the day of the elections and notify it in writing to the political parties. This registration is a precondition for the reproduction of candidate lists.

Section 20

Consideration of candidate lists by the Czech Electoral Commission

(1) The Czech Electoral Commissions shall consider the candidate lists not later than 50 days before the date of elections. First, it shall examine resolutions of the regional electoral commissions and remedy the defects identified in the candidate lists.

(2) If a candidate is presented on several candidate lists, the Czech Electoral Commission shall delete him/her from all candidate lists.

(3) If candidate lists that are presumably presented by the same political party bear different names in various electoral regions, the chairman shall invite the representatives of the political party to announce a single name for all electoral regions by the end of the Czech Electoral Commission's meeting. Should they fail to do so, the Czech Election Commission shall decide on the name.

(4) Furthermore, the Czech Electoral Commission shall determine by lot the number by which all the candidate lists of each political party that has presented a candidate list will be consistently identified for purposes of elections to the Czech National Council.

(5) If elections to the Czech National Council are held simultaneously with elections to the Federal Assembly, the numbers determined by lot by the Central Electoral Commission shall also be used for identification of candidate lists of political parties with respect to the elections to the Czech National Council. In that case, representatives of the Czech Electoral Commission shall participate in the draw.

(6) The Chairman of the Czech Electoral Commission shall send a protocol on the outcome of the consideration to regional electoral commissions and political parties standing as candidates. The Chairman shall announce results of the draw so that it become generally known.

Section 21

Resignation and withdrawal of candidates

(1) A candidate may resign from a candidate list in writing not later than 48 hours prior to the elections. An agent of a political party may withdraw his/her nomination in the same way within the same time limit. A declaration of resignation or withdrawal of nomination cannot be revoked and must be submitted in two copies the chairman of the regional electoral commission; the chairman shall send one copy forthwith to the Chairman of the Czech Electoral Commission and ensure its publication in an appropriate manner at the same time.

(2) If such a declaration has been made after the registration, the information on the candidate shall remain on the candidate list, but the candidate shall not be taken into account in allocation of seats.

Section 22

Reproduction of candidate lists

(1) The chairman of a regional electoral

commission shall provide, through the competent regional national committee, for reproduction (printing) of the registered candidate lists, indicating the drawn number, the name of the party and all candidates and their position on the list.

(2) Each candidate list shall be reproduced in the form of ballot paper; all the candidate lists shall use the same type and the same font size and be printed on paper of the same colour and quality and of the same dimensions. The ballot papers shall be stamped with a stamp of the regional electoral commission and shall be produced in a number that allows even voters with electoral cards to vote without obstacles.

(3) The chairman of a regional electoral commission shall send the reproduced candidate lists (ballot papers) to chairmen of local national committees, who shall ensure delivery thereof to all voters 3 days before the date of the elections at the latest and to ward electoral commissions on the day of the elections.

CHAPTER 2

PREPARATION OF ELECTIONS

Section 23

Election day

(1) Elections to the Czech National Council shall be held on the same day throughout the territory of the Czech Republic. The Presidium of the Czech National Council may decide that elections will take place over two days.

(2) The Presidium of the Czech National Council shall announce elections to the Czech National Council and the date of the elections not later than 90 days prior to the elections. The resolution of the Presidium of the Czech National Council shall be published in the Collection of Laws.

(3) Elections shall be held on the specified day from seven a.m. to six p.m. If required due to local needs, the council of a local national committee may decide that voting will start earlier.

(4) If elections are held over two days, the time of the start of voting shall be set at two p.m. and the time of the end of voting at ten p.m. of the first day. On the second day, the voting shall begin at seven a.m. and end at two p.m.; if required due to local needs, the council of the local national committee may decide that the voting will start earlier.

Section 24

Information for voters

(1) Local national committees shall announce the time and place of elections in the manner conventional at the given place and not later than 15 days before the date of the elections. If a number of constituencies has been established with a municipality, the local national committee shall indicate which parts of the municipality, or units (Section 8 (1)) or facilities (Section 7 (5)) are attributable to each of the constituencies. In the announcement, the local national committee shall emphasise the obligation of voters to have an identity card with them and indicate other information necessary for the smooth conduct of the elections.

