

ACT NO. 247

On Elections to the Parliament of the Czech Republic, and on Amendments of Certain Other Acts

September 27, 1995

The Parliament of the Czech Republic enacted the following Act

PART ONE: ELECTIONS TO THE PARLIAMENT OF THE CZECH REPUBLIC

CHAPTER ONE GENERAL PROVISIONS

Article 1

(1) Elections to the Parliament of the Czech Republic shall be held by secret ballot, based on a universal, equal, and direct right to vote. The Chamber of Delegates of the Czech Republic shall be elected on the principle of proportional representation. The Senate of the Czech Republic shall be elected on the principle of majority vote.

(2) Each and every citizen of the Czech Republic (hereinafter "Citizen") who has attained the age of eighteen years no later than on the second day of the elections shall qualify to vote.

Article 2

Citizen shall be prevented from exercising his/her right to vote if:

his/her personal liberty is restricted by law on the grounds of public health. 1)

he/she is incapacitated for the performance of all legal acts. 2)

Article 3 Electoral Wards

Votes for members of Parliament of the Czech Republic shall be cast within existing electoral wards as established in accordance with a separate Act. 3)

Article 4

Voters shall be registered in permanent registers of voters (hereinafter "Permanent Electoral Roll"), or, as the case may be, in specific registers of voters unable to vote locally (hereinafter "Register of Persons Unable to Vote Locally"). No voter shall be on more than one of the above registers.

Article 5 Permanent Electoral Roll

The Permanent Electoral Roll shall be kept in accordance with a separate Act. 4)

Article 6 Register of Persons Unable to Vote Locally [*note of the translator*]

(1) The Register of Persons Unable to Vote Locally shall be kept by each municipality - [the country's smallest geo-political unit and the most basic form of local government, which in may correspond to the country's administrative subdivisions, and the authorities of which may be empowered to exercise powers of the State administration if so stipulated by law]. In the country's capital, Prague, and in certain statutory towns, that are divided into geo-political/administrative subdivisions, such as municipal districts, [neighbourhoods,] and/or municipal parts [which are part of the municipality and may assume its functions, and in some cases cover the area of an administrative district], the Register of Persons Unable to Vote Locally shall be kept by each relevant municipal district, [neighbourhood,] or municipal part (hereinafter "Municipality"). In the Register of Persons Unable to Vote Locally, Municipalities shall list voters whose place of permanent residence is outside their jurisdiction 5), and who:

are not permanently residing within the Czech Republic;

are doing a compulsory military service or some alternative civilian service within the area of their jurisdiction;

are staying in the local hospital, maternity home, sanatorium, residential-home, rest home, or any other facility or establishment of a similar character operating and located in the respective local area;

have been taken into custody by the police, and committed to a detention centre/prison situated in the respective local area;

vote in the respective area thanks to a non-local voting permit entitling them to do so (see Article 30, Paragraph 2 below).

(2) Into the Register of Persons Unable to Vote Locally, local authorities [in villages], municipal authorities [in towns and statutory towns], municipal district authorities in Prague municipal districts or neighbourhood authorities in Prague neighbourhoods, municipal district/part authorities in statutory towns divided into geo-political subdivisions (hereinafter "Local Authorities") shall list the voters as specified in the above-mentioned Paragraph 1, Letter (b) based on information provided by the chief officer in command of the relevant military unit, and voters as specified in the above-mentioned Paragraph 1, Letters (c) and (d) based on information provided by the administration of the respective institution, establishment or facility. Such information shall be passed onto the Local Authorities no later than seven days prior to the beginning of polling, and shall be updated if and when necessary.

(3) The chief officer in command of the relevant military unit, and the administration of the respective institution, facility, or establishment, working with Local Authorities that are in charge of keeping the local Register of Persons Unable to Vote Locally, shall send the Local Authorities in the Municipality where the voter in question has been entered on the Permanent Electoral Roll information, confirming that the said voter has been reported for entry into the Register of Persons Unable to Vote Locally.

ELECTION BOARDS- GENERAL PROVISIONS

Article 7 [*note of the translator*]

(1) The Central Election Board shall be in charge of conducting elections to the Parliament of the Czech Republic.

(2) For the purpose of elections to the Chamber of Delegates (a) regional election boards shall be established [in the constituencies - namely,] in each electoral region while the country' capital, Prague, shall be considered to be a separate electoral region; (b) district election boards shall be established [within district electoral areas - namely,] in each country's administrative district and in each of Prague polling districts, the specifically defined boundaries of which shall be delineated by Annex 1 which shall be integral part of this Act.

(3) For the purpose of elections to the Senate, divisional election boards shall be established [in the constituencies - namely] in each electoral division.

(4) Ward election boards shall be established in electoral wards.

Article 8

(1) Every voter may become a member of an election board unless the said voter has been denied the right to vote. No candidate for a seat in the Parliament of the Czech Republic shall be a member of an election board.

(2) Regional, district, divisional, and ward election boards shall consist of representatives delegated by a political party, political movement (hereinafter "Political Party"), and their coalition, each submitting a separate list of their candidates for registration to stand for election to the Chamber of Delegates, or each applying separately for the registration of their candidate to stand for election to the Senate. Should a list of candidates be submitted, or should the registration of a candidate be applied for by more Political Parties joined in a coalition, the right to delegate election board members and their stand-ins shall belong to the joint coalition, and not to the individual Political Parties of which the said coalition consists. Names and surnames of the party/coalition representatives and their stand-ins, along with their full addresses shall be communicated by the Political Parties or the coalitions to the person calling the election board to its first session. Should a list of candidates be rejected by a regional election board or the Central Election Board, or should a Political Party or a coalition retract its list of candidates, the representation of the said Political Party or coalition on any election board shall cease to exist. Should a divisional election board or the Central Election Board reject an application for registration of a candidate, or should such an application be retracted by a Political Party or coalition, the representation of the said Political Party or coalition on any election board shall cease to exist. Should a member of an election board fall ill, have more urgent commitments, or should a member's office become vacant, the chairman of the respective election board shall summon the first stand-in as delegated by the Political Party or coalition whose representative is being replaced. The stand-in shall become a member of the election board upon taking an oath (see below, Paragraph 3 of this Article). Upon the stand-in's becoming a regular member of the election board, the membership of the representative first in office shall cease to exist.

(3) Members of election boards shall assume their office upon taking an oath. The oath of a member of an election board shall be as follows: "I swear on my honour to perform the rights and duties of my office in an unbiased and assiduous manner, observing the Constitution,

laws and other legal statutes of the Czech Republic." A member of an election board shall be considered to have taken the oath upon signing the oath in writing.

Article 9

(1) An election board shall form a quorum when fifty per cent or more of its members are present. The passing of a resolution shall require the consent of an absolute majority of the members present. In case of parity of votes, a proposal shall be deemed to be rejected.

(2) At its first session, the Central Election Board, and regional, district, divisional, and ward election boards shall choose their chairman and vice-chairman from among their members by drawing lots. The chairman and the vice-chairman of an election board shall not be representatives of the same Political Party or coalition. The drawing of lots shall be conducted by the secretary of the election board in question.

(3) Should the chairman of an election board retire from office, lots shall be drawn to choose a replacement. In such cases, the vice-chairman of the election board shall not be eligible to be selected as chairman. Should the vice-chairman of an election board retire from office, the above procedure shall also apply.

Article 10

(1) The secretary of the Central Election Board shall be appointed and/or recalled by the Government. Secretaries of regional and divisional election boards shall be appointed and/or recalled by the Minister of the Interior. Secretaries of district election boards shall be appointed and/or recalled by the head of the respective district State administration office, however, in Prague and in the cities of Brno, Ostrava, and Plzeň, secretaries of district election boards shall be appointed and/or recalled by the mayor of each city. Secretaries of ward election boards shall be appointed and/or recalled by the chairman of the local council or the mayor of the respective Municipality; in Prague, and in certain statutory towns divided into geo-political subdivisions, secretaries of ward election boards shall be appointed and/or recalled by the chairman of the local council of the municipal district or municipal part in question (hereinafter "Mayor"). Secretaries shall be appointed no later than twenty days prior to the day on which the election boards shall have been incorporated pursuant to this Act.

(2) A secretary shall be a member of the election board who shall have a voice, but not a vote on the board, and who may submit proposals to the election board. Secretaries shall take on the wording and procedure of administration of which have been specified in Article 8, Paragraph 3 abovementioned.

(3) Should a secretary cease to perform the rights and duties of his/her office, a new secretary shall be appointed to the election board no later than two days hereafter.

Article 11

For the purpose of vote computations, the Central Election Board, and regional, district, divisional, and ward election boards shall set up a special body, a counting team, consisting of vote counters and analysts, that shall be manned by specialists assigned to this task by the Czech Bureau of Statistics. In addition to the counting team, the Central Election Board shall establish a secretariat from among designated employees of the Ministry of the Interior. The

secretariat shall be assigned with organization-related and administrative tasks, and shall assist the Central Election Board in meeting the obligations arising from its office. Members of counting teams operating within election boards, and members of the staff of the Central Election Board secretariat shall take an oath, the wording and procedure of administration of which have been specified in Article 8, Paragraph 3 above.

Article 12 The Central Election Board

(1) Each Political Party and/or each coalition that submits for registration a list of its candidates for the elections to the Chamber of Delegates shall have the right to be represented on the Central Election Board. Up to two party/coalition representatives and two stand-ins may be proposed to the Minister of the Interior no later than sixty days prior to the first election day to the Chamber of Delegates.

(2) If the delegated representatives (Paragraph 1 of this Article) meet the requirements stipulated by the provisions of the above Article 8, Paragraph 1 herein, the Minister of the Interior shall appoint them members of the Central Election Board, and shall grant them a membership card.

(3) Upon the proposal of a Political Party or coalition to dismiss its delegated representative, the Minister of the Interior shall recall the member of the Central Election Board, and appoint a stand-in to the vacant office. Should there be no stand-in available, the Minister shall appoint a new member of the Central Election Board based on the proposal of the Political Party or coalition in question.

(4) The term of office of the Central Election Board shall have expired on the day on which a new Central Election Board in charge of the following elections to the Chamber of Delegates shall be constituted.

(5) The Central Election Board shall be called to its first session by the Minister of the Interior so that the session shall commence no later than the third day following the final date stipulated in Paragraph 1 of this Article.