(2) In municipalities with more than 5000 persons registered in the list of voters, the respective local national committee shall ensure that a legitimization card is made out for each voter and that the necessary information about the election is presented on the card. At the same time, it shall ensure that the legitimization cards are delivered to the voters' place of residence. The local national committee may provide that the same shall also apply in a municipality where less than 5000 voters are registered in the list of voters.

Section 25

Preparations at polling stations

(1) The chairman of each ward electoral commission shall check, before the start of the elections and in the presence of the given electoral commission, the ballot box, and the portable ballot box, where appropriate, and seal it. The chairman shall also check the equipment of the polling station, whether the list of voters has been prepared and whether a sufficient number of ballots is available.

(2) If elections are held over two days, the chairman of each ward electoral commission shall ensure that, after the end of the first day of the election, the ballot box, and the portable ballot box, where appropriate, is sealed so as to prevent inserting any ballots and shall store it safely together with other election documents.

Section 26

Area for completion of the ballots

A special area for completion of the ballots shall be established at polling stations; this area shall be separated so as to guarantee the secrecy of voting. The number of these areas shall be determined by the council of the local national committee with regard to the number of voters in given constituency. With the exception of cases referred to in Section 29 (5), no one is allowed to be present in this area together with the voter, not even a

member of the ward electoral commission.

Section 29

CHAPTER 3

Voting

ELECTORAL CAMPAIGN

Section 27

(1) For the purposes of this Act, the time of the electoral campaign shall mean a period commencing 40 days and ending 48 hours before the elections.

(2) During the electoral campaign, each political party that stands as a candidate separately shall have equal access to government's public information means. Each political party that stands as a candidate separately shall be granted a total of 4 broadcasting hours in radio and television during the electoral campaign. Broadcast times and their distribution must conform to the principle of equality of the political parties standing as candidates.

(3) If the local national committee allocates an area for putting up electoral posters, the use thereof must conform to the principle of equality of the political parties standing as candidates.

(4) Campaigning for political parties is prohibited in the period commencing 48 hours before the elections and on the election day, regardless of whether in verbal or written form, by images or sounds, in government's public information means, in buildings where ward electoral commissions are seated and in their immediate vicinity. Publication of results of public opinion polls is allowed up to the seventh day before the date of the elections.

(5) Members of the electoral commissions and the staff of their professional services shall not provide information on the course and the partial results of the elections; this prohibition applies up to the moment of signing the protocol on the voting results.

(6) In the course of the elections and up to their completion, it is prohibited to publish the results of election polls.

PART SIX

VOTING

Section 28

Commencement of voting

After having performed the checks referred to in Section 25 (1), the chairman of each ward electoral commission, with the approval of the commission, shall declare the elections commenced. The chairman and other members of the commission shall vote first.

(1) Each voter shall vote in person. Representation is not permitted. Members of the ward electoral commission shall not modify the ballots for voters. Voters shall come before the ward electoral commission and vote in the order in which they entered the polling station.

(2) Upon entering the polling station, each voter shall submit the legitimization card and, upon making a record in both copies of the list of voters, the voter shall receive a blank envelope bearing the official stamp from the commission. These envelopes shall be opaque, of the same size, quality and colour. If a voter does not have a legitimization card and no member of the ward electoral commission knows him/her, the commission shall request the voter to prove his/her identity. If the voter fails to prove his/her identity before the end of voting by an identity card or by a testimony of two people known to the commission, the voter shall not be allowed to vote. At request of a voter, the commission shall provide him/her with new ballots instead of missing, crossed out or otherwise marked ballots.

(3) Ward electoral commissions shall enter into the list of voters the voters who come to a polling station with an electoral card and have their place of residence in the Czech Republic. The entry into the list of voters shall be signed by the chairman and two members of the commission; the electoral card shall be enclosed with the first copy of the list of voters. Thereafter the commission shall provide the voter with ballots.

(4) Upon receipt of ballots and an envelope, the voter shall enter the area designated for completion of ballots (Section 26). In this area, the voter shall insert one ballot into the official envelope. The voter may give preference to up to four candidates listed on one ballot by marking the number indicating their position on the ballot that the voter inserts into the envelope by encircling the number. Other modifications of ballots are prohibited. The voter shall put the other ballots into a designated box in the separate area.

(5) A voter who cannot complete the ballot himself due to a physical disability or due to illiteracy has the right to take another voter with himself to the area designated for completion of the ballots so that the other voter completes the ballot on the voter's behalf and in accordance with the voter's instructions and puts it into the envelope.

(6) After leaving the area designated for completion of ballots, the voter shall cast his vote by putting the official envelope into the ballot box in front of the ward electoral commission. The commission shall not allow any voter who fails to step in this area to vote. This shall

apply analogously to voting in special constituencies (Section 7 (4)), taking into account the conditions under which the vote takes place.

Section 30

Order at the polling station and in its immediate vicinity

The chairman of each ward electoral commission is responsible for maintaining order at the polling station and its immediate vicinity. The chairman's instructions regarding the maintenance of order at the polling station and the dignified course of the voting shall be binding for all the present.

Section 31

Suspension of voting

If circumstances occur that render the commencement of voting, its continuation or termination impossible, the ward electoral commission may, in an agreement with the regional electoral commission, adjourn the commencement of voting to a later hour or extend the time allocated for voting. However, the total time of voting (Section 23) shall not be shortened by any such measure. A ward electoral commission shall inform voters of such a measure in a manner conventional at the given place. If voting is suspended, the ward electoral commission shall seal the election documents and the ballot box. Upon resumption of voting, the chairman shall, in the presence of the commission, verify the integrity of the seal and note it in the protocol on the conduct of voting.

Section 32

Termination of voting

Once the time designated for termination of voting passes, the polling station shall be closed; nevertheless, all persons present at the polling station or in front of it shall vote first. Thereafter, the chairman of the ward electoral commission shall declare the voting closed.

PART SEVEN

DETERMINATION AND PUBLICATION OF RESULTS OF ELECTIONS

Section 33

Who may be present during the counting of votes

Members of electoral commissions of higher degree and staff of their professional services, as well as persons authorised by the Czech Electoral Commission have the right to be present in the room where the ward electoral commission is counting the votes.

Section 34

Counting of votes by the ward electoral commission

(1) Upon termination of voting, the chairman of each ward electoral commission shall have the special boxes designated for discarding unused ballots (Section 29 (4)) sealed, together with the remaining unused ballots and envelopes, and then have the ballot box open. If the ward electoral commission has also used, at an explicit request of individual voters or pursuant to Section 7 (5), portable ballot boxes, the commission shall intermingle their content once they are opened.

(2) The ward electoral commission shall remove the envelopes with ballots from the ballot box, count the official envelopes and compare the number of envelopes with records in the list of voters. Unofficial envelopes shall be excluded.

(3) Upon removal of ballots from the official envelopes, the ward electoral commission shall assort and count the ballots that have been cast for individual political parties and remove the invalid ballots. Furthermore, the commission shall determine how many voters have exercised the right of preferential vote and count the preferential votes that were cast in favour of individual candidates.

(4) Each member of the ward electoral commission may inspect the ballots. The chairman of the ward electoral commission shall verify the accuracy of the counting of votes.

Section 35

Assessment of ballots

(1) Any ballots on which the names of candidates are crossed out, modified or added shall also be counted in favour of the given political party. Such modifications shall be disregarded. If a voter has, on the ballot, given a preferential vote to more than four candidates, such a ballot shall be counted in favour of the political party; the preferential votes shall not to be taken into account.