(6) The Central Election Board shall:

ensure that electoral laws and statutes are observed;

decide in the instance of complaints against procedures taken by regional and divisional election boards, and in the instance of appeals against decisions taken by such election boards. A decision delivered by the Central Election Board shall be binding on any election board;

compute, scrutinize, ascertain, and declare election results;

convey the election returns/results to the respective Chamber of the Parliament of the Czech Republic;

issue Confirmation of Election to candidates who were elected;

perform further duties and obligations arising from this Act and other applicable laws and statutes.

Article 13 Ward Election Board

(1) According to the number of voters in an electoral ward, the Mayor shall determine the lowest permitted number of officers who need to be on the ward election board so that the ward election board has no less than five members. However, wards where the electorate does not exceed three hundred voters shall be an exception; the election board of such wards may consist of three members and a secretary.

(2) Each Political Party and coalition which has duly registered its list of candidates running for a seat in the Chamber of Delegates in the electoral region within which the respective electoral ward is located, and each Political Party or coalition which has duly registered its candidate running for a seat in the Senate in the electoral division within which the respective ward is located shall have the right to delegate one representative and one stand-in of his/her to be on the ward election board. The ward election board member and the stand-in shall be delegated no later than thirty days prior to the day of the elections. Should an insufficient number of board members be delegated through the above procedure, the Mayor shall appoint additional members so that the total number of members of the ward election board complies with the provisions stipulated in Paragraph 1 of this Article.

(3) The ward election board shall be called to its first session by the Mayor so that the session shall commence no later than the twenty-first day prior to the day of the elections.

(4) The ward election board shall:

conduct the polling, supervise whether ballots are cast appropriately, and make efforts to maintain order in the polling station;

count the votes cast, and draft a record of the polling process and the vote count. The record shall, without delay, be transmitted to the (bb) district election board in the case of election to the Chamber of Delegates, and (bc) divisional election board in the case of election to the Senate;

deposit all other election-related papers and documents to the Local Authorities for safe-keeping.

Article 14 The Day of the Elections

(1) The President of the Republic shall call the elections to the Parliament of the Czech Republic no later than ninety days before the elections are held. The call of the elections shall be published in 'Sbírka z kon...', a collection of laws. The day on which the decision to call the elections is published in the 'Sbírka z kon...', the collection of laws, shall be considered to be the day on which the elections were called.

(2) Two days shall be dedicated to the elections to the Parliament of the Czech Republic. On the first election day, polling stations shall open at 14:00 hours and close at 22:00 hours. On the second election day, polling stations shall open at 07:00 hours and close at 14:00 hours. Should it be necessary for reasons of particular local circumstances, the Mayor of the

Municipality in question may modify the polling hours, and decide that the polling station open as early as 12:00 hours on the first election day, and 05:00 hours on the second election day.

Article 15 Sources of Public Information

(1) Each Municipality shall issue a decree informing the voters of the time and place of the elections to be held in the respective Municipality. This decree shall be issued no later than fifteen days prior to the day of the elections, and advertised in a manner usual in the Municipality in question. Should a Municipality be divided into two or more electoral wards, the decree shall provide information on which sections or parts of the Municipality shall belong to which of the wards, and the decree shall be made public within the area of each of the wards.

(2) Local Authorities shall also notify the electorate of their obligation to prove their identity and show evidence that they are Citizens of the Czech Republic, and shall furnish further pieces of information required for a smooth process of polling.

Article 16 The Election Campaign

(1) For the purposes of an election campaign, on the sixteenth day prior to the day of the elections, the Mayor may allocate a space suitable for election campaign posters and campaigning advertisements. Such campaign allowance of space shall accommodate the right to equality of Political Parties and coalitions nominating their candidates to stand for election to the Chamber of Delegates or to the Senate, or, as the case may be, of independent candidates standing for election to the Senate.

(2) Integrity and honesty shall be the rules governing election campaigning and canvassing, and false information shall not be distributed to the public concerning either candidate nor the Political Parties nor coalitions that nominate the candidates in their list of candidates.

(3) From the sixteenth day prior to the day of the elections, until the forty-eighth hour prior to the opening of elections, Political Parties and coalitions nominating candidates to stand for elections to the Chamber of Delegates shall be allotted a total of fourteen hours of air time on broadcasting channels on Czech Radio, and fourteen hours of air time on broadcasting channels on Czech Television for the purpose of their election campaign. The broadcasting time shall be allotted free of charge and apportioned evenly among the Political Parties and coalitions involved. The time and hour when each Political Party and coalition shall be on air shall be determined by drawing lots. Liability and answerability for the contents of the television and radio programmes broadcasted shall rest with the Political Party and coalition that is canvassing.

(4) Neither any local radio station nor any public address system shall be used for the purposes of any Political Party, coalition, and independent candidate canvassing.

(5) In the course of the last forty-eight hours prior to the opening of elections and on the election days, any campaigning and canvassing in favour of Political Parties, coalitions and candidates shall be prohibited; in buildings in which ward election boards have their headquarters, and in their immediate vicinity, no facts that may cause prejudice of a Political Party, coalition or candidate shall be made public whether in words, writing, or in the form of

a sound or picture. Election forecasts resulting from public-opinion polls shall not be published after the seventh day preceding the day of the elections. During the elections, no public preference research shall be made in the building in which the polling station has been located.

(6) Members of any election board and members of the staff of any election board special team shall be prohibited from disclosing any information in connection with the polling process and/or partial voting results until the board's record of the election outcome has been signed.

(7) No results of any election preference research shall be released throughout the course of the voting until the closing of polling stations.

Article 17 Polling Station

(1) A polling station shall be furnished with a regular ballot-box, a portable ballot-box, a sufficient amount of ballot-papers, pens and pencils, copies of extracts from the Permanent Electoral Roll, copies of extracts from the Register of Persons Unable to Vote Locally, and a copy of this Act which shall be made available to voters for inspection should they so request.

(2) To afford privacy and secrecy for the voters to express their preferences in the ballots, polling stations shall be furnished with voting booths. Depending on the size of the electorate in the ward in question, the Mayor of the respective Municipality shall determine how many enclosures shall be installed. Nobody shall accompany a voter inside the voting booth, including any member of the ward election board, except as otherwise provided for in this Act.

(3) A national flag shall be hoisted on the building in which a polling station is located, and a large national emblem shall, with due regard, decorate the polling station. 6)

(4) Before the polling station opens, the chairman of the ward election board shall be obliged to examine whether the polling station is furnished as stipulated by the provisions of the foregoing paragraphs, and, witnessed by the other members of the board, shall seal the regular ballot-box and the portable ballot-box. Both the regular and portable ballot-boxes shall be scrutinized and emptied before sealing.

(5) After the polling station has closed on the first day of the election, the chairman of the ward election board shall have the ballot-box and, if applicable, the portable ballot-box sealed so that ballots can neither be inserted nor taken out. He shall also make sure that other election-related documents are safeguarded. Before the polling station opens on the second day of the election, the chairman of the ward election board shall examine whether seals are in an intact, or untampered with, condition and remove the seals.

Article 18 Opening of Elections, Beginning of Voting

Having completed the inspection pursuant to Article 17, Paragraph 4 above, the chairman of the ward election board shall declare the elections open. The chairman of the ward election board followed by the other members of the board shall have the right to cast the vote as the first voter.

Article 19 Voting Principles

- (1) A voter shall cast his/her vote in person. No voting by proxy shall be admissible.
- (2) Upon entering, voters shall approach the ward election board first, and then cast their vote when their turn comes, one by one, as they entered the polling station.
- (3) Having entered the polling station, a voter shall prove his/her identity and produce evidence that he/she is a Citizen of the Czech Republic. 7)

After the voter's registration has been checked and an entry into the relevant extract from the Permanent Electoral Roll or the Register of Persons Unable to Vote Locally made, from a board official, the voter shall receive an empty opaque envelope which shall be under an official seal, and which shall be of identical size, colour and paper quality (hereinafter "Formal Envelope"). Upon request by a voter, the ward election board shall supply the voter with additional ballot-papers should one or more be missing, or replace a ballot should it be crossed out or otherwise marked.

(4) Should a voter fail to prove his/her identity or the fact that he/she is a Citizen of the Czech Republic 7), the voter shall not be allowed to vote.

(5) Having left a voting booth, a voter shall cast his/her vote in front of the ward election board by inserting the Formal Envelope into the ballot-box. A voter who fails to enter the voting booth prior to casting the vote shall be disqualified by the election board from voting.

(6) A voter who is incapable of marking the ballot by his/her own forces because of a bodily handicap, or because he/she is not able to read or write shall have the right to be accompanied to a voting booth by another voter who will mark and insert the ballot into the Formal Envelope for him/her. Such service shall not be rendered by any member of the ward election board.

(7) For material, and especially health-related reasons, a voter shall have the right to ask the Local Authorities, and on the day of the elections, the ward election board, for permission to vote outside the polling station. In such a case, the ward election board shall send to the voter two of its members with a portable ballot-box, a Formal Envelope, and ballots. During voting, the board officials shall ensure that the principles of a secret ballot be observed.

Article 20 Order in Polling Stations and their Immediate Vicinity

The chairman of the ward election board shall be responsible for order in the polling station and its near vicinity. His/her directions to enforce order that will allow for a dignified course of polling shall be binding on every party present.

Article 21 Suspension of Voting

Should circumstances make the voting impossible to commence, continue, or end, the ward election board, upon agreement with the regional election board or with the divisional election board, shall have the right to adjourn the commencement of voting to a later hour, or to extend polling hours. If and when the voting is interrupted, the ward election board shall deposit election-related documents in safe-keeping, and seal a regular ballot-box and, as the

case may be, a portable ballot box so that ballots can neither be inserted nor taken out. When voting is resumed, witnessed by other members of the ward election board the chairman shall examine whether seals are in an intact, or untampered with, condition, and shall remove them. The circumstances that had a bearing upon the interruption of voting shall be stated by the board in its report.

Article 22 End of Voting

When the polling hours have elapsed, the polling station shall close. However, voters waiting to cast their vote both inside and outside of the polling station, shall be allowed to do so in spite of the fact that the closing hour has passed. Only then shall the chairman of the ward election board declare the voting closed.

Article 23

Members of election boards of a superior authority, members of their counting teams, members of the staff of the Central Election Board secretariat, and persons authorized by the Central Election Board shall have the right to be present on the premises where the ward election board has been in the process of the vote counting.