(2) Ballots in other than prescribed form are invalid. In case there are several candidate lists of different political parties in one envelope, all of these votes shall be invalid. In case there are several ballots of the same political party, they shall be counted as one vote. If a preferential vote has been made on one of these

ballots, such a ballot, or the ballot on which more preferential votes have been made, shall be taken into account.

Section 36

Protocol on voting in a constituency

(1) Each ward electoral commission shall draw up a protocol on the conduct and results of voting in two copies. The protocol shall be signed by the chairman, the vice-chairman and other members of the commission. Reasons for rejecting a signature shall be noted.

(2) The following shall be indicated in the protocol of the conduct and results of voting prepared by the ward electoral commission:

- a) the time of commencement and termination of voting, and its suspension, if applicable,
- b) the total number of persons registered in the list of voters in the given constituency,
- c) the number of voters who were issued with an official envelope,
- d) the number of official envelopes cast,
- e) the number of valid votes cast for each candidate list,
- f) the number of voters of a political party that exercised the right of preferential vote,
- g) the number of valid preferential votes cast for individual candidates in the candidate lists,
- h) a summary of notifications and complaints that have been submitted to the ward electoral commission, resolutions adopted by the commission and a brief justification thereof.

(3) For the purposes of provision of information referred to in paragraph 2 (g), the commission shall use the necessary number of unused ballots that were, upon termination of voting, explicitly marked for this purpose by the chairman in the presence of the commission.

Section 37

Closure of ward electoral commission's meeting

(1) After counting the votes and signing the protocol on the conduct and results of voting, the chairman of the ward electoral commission shall announce the result of the vote and send a copy of the protocol without delay to the district commission and then wait for an instruction to terminate its activity.

(2) The ward electoral commission shall seal the ballots cast, official envelopes and lists of voters and forward them, together with other election documents,

to the custody of the local national committee.

Section 38

Presence at district commission's meeting

Apart from members of district commissions, only the members of electoral commissions of higher degree and the staff of their professional services may be present in the room where the district commissions count the votes.

Section 39

Counting votes by regional electoral commissions

(1) Regional electoral commissions shall count the votes and determine the results of the vote in the electoral region on the basis of protocols on the conduct and results of the vote that were sent by the ward electoral commissions.

(2) Only the members of the Czech Electoral Commission and the staff of the professional services may be present in the room where the regional electoral commission counts the votes.

Section 40

Protocol issued by regional election commission

(1) Each regional electoral commission shall draw up a protocol on the conduct and results of the vote in the electoral region in two copies; the protocol shall be signed by the chairman, the vice-chairman and other members of the commission. Reasons for rejecting a signature shall be noted.

(2) The following shall be indicated in the protocol on the conduct and results of the vote prepared by the regional electoral commission:

- a) the number of constituencies in the electoral region and the number of ward electoral commissions that have submitted the outcomes of the vote,
- b) the number of persons registered in the list of voters in the respective electoral region,
- c) the number of voters to whom the official envelopes were given,
- d) the number of official envelopes cast,
- e) the number of valid votes cast for each candidate list,
- f) the number of voters of a political party who exercised the right of preferential vote,
- g) the number of valid preferential votes cast for individual candidates in the candidate

lists,

- h) a summary of notifications and complaints that have been submitted to the regional electoral commission, resolutions adopted by the commission and a brief justification thereof.

(3) Upon signing both copies of the protocol on the results of the vote, the chairman shall send a copy of the protocol to the Czech Electoral Commission without delay. The chairman shall forward the other election documents to the custody of the respective national committee.

Section 41

Determination of the number of Members of the Czech National Council elected in electoral regions

(1) The Czech Election Commission shall review the protocols of regional electoral commissions and determine the sum of all valid votes that were cast in favour of all the candidate lists in all electoral regions. This number shall be divided by the number of Members of the Czech National Council (Section 6). The number calculated in this way and rounded to whole numbers shall be the national mandate number.

(2) It shall divide the total number of valid votes cast in each electoral region by the national mandate number. The whole number calculated in this way shall be the number of seats attributable to each of the electoral regions.

(3) If all the seats are not distributed in this way, the Czech Electoral Commission shall allocate these seats successively to those electoral regions that exhibit the greatest remainder. In case of equality of remainders, this shall be decided by lot.

Section 42

Participation of political parties in the allocation of seats

(1) The Czech Electoral Commission shall determine how many valid votes were cast in total in favour of each political party. The Commission shall determine which political parties received less than 5 percent of the total number of valid votes. The Commission shall not take these political parties and the votes cast in their favour into account in subsequent determination of electoral results and allocation of seats.

(2) The other political parties shall advance to the first scrutiny in which seats are allocated within the electoral regions.

Section 43

First scrutiny

(1) The sum of the valid votes cast in an electoral region in favour of political parties that have advanced to the first scrutiny shall be divided by the number of seats that have been allocated to this electoral region (Section 41) increased by one; the whole number gained by this process and rounded to whole numbers shall be the regional mandate number.

(2) The total number of valid votes received by a political party within the electoral region shall be divided by the regional mandate number and the political party shall be given a number of seats corresponding to the whole number obtained by dividing the total number of valid votes that the respective political party received by the regional mandate number.

(3) Within each political party, the candidates shall receive seats given to the party in the order they were listed on the ballot. However, if at least one-tenth of the total number of voters who cast a valid vote in favour of this political party in the respective electoral region exercised the right of preferential vote, the candidate who received the absolute majority of votes of those voters of this political party who exercised the right of preferential vote shall be the first to receive the seat. If the political party is given multiple seats and a number of candidates have fulfilled the condition pursuant to the previous sentence, the candidates shall receive the seats gradually in the order according to the highest number of preferential votes received. In case of equality of preferential votes, the order of the candidate on the ballot shall be decisive.

(4) If a political party nominated fewer candidates than the number of seats it would receive according to the results of the first scrutiny, it shall receive only as many seats as many candidates stood for election.

Section 44

Second scrutiny

(1) In the second scrutiny, the Czech Electoral Commission shall allocate all the seats that were not allocated in the first scrutiny. All the remaining votes cast in favour of individual political parties shall be transferred to the second scrutiny; if a political party did not receive any seat in the first scrutiny, all votes cast in favour of the party shall be transferred.

(2) Members of the Czech Electoral Commission shall submit candidate lists of their political parties to the Chairman of the Czech Electoral Commission before the beginning of the second scrutiny at the latest. The number of candidates on these candidate lists is not limited; however, a political party may include therein only the names of those candidates who were nominated

in any electoral region and were not elected in the first scrutiny. Once the candidate lists are submitted, it shall no longer be possible to change the names of the candidates or the order in which they appear on the list.

(3) In the second scrutiny, the Czech Electoral Commission shall count all the remaining votes of the individual political parties. This number shall be divided by the number of seats that were not allocated in the first scrutiny increased by one. The whole number obtained by the division and rounded to whole numbers shall be the national mandate number. On this basis, the Czech Electoral Commission shall allocate a number of seats corresponding to the whole number obtained by dividing the total number of remaining votes cast in favour of the individual political party by the national mandate number.

(4) If all the seats are not allocated in this way, the Czech Electoral Commission shall allocate these seats successively to those political parties that have presented valid candidate lists and that exhibit the greatest remainder of the division; in case of equality of remainders, the seat shall be allocated to the political party with higher total remainder in the second scrutiny. If the total remainders are equal, the seat shall be attributed to the political party that received a greater number of votes; in case of equality of votes, this shall be decided by lot. The same procedure shall apply in case a political party has nominated fewer candidates than the number of seats attributed to the party.

(5) If this procedure results in allocation of one seat above the number than should have been allocated, the extra seat shall be removed from the political party that exhibited the lowest remainder in the division in the second scrutiny. In case of equality of remainders, the seat shall be removed from the political party that received a lower number of votes; in case of equality, this shall be decided by lot.

(6) Within individual political parties, the seats attributed to the party shall be allocated to the candidates in the order they were listed on the candidate list for the second scrutiny.