CHAPTER TWO: ELECTIONS TO THE CHAMBER OF DELEGATES

Article 24

The Chamber of Delegates shall consist of two hundred Delegates who shall be elected for a four-year term. 8)

Article 25

Each and every voter who has reached twenty-one years of age no later than on the second day of the election may be elected a Delegate in the Chamber of Delegates provided the voter is not prohibited from exercising his/her right to vote at the time of the elections, on the election days, with the exception of those prevented from exercising their right to vote by reasons specified in Article 2, Letter (a) hereinbefore.

Article 26

For the purpose of elections to the Chamber of Delegates, the territory of the Czech Republic shall be divided into constituencies - electoral regions in which the elections shall be held on the principle of proportional representation.

Article 27 Electoral Regions

Boundaries of electoral regions, shall be drawn up in line with boundaries of geo-political divisions of the Czech Republic - regions, as recognized on the day of the call of the elections. The metropolitan region of Prague, the capital of the Czech Republic, shall be a separate electoral region.

Article 28 Regional Election Board

(1) Each Political Party or coalition that has filed its list of candidates for registration may delegate no more than two representatives and two stand-ins to be members of the regional election board in the electoral region where the party/coalition registration was filed. The regional election board members and their stand-ins shall be delegated no later than sixty days prior to the day of the elections.

(2) The regional election board shall be called to its first session by the Minister of the Interior so that the session shall commence no later than the third day following the final date as stipulated in the foregoing Paragraph 1 of this Article.

(3) The regional election board shall:

ensure that electoral laws and statutes are observed;

decide in the instance of complaints against procedures taken by district election boards, and in the instance of appeals against decisions taken by the election boards. A decision delivered by the regional election board shall be binding on such election boards;

review and register lists of candidates filed for registration in their respective electoral regions;

count the voting results, and ascertain the outcome of the vote in the respective electoral region;

deposit election files to the Ministry of the Interior for safe-keeping;

perform further duties and obligations arising from this Act and other applicable laws and statutes as well as assignments which it shall be committed to discharge by the Central Election Board.

Article 29 District Election Board

(1) Each Political Party or coalition which has duly registered its list of candidates may delegate one member and one stand-in to represent the party/coalition on a district election board in a district within the region where its list of candidates has been registered. The district election board member and his/her stand-in shall be delegated no later than thirty days prior to the day of the election. The district election board shall be called into its first session by the head of the district State administration office, and in the cities of Prague, Brno, Ostrava, and Plzeň by the Mayor of each city so that the session shall be commenced no later than on the third day following the final date stipulated in the preceding clause.

(2) The district election board shall:

ensure that electoral laws and statutes are observed;

decide in the instance of complaints against procedures taken by ward election boards, and in the instance of appeals against decisions taken by ward election boards. A decision delivered by the district election board shall be binding on such election boards;

supervise its vote counters totalling the vote count received in electoral wards;

have the right to request that ward election boards provide further data and explanations should any doubt arise, and either correct apparent errors after approval by the ward election board concerned or, in less routine cases, ask the ward election board to call a new session and rectify the deficiencies discovered;

deliver the aggregate number of the vote count received in electoral wards falling within its district electoral area to the respective regional election board;

perform further duties and obligations arising from this Act and other applicable laws and statutes as well as assignments which it shall be committed to discharge by the regional election board.

Article 30 Non-Local Voting Permit

(1) A qualified voter who is unable to vote in the electoral ward where he/she is registered in the Permanent Electoral Roll shall have the right to request that Local Authorities warrant a non-local voting permit to him/her. Having issued the non-local voting permit to the voter, the Local Authorities shall make a note in the Permanent Electoral Roll, and in an extract from the Permanent Electoral Roll which shall be distributed for use by the ward election board to which the said voter pertains.

(2) Before the day of the elections, the non-local voting permit shall entitle the voter, who intends to participate in the election to the Chamber of Delegates, to become registered in the Register of Persons Unable to Vote Locally (see Article 6 above) of an electoral ward other than the one where the voter has permanent registration, or to register himself/herself in any extract from the Register of Persons Unable to Vote Locally on the actual day of the election.

Article 31 List of Candidates

(1) Lists of candidates running for a seat in the Chamber of Delegates may be proposed by coalitions, or by Political Parties provided their party activities have not been suspended. 9)

No later than sixty days prior to the day of the elections, two identical copies of the list of candidates shall be submitted for registration by a party/coalition authorized agent to a secretary of the regional election board in the electoral region to be represented by the Party or coalition in the Chamber of Delegates.

(2) A list of candidates shall include:

the title of the Political Party or coalition;

names and surnames of the candidates, their birth registration number, date of birth, occupation, and place of permanent residence;

the candidate's ballot position, indicated on the list of candidates in Arabic numerals.

(3) In addition to the data specified by the foregoing Paragraph 2 of this Article, the list of candidates shall include an indication by the Political Party or coalition, of the political affiliation of each candidate or, if applicable, of the fact that a candidate has not been a member of any political party and stands on the party list as a non-affiliated candidate. When

the sixtieth day prior to the day of the elections has elapsed, no further candidates shall be added to the lists of candidates nor shall the position of the candidates on any such list be altered.

(4) In Appendix to its list of candidates, the Political Party or coalition shall name its agent, a person authorized to act on behalf of the Political Party or coalition, and two other persons who may become the agents's stand-ins. The name, surname, and full address of the agent and the two stand-ins shall be given. No candidate shall have the right to act as a party/coalition agent or the agent's stand-in. Actions of the agent on behalf of the Political Party or coalition in matters related to the elections shall be binding on such Political Party or coalition. The regional election board shall be notified by the Political Party or coalition should a stand-in replace the agent in the office.

(5) Should the secretary of the regional election board find out that a list of candidates or its Appendices fails to meet the requirements specified by the provisions of this Article in the foregoing Paragraphs 2, 3, and 4, and Paragraph 7 below, he/she shall notify the agent of the Political Party or coalition who submitted the list of candidates/Appendices in question. The agent shall have the right to remove such deficiencies prior to the final date defined in Paragraph 1 of this Article. The agent of the Political Party or coalition shall receive acknowledgement by the secretary, confirming that the list of candidates has been filed.

(6) The greatest number of candidates that a Political Party or coalition shall be allowed to nominate in the party-compiled list of candidates contesting constituency seats in each single electoral region shall be defined by Annex 2 which shall be integral part of this Act.

(7) Enclosed with the list of candidates must be a statement, signed in ink by a candidate therein listed, declaring that the said candidate has approved of his/her nomination, and that approval to be listed on any other list of candidates has not been given by the undersigned candidate, and that no fact disqualifying the undersigned candidate from eligibility to be elected is known to him/her.

(8) Should a Political Party run for seats in the Chamber of Delegates as part of a joint coalition, it may not run for election as a separate, individual entity. A coalition shall have the right to compete for the constituency seats in each electoral region provided the structure of the coalition remains unchanged.

Article 32 Review of Lists of Candidates by Regional Election Board

(1) The regional election board shall complete a review of the lists of candidates that have been filed no later than on the fifty-fifth day prior to the day of the elections.

(2) The regional election board shall remove any candidate:

whose statement pursuant to Article 31, Paragraph 7 above has not been enclosed;

who has been listed on several lists of candidates filed by several different Political Parties or their coalitions. However, the candidate shall be removed only from such list/lists of candidates with which the candidate's statement pursuant to Article 31, Paragraph 7 above has not been enclosed; should a candidate have signed statements to be attached to several

different lists of candidates, the candidate shall be removed from all the lists of candidates on which he/she has been listed;

who shall be in excess of the greatest number of candidates permitted to be nominated pursuant to Article 31, Paragraph 6 above;

who fails to be eligible to be elected (see Article 25 above);

whose data fail to furnish the entire set of information required by the provisions of Article 31, Paragraph 2, Letter (b) hereinbefore.

(3) The regional election board shall reject a list of candidates if filed at variance with Article 31, Paragraph 1 hereinbefore; or if lacking in the due essentials required by the provisions of Article 31, Paragraphs 2, 3, and 4 hereinbefore in case such deficiencies cannot be rectified by measures defined in Paragraph 2, Letter (e) of this Article; or if the Appendix to the list of candidates provided for in Article 31, Paragraph 4 herein be missing. Any Political Party or coalition may appeal against the decision of the regional election board to reject its list of candidates to the Central Election Board. Such an appeal shall be lodged with the Central Election Board by the Political Party or coalition no later than twenty-four hours following the receipt of the decision. The decision rendered by the Central Election Board shall then be binding on the regional election board.

(4) After each list of candidates has been scrutinized, the chairman of the regional election board shall without any delay forward the Central Election Board one copy of the list of candidates, along with candidates' statements approving of their nomination, and a protocol on the conclusions on the review of the list of candidates. The conclusions of the review shall be forwarded by the chairman of the regional election board to each Political Party and coalition that has filed its list of candidates in the electoral region in question.

Article 33 Review of Lists of Candidates by the Central Election Board

(1) The Central Election Board shall complete a review of the lists of candidates no later than on the fiftieth day prior to the day of the elections.

(2) Should a candidate be listed on several lists of candidates, the Central Election Board shall remove the candidate from such list of candidates with which the candidate's statement pursuant to Article 31, Paragraph 7 above has not been enclosed; should a candidate have signed statements to be attached to several different lists of candidates, such candidate shall be removed from all the lists of candidates on which he/she has been listed.

(3) Should, in several different electoral regions, lists of candidates obviously submitted by the same Political Party or coalition be filed under various different party/coalition titles, the chairman shall invite the party/coalition representatives to announce one definitive party/coalition title by which the Political Party or coalition shall be recognized in each electoral region. The party/coalition title shall be announced before the session of the Central Election Board has ended, and should the representatives of the Political Party or coalition fail to do so, the title of the Political Party or coalition shall be determined by the Central Election Board.

(4) Should, in a list of candidates, the Central Election Board discover deficiencies as per Article 31, Paragraphs 1, 2, 3, and 4, it shall proceed in compliance with the provisions stipulated in the first clause of Article 32, Paragraph 3 above. The Central Election Board shall refuse each and every list of candidates filed in each and every electoral region should it be filed at variance with the provisions stipulated by Article 31, Paragraph 8, and such lists of candidates on which all the candidates have been removed in pursuance of the provisions laid down in the foregoing Paragraph 2 of this Article.

(5) The Central Election Board shall draw lots to determine different numerical symbols that shall index the lists of candidates, and each Political Party and coalition that has filed a list of candidates shall be assigned a different numerical symbol by which all of its lists of candidates contesting a seat in the Chamber of Delegates shall be distinguished.

(6) Without any delay, the chairman of the Central Election Board shall send a protocol on the conclusions of the review of the lists of candidates both to the regional election boards and the Political Parties and coalitions concerned. The numerical symbols assigned to each Political Party and coalition shall be allowed enough publicity to become generally known.

Article 34 Registration of Lists of Candidates

(1) Upon receipt of the protocol on the conclusions drawn by the Central Election Board after its review of the lists of candidates filed in electoral regions, each regional election board shall register the approved lists of candidates, and notify the Political Parties and coalitions involved of the fact in writing. Registration shall be completed no later than forty-five days prior to the day of the elections. Should a list of candidates be registered by implication of the Central Election Board decision on appeal (see Article 32, Paragraph 3 above), or by implication of a court decision as per a separate law 10), the relevant regional election board shall register the list of candidates even after the above specified final date, however, no later than on the thirtieth day prior to the day of the elections, and shall determine the numerical symbol that shall index such a list of candidates (see Article 33, Paragraph 5 above). Lists of candidates shall not be reproduced to become ballots unless duly registered.

(2) Should, after the registration of a list of candidates as per Paragraph 1 of this Article, the Central Election Board find out that the Political Party whose list of candidates was duly registered has been suspended or dissolved, it shall cancel its registration of the list of candidates, and notify the agent of the Political Party in question of the cancellation in writing (see Article 31, Paragraph 4 above).

(3) No further notice shall be taken of the list of candidates the registration of which has been cancelled pursuant to the provisions set forth in the foregoing Paragraph 2 of this Article.

Article 35

(1) A separate bank account shall be established in each electoral region by the district State administration office located in the city or town where the electoral region shall have its headquarters, and specifically in the case of the Central Bohemian electoral region the bank account shall be established by the Prague-West district administration office, in the case of the Prague electoral region the bank account shall be established by the Prague municipal authorities, and in the case of electoral regions having their headquarters in the cities of Brno, Ostrava, and Plzeň the bank account shall be established by the municipal authorities of each

city (hereinafter "District State Administration Office in the Seat of Electoral Region"). Such bank accounts shall be established no later than the day on which the regional election boards shall have been constituted.

(2) Each Political Party or coalition whose list of candidates was duly registered in the electoral region shall deposit a security amounting to two hundred thousand KÝ in the bank account specified in the foregoing Paragraph 1 of this Article. This deposit shall be made within three days following the notification of registration (Article 34, Paragraph 1 hereinbefore), and no later than two days following the deposit, the fact shall be communicated by the Political Party or coalition to the regional election board in the electoral region where the deposit was made. The deposit shall be made by the Political Party or coalition in each electoral region in which the party/coalition list of candidates was duly registered.

(3) The printing of ballots shall not be undertaken unless the deposit, on which it is contingent, has been made, and should a Political Party fail to pay the deposit, its lists of candidates shall not be printed to become ballots.

(4) Regional election boards shall refund the deposit to each Political Party or coalition no later than one month following the declaration of the election results provided the Political Party or coalition has accrued enough votes to qualify for the first scrutiny (Article 49 hereinbelow). Deposits that shall not be refunded shall be deemed to be the receipts of the national budget.

(5) The Ministry of Finance shall lay down specific legal regulations providing for particulars in respect of the manner in which the security deposited will be refunded.

Article 36 Resignation from Nomination, Recall of Candidate

(1) A candidate may resign from his/her nomination provided the resignation statement be made in writing prior to the opening of the election. The same procedure applies should a Political Party or coalition, through the instrumentality of its agent, wish to recall a candidate whom the party/coalition has nominated. Neither the resignation statement nor the recall statement can be withdrawn. Two copies of the statement shall be delivered to either the chairman or the secretary of the relevant regional election board. Without any delay, the chairman of the regional election board shall forward one of the two copies to the chairman of the Central Election Board, and immediately thereafter, arrange for the statement to be made public in an appropriate manner in polling stations provided that he/she has received the statement no later than forty-eight hours prior to the beginning of the election.

(2) Should such statement be made after the registration of the list of candidates in which the resigned/recalled candidate is listed, the name and other data related to the said candidate shall remain on the list of candidates unchanged. However, no account shall be taken of this person when seats shall be distributed.

Article 37

Should a Political Party be dissolved, or should its activity be suspended after the registration of its list of candidates by the regional election board, no notice shall be taken either of the Political Party or its candidates when Parliamentary seats are distributed after the election.

Article 38 Ballots

(1) Through the District State Administration Office in the Seat of Electoral Region, the chairman of the regional election board shall arrange for ballots to be printed. Ballots shall include the numerical symbol assigned to each set of party/coalition lists of candidates by drawing the lots (Article 33, Paragraph 5 above), the title of the Political Party or coalition, the name of each candidate as well as his/her surname, date of birth, occupation, place of permanent residence, and the candidate's ballot position indicated in Arabic numerals as well as his/her political affiliation or, if applicable, the fact that the candidate is not a member of any political party.

(2) In all electoral regions, ballots shall be printed in an identical type-face and character-size, on paper of identical quality, colour and size. Ballots shall be under the official seal of the regional election board.

(3) Through district State administration offices in the electoral region, and in case of the cities of Prague, Brno, Ostrava, and Plzeň, through municipal authorities of each city, the chairman of the regional election board shall send the ballots reproduced in the above manner to the Mayors, who subsequently shall have the ballots distributed (a) to each voter so that the electorate has received them no later than the third day prior to the day of the elections, and (b) to each ward election board so that the boards have received them on the day of the elections.

Article 39 Voting

(1) Having received a Formal Envelope and if necessary a set of ballots, a voter shall enter a voting booth (Article 17, Paragraph 2 hereinbefore) where he/she shall insert no more than one ballot into the Formal Envelope. The voter shall have the right to express his/her preference by marking the ballot prior to inserting it into the Formal Envelope so that he/she encircles the candidate's ballot position number. No more than four candidates listed on one ballot form may be indicated, and no other ballot editing can be accepted.

(2) A voter who will vote based on a non-local voting permit outside his/her registered electoral area shall be under an obligation to surrender his/her non-local voting permit to the ward election board in the polling station where he/she happens to vote. The ward election board in question shall enclose such non-local voting permit with the extract from the Register of Persons Unable to Vote Locally.

Article 40 Vote Counting by Ward Election Board

(1) After the voting has finished, the chairman of the ward election board shall arrange for the Formal Envelopes and ballots that have not been used by voters to be put under seal. But several of the unused ballots needed by the ward election board for the counting of votes (see Article 42, Paragraph 3 below) shall not be sealed. Then, the chairman shall have the regular ballot-box opened. Should certain voters have required the use of a portable ballot-box, and should the ward election board have used it, the portable ballot-box shall be opened, and the contents emptied shall be added to the contents of the regular ballot-box.

(2) The ward election board shall remove the Formal Envelopes containing ballots from ballot-boxes, count the number of Formal Envelopes found, and compare the number arrived

at with records entered into extracts from both the Permanent Electoral Roll and the Register of Persons Unable to Vote Locally. No envelopes other than the Formal Envelopes shall be admitted by the ward election board.

(3) Having emptied Formal Envelopes, the ward election board shall sort the ballots by Political Parties and coalitions voted for, and separately add up the votes cast for each Political Party and coalition, ruling out those ballots that fail to comply with the legal requirements. Further on, the number of voters who have chosen one and the same Political Party or coalition, and who have exercised their right to express their candidate preferences shall be totalled separately for each Political Party and coalition, and the number of the preferential votes cast for each individual candidate on the party/coalition ballot shall then be summed up separately for each Political Party or coalition.

(4) Each member of the ward election board shall have the right to see the contents of any ballot-paper. The regularity of vote counting shall be supervised by the chairman of the ward election board.

Article 41 Validity versus Invalidity of Ballots/Votes

(1) Ballots on which the names of candidates have been crossed out, altered, or to which names of additional candidates have been added shall be deemed valid and cast in favour of the Political Party or coalition designated on such ballots. Such ballot modification shall not be taken into account. Should a voter have expressed his/her preference by indicating more than four candidates on a party/coalition ballot, the ballot shall be deemed cast in favour of the Political Party or coalition in question as a vote choosing the party/coalition 'straight ticket', and the preferential votes on the ballot shall be disregarded.

(2) Choice expressed on ballot-papers other than those having the legitimate prescribed printed ballot form shall be deemed invalid. Should more than one ballot be found in a Formal Envelope, each choosing a different Political Party or coalition, all such ballots shall be deemed to be invalid votes. Should more than one ballot choosing the same Political Party or coalition be found in a Formal Envelope, all such ballots shall be deemed to be one valid vote cast in favour of the Political Party or coalition chosen; moreover, should preferential votes be indicated on one ballot out of several ballots electing the Political Party or coalition, the ballot shall be taken into account, or as appropriate, should there be a ballot indicating a larger number of preferences than the others among the ballots showing preferential vote, this ballot shall be taken into account provided the number of preferences indicated shall not exceed a total of four; should several of the ballots cast in favour of the same Political Party or coalition return equally high number of preferential votes, however, in favour of different candidates, no such preferential vote shall be taken into account.

Article 42 Vote Count Report by Ward Election Board

(1) Each ward election board shall prepare two identical copies of a report of the polling process and the vote count received in its electoral ward. The report shall be signed by members of the ward election board, and should any of the ward election board members deny such signature, reasons for such denial shall be given.

(2) The report of the polling process and the vote count received in the electoral ward drafted by each ward election board shall include:

the hour of both the beginning and the end of voting, and of any interruption of voting if applicable;

the total electorate in the electoral ward - number of voters registered in the ward extract from the Permanent Electoral Roll and in the ward extract from the Register of Persons Unable to Vote Locally;

the number of voters to whom Formal Envelopes were handed over;

the number of Formal Envelopes that have been turned in;

the number, according to each Political Party and coalition, of valid votes cast in favour of a party/coalition list of candidates, and the aggregate of valid votes cast regardless of the political choice;

the number, according to each Political Party and coalition, of voters choosing the same Political Party or coalition who have used the right to express their candidate preferences;

the total number, according to each Political Party and coalition, of valid preferential votes cast for each party/coalition candidate;

a brief account of the subject matter of notifications and complaints submitted to the ward election board, and decisions rendered by the ward election board accompanied by a brief substantiation thereof.

(3) For the purpose of recording the vote count totals pursuant to the foregoing Paragraph 2, Letter (g) of this Article, the ward election board shall utilize the necessary number of unused ballots explicitly designated for this purpose by the chairman of the ward election board in the presence of the other members of the ward election board after the voting has come to an end.