(7) Those candidates who received a seat neither in the first nor second scrutiny shall become substitutes.

Section 45

Protocol of the Czech Electoral Commission and publication of elections results

(1) After having completed the first and second scrutiny, the Czech Electoral Commission shall draw a protocol on the elections results. The protocol shall be signed by the Chairman, the Vice-Chairman and other members of the Commission.

(2) The following shall be indicated in the protocol

on the elections results:

- a) the total number of persons registered in the lists of voters;
- b) the total number of voters to whom official envelopes were issued;
- c) the number of valid votes cast for each candidate list separately and with respect to each electoral region separately,
- d) the names of candidates who were elected from individual candidate lists in the first scrutiny, together with information on the results of preferential vote, and candidates elected in the second scrutiny, as well as candidates who have become substitutes.

(3) The Czech Electoral Commission shall publish the overall elections results by individual electoral regions immediately after signing the protocol on the elections results. It may also publish provisional results, in which it shall indicate particulars referred to in paragraph 2 (a) to (c).

Section 46

Certificate of election

The Czech Electoral Commission shall issue the candidates elected as Members of the Czech National Council with a certificate of election.

Section 47

Election complaint

(1) Any citizen registered in the list of voters in the constituency in which a Member of the Czech National Council was elected, as well as any political party that presented a candidate list in the given electoral region, may lodge a complaint against the issuance of a certificate under Section 46. Every complaint must include reasoning. A complaint must be submitted in writing to the Supreme Court of the Czech Republic within 10 days of the publication of the elections results.

(2) The Supreme Court of the Czech Republic shall consider the complaint within 10 days in a chamber consisting of the presiding judge and 2 judges. Provisions of the Code of Civil Procedure on the review of decisions of other authorities shall apply *mutatis mutandis*.

(3) Resolutions of the Supreme Court of the Czech Republic on complaints are not subject to appeal.

(4) The Supreme Court of the Czech Republic shall forward the opinion contained in the resolution to the Czech National Council.

Section 48

Measures available in case of violation of the Act

In the event of violation of this Act in any electoral

region, the Presidium of the Czech National Council shall take measures necessary for implementation of the elections in line with this Act not later than one week of the announcement of the elections results. In such a case, the prescribed time limits may be shortened.

Section 49

Succession of substitutes

(1) Where a seat becomes vacant, it shall be attributed to a substitute from the same political party who was presented on the candidate list for elections in the electoral region in which the Member of the Czech National Council whose seat has become vacant was nominated, in the order corresponding to the elections results of the first scrutiny (Section 43 (3)). Where there is no such substitute, a substitute from the same political party shall be attributed the seat, in the order in which he/she appeared on the candidate list for the second scrutiny.

(2) Where there is no substitute from the same political party, the seat shall stay vacant until the end of the electoral term.

(3) The succession of a substitute shall be announced by the Presidium of the Czech National Council within 15 days of the day when the seat became vacant. It shall provide the substitute with a certificate attesting that he/she has become a Member of the Czech National Council and specifying the effective date of his/her appointment.

PART EIGHT

MEASURES FOR ORGANISATION OF ELECTIONS

Section 50

Measures of auxiliary means

(1) All the auxiliary means, in particular polling stations and equipment thereof, official envelopes and auxiliary work force for ward electoral commissions shall be secured by the local national committee in the territory of which they are established.

(2) All the auxiliary means for needs of the district commissions shall be secured by the district national committees; for needs of the regional electoral commissions by regional national committee in the territory of which the respective election commission is seated.

Section 51

Co-operation of other institutions and organisations

(1) All governmental authorities and all organisations shall co-operate in the implementation of this Act.

(2) Organisations and persons engaged in printing activities shall be obliged, at request of authorities

carrying out the tasks pursuant to this Act, to ensure that the candidate lists, legitimation tickets, electoral cards and all other necessary official documents are reproduced in due time and properly.