Article 43 Conclusion of Ward Election Board Operation

(1) After the votes have been counted, and after the report of the polling process and the vote count has been signed by the ward election board, its chairman shall report the vote count, and without any delay forward one copy of the report to its district election board. Then he/she shall wait for the district election board to direct him/her to discontinue the board operations.

(2) Should any chairman of the ward election board fail to meet the obligations arising from the provisions stipulated by the foregoing Paragraph 1 of this Article within twenty-four hours after the end of voting in spite of having been requested to do so by the district election board, the district election board may compute the vote count received in the other electoral wards, and communicate the outcome of the vote in its district electoral area to the relevant regional election board. After the final date stipulated, and after the district election board members have signed the report (Article 45 herein below), no vote count that may arrive shall be taken into account.

(3) The ward election board shall seal the ballots and Formal Envelopes cast, and the ward extracts from Permanent Electoral Rolls/Registers of Persons Unable to Vote Locally, and

deposit them, along with the other election-related documents, with the Local Authorities for safe-keeping.

Article 44 Vote Totalling by District Election Board

(1) Each district election board shall total the votes cast within its district electoral area based on reports of the polling process and the vote count received from individual ward election boards in the district.

(2) No persons other than members of the Central Election Board, along with members of its counting team and secretariat staff, members of the relevant regional election board, along with members of its counting team, and persons authorized by the Central Election Board shall have the right to be present on the premises where the district election board has been in the process of the vote counting.

Article 45 District Election Board Report

(1) Each district election board shall prepare two identical copies of the report of the vote count received in its district electoral area. The report shall be signed by each and every member of the district election board. Should any of the district election board members deny such signature, reasons for such denial shall be given.

(2) The report of the vote count received in the district electoral area drafted by each district election board shall include:

the number of electoral wards in the district electoral area in question, and the number of ward election boards that have delivered the vote count;

the total electorate in the district electoral area - the number of persons registered in relevant extracts from Permanent Electoral Rolls and relevant extracts from Registers of Persons Unable to Vote Locally within the district in question;

the number of voters to whom Formal Envelopes were handed over;

the number of Formal Envelopes that have been turned in;

the number, according to each Political Party and coalition, of valid votes cast in favour of a party/coalition list of candidates, and the aggregate of valid votes cast regardless of the political choice;

the number, according to each Political Party and coalition, of voters choosing the same Political Party or coalition who have used the right to express their candidate preferences;

the total number, according to each Political Party and coalition, of valid preferential votes cast for each party/coalition candidate;

a brief account of the subject matter of notifications and complaints submitted to the district election board, and decisions rendered by the district election board accompanied by a brief substantiation thereof.

(3) After both of the two identical copies of the report of the vote count received in the district electoral area have been signed, the chairman of the district election board shall forward one copy of the report to its regional election board without delay, and shall wait for the regional election board to direct him/her to discontinue the board operations. The remaining election-related documents shall be sent by the chairman to the relevant district State administration office for safe-keeping. In the capital of the Czech Republic, Prague, such election-related documents shall be deposited for safe-keeping with municipal district authorities or with neighbourhood authorities, and in the cities of Brno, Ostrava, and Plzeň with municipal authorities of each city.

Article 46 Vote Computing by Regional Election Board

(1) Each regional election board shall count the votes cast within its electoral region, ascertaining the outcome of the vote in the electoral region, based on reports of the polling process and vote count received from individual district election boards in its electoral region.

(2) No persons other than members of the Central Election Board, members of its counting team and secretariat staff, and persons authorized by the Central Election Board shall have the right to be present on the premises where the regional election board has been in the process of computing the votes and ascertaining the voting results.

Article 47 Regional Election Board Report

(1) Each regional election board shall prepare two identical copies of the report of the polling outcome within its electoral region. The report shall be signed by each member of the regional election board. Should any of the regional election board members deny such signature, reasons for such denial shall be given.

(2) The report of the polling outcome in the electoral region drafted by each regional election board shall include:

the number of electoral wards in the electoral region in question, and the number of ward election boards that have delivered the vote count;

the total constituency in the electoral region - the total number of persons registered in relevant extracts from Permanent Electoral Rolls and relevant extracts from Registers of Persons Unable to Vote Locally within the electoral region in question;

the number of voters to whom Formal Envelopes were handed over;

the number of Formal Envelopes that have been turned in;

the number, according to each Political Party and coalition, of valid votes cast in favour of a party/coalition list of candidates, and the aggregate of valid votes cast regardless of the political choice;

the number, according to each Political Party and coalition, of voters choosing the same Political Party or coalition who have used the right to express their candidate preferences;

the total number, according to each Political Party and coalition, of valid preferential votes cast for each party/coalition candidate;

a brief account of the subject matter of notifications and complaints submitted to the regional election board, and decisions rendered by the regional election board accompanied by a brief substantiation thereof.

(3) After both of the two identical copies of the report of the polling outcome in the electoral region have been signed, the chairman of the regional election board shall forward one copy of the report to the Central Election Board without delay, and shall wait for the Central Election Board to direct him/her to discontinue the board operations. The remaining election-related documents shall be sent by the chairman to the Ministry of the Interior to be deposited in safe-keeping.

Article 48 Apportionment of Representative Seats among Electoral Regions [*note of the translator*]

(1) The Central Election Board shall review the reports of regional election boards, and according to the data reported, shall sum up all valid votes cast within all electoral regions for all party/coalition lists of candidates. Such total popular vote shall be divided by the prescribed number of Delegates in the Chamber of Delegates. The figure obtained in the above manner, rounded off to the nearest whole number, shall define [the average proportion of the population in the Czech Republic to be represented by one legislative seat -] the national electoral quota.

(2) The total vote in the electoral region shall then be divided by the national electoral quota, and as many legislative seats shall be allocated to the electoral region as many times the full national electoral quota is contained in the region's total vote count. The same procedure shall be repeated until legislative seats have been allocated for all electoral regions.

(3) If after the above procedure, several seats in the Chamber of Delegates remain to be apportioned, the seats that were not allocated by full national electoral quotas shall subsequently be allocated to electoral regions with the largest remainder of votes after the quota has been subtracted from each region's total vote for each seat it was allocated. The legislative seats shall be allocated sequentially to the electoral regions with the largest remainder until all the seats in the Chamber of Delegates have been apportioned among electoral regions. Should there be several electoral regions with equally highest remainder, lots shall be drawn to determine the winning region.

Article 49 Qualification of Political Parties and Coalitions for the First Scrutiny

(1) The Central Election Board shall calculate the total popular vote won by each distinct Political Party and coalition.

(2) Additionally, the Central Election Board shall calculate:

which Political Party or Political Parties out of the competing opponents has/have obtained less than five per cent out of the total popular vote;

which coalition or coalitions in which two Political Parties are joined has/have polled less than seven per cent out of the total popular vote;

which coalition or coalitions in which three Political Parties are joined has/have received less than nine per cent out of the total popular vote;

which coalition or coalitions in which four and more Political Parties are joined has/have accrued less than eleven per cent out of the total popular vote.

(3) In the course of the subsequent scrutinies and the resulting distribution of legislative seats among Political Parties and coalitions, no further account shall be taken of either the above Political Parties/coalitions or the votes such Political Parties and/or coalitions accrued.

(4) Should the Central Election Board discover that the vote percentage limit entitling the competing entities to qualify for the first scrutiny has not been achieved by at least two coalitions, or one coalition and one Political Party, or two Political Parties, it shall decrease:

the qualifying percentage limit from five per cent down to four per cent in case of Political Parties;

the qualifying percentage limit from seven per cent down to six per cent in case of coalitions defined by Paragraph 2, Letter (b);

the qualifying percentage limit from nine per cent down to eight per cent in case of coalitions defined by Paragraph 2, Letter (c);

the qualifying percentage limit from eleven per cent down to ten per cent in case of coalitions defined by Paragraph 2, Letter (d).

Should such decreases fail to allow for a sufficient number of competing entities to qualify for the first scrutiny pursuant to the provisions of this Paragraph, the Central Election Board shall decrease the qualifying percentage limit by one more per cent.

(5) The first scrutiny shall be instrumental in the conversion of votes to political representation in each electoral region.

Article 50 First Scrutiny [*note of the translator*]

(1) The aggregate number of votes accrued in an electoral region by all the Political Parties and coalitions which have qualified for the first scrutiny shall be divided by the total number of representative seats allocated for such electoral region, plus one; the number arrived at by means of the aforementioned formula, and rounded off to the nearest whole number, shall define [the average number of votes required in the region for a party/coalition to win one of the representative seats allocated to that region -] the regional vote quota.

(2) The total vote that the Political Party or coalition accrued in the electoral region shall be divided by the regional vote quota, and a seat shall be awarded to the Political Party or coalition as many times as the party/coalition total contains the full regional vote quota.

(3) If in the above manner, one seat is distributed in excess of the number of representative seats allocated to the electoral region, the seat that is awarded in excess of the limit shall be subtracted from the seats assigned to the Political Party or coalition with the smallest remainder of votes after the quota has been subtracted from each party's/coalition's total vote for each seat it is awarded in the electoral region. Should there be several Political Parties or coalitions with equally smallest remainder, then the seat shall be subtracted from the seats awarded to the Political Party or coalition which has accrued the smallest number of votes in the electoral region; should there be more Political Parties or coalitions with equally smallest party/coalition totals, then lots shall be drawn to determine the losing Political Party or coalition.

(4) The seats that a Political Party or coalition wins shall be allocated to its candidates in the order in which they appear on the party/coalition list. Should, however, one tenth or more voters out of the total number of voters choosing the same Political Party or coalition in the electoral region have exercised the right to a preferential vote, the candidate who received the number of preferential votes which equals or exceeds ten per cent of the total vote obtained in the electoral region by the Political Party or coalition the candidate represents shall be awarded a seat first. If a Political Party or coalition is entitled to more than one seat, and if more than one candidate of that Political Party or coalition complies with the provisions of the foregoing clause, seats shall be awarded to such candidates sequentially according to the total of preferential votes they polled, the formula being the higher the number of preferential votes received, the first in turn to be awarded the seat. If the number of preferential votes polled by the candidates who represent one Political Party or coalition, and who comply with the above provisions is equal, the candidates' positions as they appear on the party list shall then be determining.

(5) Should a Political Party or coalition have nominated fewer candidates than the total number of seats the Political Party or coalition has secured in the first scrutiny, the Political Party or coalition shall be entitled only to so many seats as it has nominated candidates.

(6) The chairman of the Central Election Board shall declare the first scrutiny closed, and communicate its outcome to the representatives of the Political Parties or coalitions which have qualified for the first scrutiny.

Article 51 Second Scrutiny [*note of the translator*]

(1) The legislative seats that remain to be distributed shall be allocated by the Central Election Board in the second scrutiny. All the votes remaining of each party's/coalition's total vote after the first scrutiny shall be transferred to the second scrutiny as well as the total vote accrued by Political Parties and coalitions that failed to receive any seat in the first scrutiny.

(2) No later than twelve hours following the conclusion of the first scrutiny, chairmen of Political Parties, and/or persons authorized to act on behalf of coalitions shall tender their lists of candidates who will contest a legislative seat in the second scrutiny to the chairman of the Central Election Board. The number of candidates listed in the lists of candidates nominated for the second scrutiny shall not be limited, however, Political Parties and coalitions shall have the right to list only those candidates who had already been nominated to run for election in one of the electoral regions and who failed to secure a legislative seat in the first scrutiny. After the lists of candidates contesting a legislative seat in the second scrutiny have been delivered to the board, neither may the candidates be substituted, nor their

position on the list be altered. Should the chairmen of Political Parties, and/or the persons authorized by coalitions fail to deliver their list of candidates within the above defined period of time, the Central Election Board shall select the candidates for the second scrutiny for them according to the number of preferential votes each particular candidate of the party/coalition in default accrued.

(3) In the second scrutiny, the Central Election Board shall add up all the party/coalition votes remaining from the first scrutiny. The total thus obtained shall then be divided by the number of legislative seats yet to be distributed, plus one. The number arrived at by the aforementioned formula, and rounded to the nearest whole number, shall define [the average number of votes required for a party/coalition to win one of the representative seats yet to be allocated in the second scrutiny -] the country vote quota. Each Political Party or coalition shall then be awarded as many seats as many times the full country vote quota shall be contained in the sum of the remaining party/coalition vote transferred from the first scrutiny.

(4) If after the above procedure, several seats still remain undistributed, the seats that were not won by full country vote quotas shall subsequently be awarded to Political Parties and coalitions with the largest remainder of votes after the quota has been subtracted from each party's/coalition's total of remaining votes for each seat it was awarded in the second scrutiny pursuant to Paragraph 3 of this Article. The legislative seats shall be awarded sequentially to the Political Parties and coalitions with the largest remainder until all the remaining seats have been assigned. Should there be several Political Parties or/and coalitions with equally highest remainder of remaining votes, a legislative seat shall be awarded to the Political Party or coalition with the largest total of remaining votes transferred from the first scrutiny to the second scrutiny. If such vote remainder totals is equally highest in the case of several Political Parties or coalitions, a representative seat shall be awarded to the Political Party or coalition which has accrued the highest popular vote of these competitors; should the total popular vote accrued by several Political Parties and/or coalitions be equally highest, lots shall be drawn to decide. The procedure hereinbefore described shall apply should a Political Party or coalition have nominated a smaller number of candidates for the second scrutiny than the number of representative seats awarded to such party or coalition.

(5) If in the above manner, one seat was distributed in excess of the number of representative seats to be distributed in the second scrutiny, the seat that was awarded in excess of the limit shall be subtracted from the seats assigned to the Political Party or coalition with the smallest remainder of votes after the quota has been subtracted from each party's/coalition's total of remaining votes for each seat it was awarded in the second scrutiny. Should there be several Political Parties or coalitions with equally smallest remainder of remaining votes, then the seat shall be subtracted from the seats awarded to the Political Party or coalition which has accrued the smallest total popular vote of these competitors; should there be more Political Parties or coalitions with equally smallest party/coalition totals, then lots shall be drawn to determine the losing Political Party or coalition.

(6) The seats that a Political Party or coalition wins shall be allocated to its candidates in the order in which they appear on the party/coalition-compiled list of candidates for the second scrutiny.

(7) Candidates who have succeeded in securing a legislative seat in neither the first scrutiny nor the second scrutiny shall become stand-ins.

Article 52 Central Election Board Report and Declaration of Election Results

(1) Following the conclusion of the seat distribution process of the first and the second scrutiny, the Central Election Board shall prepare its report of the final result of the election. The report of the Central Election Board shall be signed by its members, and should any of the Central Election Board members deny his/her signature, reasons for such denial shall be given.

(2) The Central Election Board report of the final result of the election shall include:

(a) the total number of persons registered in extracts from Permanent Electoral Rolls and in extracts from Registers of Persons Unable to Vote Locally;

(b) the total number of voters to whom Formal Envelopes were handed over;

(c) separate numbers for the total vote obtained by each and every party/coalition-compiled list of candidates in each and every electoral region;

(d) names and surnames of candidates who, in the first scrutiny, were elected Delegates out of the party/coalition candidate-column on each list of candidates, along with conclusions of preferential voting; and names and surnames of candidates elected Delegates in the second scrutiny as well as the names and surnames of candidates who have become stand-ins.

(3) Immediately after the signature of the report of the election results has been signed, the Central Election Board shall declare the final election results. Indicative data defined in Paragraph 2, Letters (a), (b), and (c) may also be announced.

Article 53 Confirmation of Election

No later than one month following the declaration of the results of the elections, the Central Election Board shall issue a Confirmation of Election to the Delegate-elects, authenticating their election to a seat in the Chamber of Delegates.

Article 54 Filling Vacancies by Stand-Ins

(1) If a mandate of a Delegate ceases to exist, and his/her seat becomes vacant, a stand-in shall fill the vacancy who was nominated for election by the same Political Party or coalition as the Delegate first in office, and who was on the list of candidates registered in the same electoral region as the Delegate first in office. The said stand-in who is next in succession according to the election results after the first scrutiny shall assume the office, and should there be no such stand-in, the stand-in who is next in succession according to the position in which he/she appears on the party/coalition list of candidates for the second scrutiny shall assume the office.

(2) Should there be no stand-in from the Political Party or coalition whose seat has become vacant, the seat shall remain vacant until the electoral term has expired.

(3) If a Political Party is dissolved, no stand-in shall fill the vacancy, and the seat shall remain vacant until the electoral term has expired.

(4) No later than the fifteenth day following the day on which the mandate of a Delegate ceased to exist, the Chamber of Delegates shall pronounce the stand-in to assume the office of the Delegate first elected, and deliver the Certificate of Election to this new Delegate, affirming him/her in office and stating the date as of which the Delegate is in office.

(5) If activities of a Political Party are suspended, for the duration of the suspension no vacancies in seats held by the party shall be filled by stand-ins.

Article 55

Should the Chamber of Delegates be dissolved, the periods of time defined in Article 12, Paragraph 1, Article 13, Paragraphs 2 and 3, Article 14, Paragraph 1, Article 28, Paragraph 1, Article 29, Paragraph 1, and Article 31, Paragraphs 1 and 3 shall be abridged by one third. Periods of time defined in Article 32, Paragraph 1, Article 33, Paragraphs 1, and Article 34, Paragraph 1 shall be abridged by twenty days.

CHAPTER THREE: ELECTIONS TO THE SENATE

Article 56

The Senate shall consist of eighty-one Senators who shall be elected for a six-year term. One-third of the Senators shall be elected every other year. 11)

Article 57

Each and every voter who has reached forty years of age no later than on the second day of the election may be elected a Senator provided the voter is not prohibited from exercising his/her right to vote at the time of the elections, on the election days, with the exception of those prevented from exercising their right to vote by reasons specified in Article 2, Letter (a) hereinbefore.

Article 58

In the Czech Republic, elections to the Senate shall be held on the principle of majority vote in electoral divisions.

Article 59

(1) For the purpose of elections to the Senate the territory of the Czech Republic shall be divided into eighty-one constituencies - electoral divisions, each returning one Senator. Boundaries of the electoral divisions shall be delineated by Annex 3 which shall be integral part of this Act.

(2) Should, the population in any electoral division either decrease or increase by fifteen per cent compared to the average number of inhabitants represented in the Czech Republic by one constituency seat, the boundaries of electoral divisions shall be revised. This revision shall not take effect in years other than those in which elections to the Senate have been called.

Article 60 Divisional Election Board

(1) Each Political Party or coalition that has filed the registration of its candidate, or each independent candidate whose registration has been filed may delegate no more than two representatives and two stand-ins to be members of the divisional election board in the electoral division in which the registration of the candidate has been filed. The divisional election board members and their stand-ins shall be delegated no later than sixty days prior to the day of the elections.

(2) The divisional election board shall consist of no fewer than ten members. Should an insufficient number of board members be delegated, additional members to the required board complement shall be appointed by the head of the district State administration office in the place where the particular electoral division has its seat, and in the cities of Prague, Brno, Ostrava, and Plzeň by the Mayor of the respective city. The additional members shall be appointed no later than fifty-eight days prior to the day of the elections.

(3) The divisional election board shall be called into its first session by the head of the district State administration office in each place where the electoral division has its seat, and in the city of Prague, Brno, Ostrava, and Plzeň by the Mayor of each city so that the session shall commence no later than on the third day following the final date stipulated in the preceding Paragraph 1 of this Article.

(4) The divisional election board shall:

ensure that electoral laws and statutes are observed;

decide in the instance of complaints against procedures taken by ward election boards, and in the instance of appeals against decisions taken by the election boards. A decision delivered by the divisional election board shall be binding on the ward election board;

register candidates contesting a seat in the Senate;

compute and ascertain the results of the election in its electoral division, and report the results to the Central Election Board;

deposit election-related files for safe-keeping with the district State administration office located in the place where the electoral division has its seat, or as the case may be, with the municipal authorities should the electoral division have its seat in the city of Prague, Brno, Ostrava, or Plzeň (hereinafter "District State Administration Office In the Seat of Electoral Division");

perform further duties and obligations arising from this Act and other applicable laws and statutes as well as assignments which it shall be committed to discharge by the Central Election Board.

Article 61 Application for Candidate's Registration

(1) Candidates contesting a seat in the Senate may be nominated by Political Parties and coalitions that shall file their proposal for registration by the party/coalition authorized agent. An independent candidate shall apply for registration by himself/herself. Any Political Party and/or coalition may file an application for registration of no more than one candidate in each electoral division. Should a Political Party have filed the application for registration of its

candidate as a constituent of one joint coalition, it may not file another registration application as a constituent of another coalition or as a separate entity.