Section 52

Benefits for members of electoral commissions

Service as member of an election commission is an honourable duty. A member of an electoral commission shall not be negatively affected by the fact that he/she serves as a member of an electoral commission as regards his rights and benefits arising from his/her employment of similar relationship, in particular in respect of his/her entitlement to leave with compensation for loss of earnings.¹¹⁾

Section 53

Benefits for candidates

(1) In the period between the day following the day when the candidate list on which he/she is presented is registered and the end of the day preceding the elections, each candidate shall be entitled to time off from work provided by his/her employer or another entity with a similar legal standing (hereinafter referred to as the "employer").

(2) If the candidate so requests, the compensation for loss of earnings shall be paid to the candidate by the employer.

(3) The employer has the right to claim the amount he paid to the candidate due to the loss of earnings from the political party on whose candidate list the candidate is presented.

(4) A candidate who is not in an employment or in similar relationship shall be paid the compensation for loss of earnings by the political party on whose candidate list of the candidate is presented.

(5) The loss of earnings of candidates shall be calculated in the same way as the loss of earnings of members of electoral commissions.

(6) The fact that someone is a candidate shall not be to his/her detriment in the employment or similar relationships. The time off from work referred to in

¹¹⁾ Decree of the Federal Ministry of Labour and Social Affairs No. 236/1988 Coll., on other tasks in the general interest. Regulation of the Government No 12/1968 Coll., on the regulation of remunerations and allowances and certain other conditions of members of national committees and members of commission and boards of the national committees, as amended.

paragraph 1 shall be considered a time of performance of the work.

Section 54

Coverage of electoral costs

(1) Expenditures related to elections to the Czech National Council shall be paid from the State budget of the Republic. If elections to the Czech National Council are held simultaneously with elections to the Federal Assembly, the method of payment shall be determined based on agreement between the competent authorities of the Czech Republic and the Czechoslovak Socialist Republic.

(2) Each political party shall bear costs of its own electoral campaign; it may use a bank loan or a savings-bank loan.

(3) Upon verification of election of Members of the Czech National Council, the Presidium of the Czech National Council shall inform the Ministry of Finance, Prices and Salaries of the Czech Republic about the number of valid votes cast for each political party; a political party that received more than two percent of the total number of valid votes shall be paid 10 Czechoslovak crowns from the State budget of the Republic for each vote cast.

PART NINE

TRANSITORY AND FINAL PROVISIONS

Empowering provisions

Section 55

(1) The Ministry of Interior of the Czech Republic, in agreement with the Federal Ministry of the Interior,

a) shall stipulate details of national committees' tasks in relation to

1. the establishment of constituencies,
2. the compilation of the lists of voters,
3. the issuance of electoral cards,

4. securing and equipping of polling stations,
5. the custody of the ballots and other election documents;

b) shall establish templates of ballots, lists of voters, electoral cards, legitimation cards, certificates of election and may establish templates of other election documents;

c) may stipulate details of co-operation among governmental authorities (Section 51 (1)) in verification of the data according to Section 18 (1).

(2) The Czech Statistical Office, in agreement with the Ministry of Interior of the Czech Republic and in co-operation with the Federal Statistical Office, shall issue a methodology for processing the voting results.

Section 56

The measures taken by the competent governmental authorities within preparations for the implementation of this Act in the period before this Act became effective shall be regarded as if they were taken when the Act was effective, provided they are compatible with this Act.

Section 57

Repealing provisions

Act No 53/1971 Coll., on elections to the Czech National Council, is repealed, with the exception of Section 49, which shall expire on the day of elections.

Section 58

Effective date

(1) This Act enters into force on the date of its publication.

(2) This Act applies only to elections to the Czech National Council elected in 1990.

Šafařík in person

Pithart in person

Annex to the Act No. 55/1990 Coll.

Maximum numbers of candidates on candidate lists

Region	The maximum number of candidates
1. Prague, the capital	36
2. Central Bohemia	31
3. South Bohemia	20
4. West Bohemia	25
5. North Bohemia	35
6. East Bohemia	36
7. South Moravia	60
8. North Moravia	55