(2) A candidate may stand for election in no more than one electoral division.

(3) No later than sixty days prior to the day of the elections, two identical copies of the registration application shall be submitted to the divisional election board secretary in the electoral division to be represented by the party/coalition nominee, or by the independent candidate to the Senate.

(4) The registration application shall include:

the name and surname of the candidate, his/her birth registration number, date of birth, place of permanent residence, occupation, and evidence supporting the fact that the candidate is a Citizen of the Czech Republic 7);

the title of the Political Party or coalition applying for registration of its candidate, along with a signature attached by a party/coalition statutory body, or an information that the applicant is running for election as an independent candidate;

information as to whether the candidate is politically affiliated, and if so then his/her party affiliation;

the identification number and [seat] of the electoral division in which the candidate intends to compete for a representative seat;

a statement, signed in ink by the candidate, declaring that the undersigned candidate has approved of his/her nomination, and that no approval to be registered as a candidate in any other electoral division has been given by him/her, and that no fact disqualifying the undersigned candidate from eligibility to be elected is known to him/her. The undersigned candidate shall also indicate his/her party affiliation or, as the case may be, the fact that he/she is non-party;

should a candidate be nominated for registration by a Political Party or coalition, in an Appendix enclosed with the candidate's registration application, the Political Party or coalition shall name its agent, a person authorized to act on behalf of the Political Party or coalition, and two other persons who may become the agent's stand-ins. The name, surname, and the full address of the agent and the two stand-ins shall be given. No candidate shall have the right to act as the party/coalition agent or the agent's stand-in. Acts of the agent on behalf of the Political Party or coalition in matters related to the elections shall be binding on the Political Party or coalition. The divisional election board shall be notified by the Political Party or coalition should a stand-in replace the agent in the office.

(5) Should the secretary of the divisional election board find out that a registration application fails to meet the requirements specified by the provisions of this Article in Paragraph 4 above and Paragraph 6 below, he/she shall notify the agent of the Political Party or coalition, or the independent candidate in question. Before the final date stipulated in Paragraph 3 of this Article, the party/coalition agent or/and the independent candidate may remove such deficiencies. On the request of the party/coalition agent and/or the independent candidate, the secretary shall produce confirmation that the application for registration has been filed.

(6) Enclosed with the application for registration of an independent candidate shall be a petition in support of the candidate. This petition must be signed by no fewer than one thousand voters qualified to vote in the electoral division where the candidate is contesting the constituency seat. Persons signing the petition shall furnish their name, surname, birth registration number, and address. A signature under such petition cannot not be withdrawn.

Article 62 Review of Applications for Candidate Registration by Divisional Election Boards

(1) The divisional election board shall complete a review of all the applications for registration that have been filed no later than on the fifty-fifth day prior to the day of the elections.

(2) The divisional election board shall reject any application for registration should:

the nominated candidate fail to be eligible to be elected (see Article 57 hereinbefore);

the application for registration contain incorrect and/or incomplete data;

the independent candidate applying fail to produce a petition with signatures in his/her favour, or should the petition contain incorrect or/and incomplete pieces of information or forged signatures.

(3) Any candidate may appeal against the decision of the divisional election board to reject his/her application for registration to the Central Election Board. Such an appeal shall be lodged with the Central Election Board by the candidate no later than twenty-four hours following the receipt of the decision, and the Central Election Board shall have no more than two days to render a decision on such appeal.

Article 63 Review of Applications for Candidate Registration by the Central Election Board

(1) No later than on the fifty-first day prior to the day of the elections, each divisional election board shall deliver to the Central Election Board a complete roll of candidates applying for registration in its electoral division.

(2) The Central Election Board shall complete its review of the applications for registration no later than on the forty-ninth day prior to the day of the elections.

(3) The Central Election Board shall reject an application for candidate's registration on the grounds specified in Article 62, Paragraph 2 hereinbefore. Should one candidate be proposed for registration in more than one electoral division, the Central Election Board shall reject all such applications proposing to register the candidate in question.

(4) The chairman of the Central Election Board shall send a protocol on the conclusions of the applications review without delay to divisional election boards, and to each candidate that has applied for the registration.

Article 64 Candidate's Registration

(1) After the receipt of the Central Election Board's protocol on the conclusions on the review of applications for candidate's registration, no later than forty-five days prior to the day of the elections, each divisional election board shall register each candidate whose application has been duly filed in its electoral division, draw lots in order that numerical symbols denominating candidates' ballots may be determined, and notify the independent candidates and/or party/coalition authorized agents about such facts in writing. Should a candidate be registered by implication of the Central Election Board decision on appeal (see Article 62, Paragraph 3 above), or by implication of a court decision as per a separate law 10), the relevant divisional election board shall register the candidate even after the above specified final date, however, no later than on the thirtieth day prior to the day of the elections, and subsequently, shall assign each of these candidates the numerical symbol which shall index the candidate's ballot. For the purpose of assigning a numerical symbol to the candidates, lots shall be drawn as well, and the result shall be communicated in writing to the respective independent candidate and/or agent acting on behalf of the Political Party and/or coalition.

(2) No ballots shall be reproduced for any candidate unless the candidate has been duly registered.

(3) Should, subsequent to registration of a candidate, the Political Party which applied for his/her registration be forced to suspend its activities or be dissolved, the candidate shall be deemed an independent candidate who then shall not be under obligation to produce any petition retroactively.

Article 65

(1) In each electoral division, the District State Administration Office In the Seat of Electoral Division shall establish a separate bank account. This bank account shall be established no later than the day on which the divisional election board in the electoral division shall have been constituted.

(2) Each entity that has filed an application for registration of a candidate shall deposit a security amounting to twenty thousand KÝ in the bank account specified in the foregoing Paragraph 1 of this Article. This deposit shall be made within three days following the notification of the candidate's registration (Article 64, Paragraph 1 hereinbefore), and the entity shall inform the relevant divisional election board about the fact no later than two days after the deposit has been made.

(3) The printing of ballots shall not be undertaken unless the deposit, on which it is contingent, has been made.

(4) Divisional election boards shall refund the deposit to the depositors no later than one month following the declaration of the election results provided the candidate for whom the deposit was made has accrued no less than six per cent of the total vote in the electoral division. Deposits that shall not be refunded shall be deemed to be receipts of the national budget.

(5) The Ministry of Finance shall lay down specific legal regulations providing for particulars in respect of the manner in which the security deposited will be refunded.

Article 66 Resignation from Nomination, Recall of Nominee

(1) Any candidate may resign from his/her nomination provided the resignation statement be made in writing prior to the opening of the election. The same procedure applies should a Political Party or coalition, through the instrumentality of its agent, wish to recall the candidate whom the party/coalition has nominated.

(2) Two copies of this statement shall be delivered to either the chairman or the secretary of the relevant divisional election board. Neither the resignation statement nor the recall statement can be withdrawn.

(3) The chairman of the divisional election board shall forward one of the two copies to the chairman of the Central Election Board without delay, and immediately thereafter, arrange for the statement to be made public in an appropriate manner in polling stations provided that he/she has received the statement no later than forty-eight hours prior to the beginning of the election.

(4) Should a resignation/recall statement be made after the distribution of ballots among voters has taken place, no account shall be taken of votes cast in favour of the candidate who has resigned or has been recalled when the vote count is computed.

Article 67 Ballots

(1) Through District State Administration Office In the Seat of Electoral Division, the chairman of each divisional election board shall arrange for ballots to be printed.

(2) Ballots shall include the name of the candidate as well as his/her surname, date of birth, occupation, place of permanent residence, and the title of the Political Party or coalition which has nominated the candidate, or information that the candidate in question is running for election as an independent candidate. Each registered candidate shall have a separate ballot which shall be indexed by the numerical symbol assigned to him/her by drawing the lots. An identification number of the respective electoral division shall be printed at the head of the ballot as well as the candidate's party affiliation or where applicable the fact that the candidate is non-party.

(3) In all electoral divisions, ballots shall be printed in an identical type-face and character-size, on paper of identical quality, colour and size. Ballots shall be under the official seal of the Central Election Board.

(4) Through District State Administration Office In the Seat of Electoral Division, the chairmen of divisional election boards shall send the ballots reproduced in the above manner to Mayors who subsequently shall have the ballots distributed (a) to each voter so that the electorate has received them no later than on the third day prior to the day of the elections, and (b) to each ward election board so that the boards have received them before voting commences.

Article 68 Voting

(1) Having received a Formal Envelope and if necessary a set of ballots, a voter shall enter a voting booth (Article 17, Paragraph 2 hereinbefore) where he/she shall insert no more than one ballot into the Formal Envelope. Such ballot shall not be edited in any manner whatsoever.

Article 69 Vote Counting by Ward Election Board

(1) After voting has finished, the chairman of the ward election board shall arrange for the Formal Envelopes and ballots that have not been used by voters to be put under seal. Then, he/she shall have the regular ballot-box opened. Should certain voters have required the use of a portable ballot-box, and should the ward election board have used it, the portable ballot-box shall be opened, and the contents emptied shall be added to the contents of the regular ballot-box.

(2) The ward election board shall remove the Formal Envelopes containing ballots from ballot-boxes, count the number of Formal Envelopes found, and compare the number arrived at with records entered into extracts from both the Permanent Electoral Roll and Register of Persons Unable to Vote Locally. No envelopes other than the Formal Envelopes shall be admitted by the ward election board. Ballots found in the ballot-box bare of the Formal Envelope shall also be invalidated.

(3) Having emptied the Formal Envelopes, the ward election board shall sort the ballots with the distinct candidates, and add up the votes cast in favour of each candidate separately.

(4) Each member of the ward election board shall have the right to see the contents of any ballot. The regularity of vote counting shall be supervised by the chairman of the ward election board.

Article 70 Validity versus Invalidity of Ballots/Votes

(1) Ballots to which various marks and/or editing have been added by voters shall be deemed to be valid and cast in favour of the candidate chosen by the ballot.

(2) Choice expressed by ballots other than those having the legitimate prescribed printed form of a ballot shall be deemed invalid. Ballots that have been torn in two or more pieces shall also be deemed invalid. Should more than one ballot be found in a Formal Envelope, each choosing a different candidate, all such ballots shall be deemed to be invalid votes. Should more than one ballot choosing the same candidate be found in a Formal Envelope, all such ballots shall be deemed to be one vote cast in favour of the candidate.

(3) Validity/invalidity of a ballot shall be ultimately decided upon by the ward election board.

Article 71 Vote Count Report by Ward Election Board

(1) Each ward election board shall prepare two identical copies of a report of the polling process and the vote count received in its electoral ward. The report shall be signed by members of the ward election board, and should any of the ward election board members deny such signature, reasons for such denial shall be given.

(2) The report of the polling process and the vote count received in the electoral ward drafted by each ward election board shall include:

the hour of both the beginning and the end of voting, and of any interruption of voting if applicable;

the total electorate in the electoral ward - the number of persons registered in the ward extract from the Permanent Electoral Roll and in the ward extract from the Register of Persons Unable to Vote Locally;

the number of voters to whom Formal Envelopes were handed over;

the number of Formal Envelopes that have been turned in;

the number of valid votes cast in favour of each individual candidate, and the aggregate of valid votes cast regardless of the candidate choice;

a brief account of the subject matter of notifications and complaints submitted to the ward election board, and decisions rendered by the ward election board accompanied by a brief substantiation thereof.

Article 72 Conclusion of Ward Election Board Operation

(1) After the votes have been counted, and after the report of the polling process and the vote count has been signed by the ward election board, its chairman shall relate the vote count to superior authorities, and forward one copy of the report to the divisional election board without delay. Then he/she shall wait for the divisional election board to direct him/her to discontinue the board operations.

(2) Should any chairman of the ward election board fail to meet the obligations arising from the provisions stipulated by the foregoing Paragraph 1 of this Article within twenty-four hours after the end of voting in spite of having been requested to do so by the divisional election board, the divisional election board may compute the vote count received in the other electoral wards. After the stipulated final date, and after the divisional election board members have signed the report (Article 74 hereinafter), no vote count that may arrive shall be taken into account.

(3) The ward election board shall seal the ballots and Formal Envelopes cast, and the ward extracts from the Permanent Electoral Roll/Register of Persons Unable to Vote Locally, and deposit them, along with the other election-related documents, with the Local Authorities for safe-keeping.

Article 73 Vote Computing by Divisional Election Board

(1) Each divisional election board shall compute the votes cast within its electoral division, ascertaining voting results in the electoral division, based on reports of the polling process and the vote count received from individual ward election boards.

(2) No persons other than members of the Central Election Board, along with members of its counting team and secretariat staff, and persons authorized by the Central Election Board shall have the right to be present on the premises where the divisional election board and its counting team have been in the process of computing the votes and ascertaining the voting results.

Article 74 Divisional Election Board Report

(1) Each divisional election board shall prepare a report of the polling outcome within its electoral division. Members of the divisional election board shall sign the report, and should any of the divisional election board members deny such signature, reasons for such denial shall be given.

(2) The report of the polling outcome in the electoral division drafted by each divisional election board shall include:

the number of ward election boards in the electoral division in question;

the number of ward election boards that have delivered the vote count;

the total constituency in the electoral division - the total number of persons registered in relevant extracts from Permanent Electoral Rolls and relevant extracts from Registers of Persons Unable to Vote Locally within the electoral division in question;

the number of voters to whom Formal Envelopes were handed over;

the number of Formal Envelopes that have been turned in;

the number of valid votes cast in favour of each individual candidate, and the aggregate of valid votes cast regardless of the candidate choice;

the rate of electoral participation in the electoral division, the total percentage being rounded and correct to two decimal places;

a list, ranking the candidates according to the total vote each of the candidates accrued, and data on the winning candidate;

a brief account of the subject matter of notifications and complaints submitted to the divisional election board, and a record of decisions rendered by the divisional election board.

(3) Each divisional election board shall scrutinize the election reports delivered by ward election boards, and based on the vote count from electoral wards shall ascertain the vote percentage each candidate accrued out of the total popular vote returned in its electoral division. According to the figure rounded and correct to two decimal places, the divisional election board shall compile a list in which the competing candidates shall be arranged in descending order. Should the vote percentage won by several candidates be equally high, the number of valid votes cast in favour of the candidate shall be decisive; should, however, the total vote accrued by several candidates be also equally high, the position of the candidate in the final list shall then be determined by drawing lots.

(4) After the report of the polling outcome in the electoral division has been signed, the chairman of the divisional election board shall dispatch its copy immediately via a technical device capable of transmitting information to the Central Election Board counting team. Immediately thereafter, the chairman shall forward the original paper copy of the report, along with its attachments to the Central Election Board, and wait for the Central Election Board to direct him/her to discontinue the board operations. The other election-related documents shall be deposited with the District State Administration Office In the Seat of Electoral Division for safe-keeping.

Article 75

The candidate who secures an absolute majority of the popular vote shall be declared the winner.

Article 76

(1) Should no candidate secure the amount of votes required for his/her election (Article 75 hereinbefore), the divisional election board shall make a note of this electoral deadlock in its report of the polling outcome, and notify the Central Election Board. The divisional election board shall arrange for the second round of elections to be held on the sixth day following the day on which the voting in the first round of elections ended.

(2) In each electoral division in which the second round of elections shall take place, only the two strongest candidates who accrued the highest and the second highest number of votes in the first round shall stand for election, however, if several candidates received equally highest number of votes in the first round, all such candidates shall qualify for the second ballot.

(3) For the ballot printing procedure, provisions of Article 67, Paragraphs 1, 2, and 3 hereinbefore shall apply. Through District State Administration Office In the Seat of Electoral Division, chairmen of divisional election boards shall send the ballots to Mayors who subsequently shall have the ballots distributed to ward election boards before the voting commences. Voters shall receive ballots in the polling stations on the very day of the election.

(4) The candidate who secures a majority of the popular vote if there are two competitors, or a plurality if there are more than two competitors shall be declared winner. Should both/all the candidates accumulate equivalent numbers of votes, the winning candidate shall be decided by drawing lots.

(5) Provisions stipulated in this Act that are applicable for the elections to the Senate shall have due pertinence to the second round of elections to the Senate.

Article 77 Declaration of Election Results

Based on the reports of the results of the elections prepared by divisionalelection boards, the Central Election Board shall declare the final results of the elections to the Senate.

Article 78 Confirmation of Election

No later than one month following the declaration of the results of the elections, the Central Election Board shall issue a Confirmation of Election to the Senator-elects, authenticating their election to a seat in the Senate.

Article 79 Special Elections

If no Senator be elected in an electoral division as a consequence of a court ruling to nullify the election, or due to grave deficiencies in the electoral procedure, the President of the Republic shall call new, special elections to be held in the electoral division. Final dates and time allowances defined in this Act may be shortened accordingly.

Article 80 By-Elections

(1) Should the mandate of a Senator cease to exist during the Senator's electoral term for any reason, the President of the Republic shall call by-elections to fill such a vacancy. The by-elections shall be held in the electoral division the constituency mandate of which the Senator first elected was conferred with. The President shall determine the day of the by-election so that it shall be held no later than ninety days following the day on which the mandate of the Senator ceased to exist.

(2) By-elections shall be governed by the provisions stipulated in this Act, and wherein periods of time defined by Article 13, Paragraphs 2 and 3, Article 14, Paragraph 1, Article 60, Paragraphs 1 and 2, and Article 61, Paragraph 3 may be abridged by no more than one third. Periods of time defined by Article 62, Paragraph 1, Article 63, Paragraphs 1 and 2, and Article 64, Paragraph 1 may be abridged by no more than twenty days.

(3) No by-elections shall be held to fill a vacancy during the last year receding the end of the electoral term of the Senator whose mandate ceased to exist.

(4) By-elections shall choose a Senator who shall fill the vacancy which occurred after the mandate of the incumbent has ceased to exist, and who shall be in office until the end of the electoral term of the Senator first elected.

CHAPTER FOUR: PROVISIONS FOR ORGANIZATION AND FACILITATION OF ELECTIONS

Article 81 Provision of Prerequisites and Aids

(1) Ward election boards shall be supplied with all prerequisites required by the elections, such as polling stations and their furnishings, Formal Envelopes, and necessary personnel by the Local Authorities in whose jurisdiction the ward election boards shall be established.

(2) District election boards shall be supplied with all prerequisites and necessary personnel required by the elections by the responsible district State administration offices, and in the case of the cities of Prague, Brno, Ostrava, and Plzeň by the municipal authorities, along with the authorities of each municipal district/part.

(3) Regional election boards shall be supplied with all prerequisites and necessary personnel required by the elections by the District State Administration Office in the Seat of Electoral Region.

(4) Divisional election boards shall be supplied with all prerequisites and necessary personnel required by the elections by the District State Administration Office in the Seat of Electoral Division.

Article 82 The Right of Election Board Members to Compensation

A member of an election board shall have the right to claim compensation for his/her services provided in office. An entitlement of a member of an election board to leave of absence from employment or duty during which time remuneration is not normally affected shall be determined by specific rules and regulations governing legal relations in this field. 12)

Article 83 Rights of Candidates

(1) A candidate shall have the right to seek leave of absence of his/her employer or the person/entity with which the candidate has an analogous type of service agreement. Any candidate running for election to the Chamber of Delegates shall have the right to seek leave of absence as of the day following the registration of the list of candidates by a regional election board, and any candidate running for election to the Senate shall have the right to seek leave of absence as of the day following the registration of the candidate by a divisional election board. Such leave of absence shall cease on the day preceding the elections. During leave of absence from employment or duty the candidate shall not be entitled to any remuneration. All activities of the candidate whilst on leave shall be considered to be other activities in the public interest.

(2) The fact that a person is running for a Parliamentary seat shall not be detrimental to that person's employment or other similar relations. The time of leave of absence defined in the foregoing Paragraph 1 of this Article shall be considered as time spent in the discharge of duties arising from regular professional engagement.

Article 84

Expenses incurred on bodies of the State administration, Municipalities, and election boards whilst discharging of their duties in relation to the Parliamentary elections in the Czech Republic shall be covered by the national budget.

Article 85 Government Financial Assistance in Covering Election-Related Costs

Financial assistance in covering election-related costs shall be granted only in case of elections to the Chamber of Delegates, and only to those Political Parties and coalitions which accrued enough votes to qualify for such assistance. Having verified the election of Delegates, the Chamber of Delegates shall communicate the party/coalition totals to the Ministry of Finance, and the Political Party or coalition which obtained three per cent or more out of the total number of valid votes cast shall receive from the national budget a payment of ninety Kč per each vote it received.

CHAPTER FIVE: JUDICIAL REVIEW

Article 86

A Political Party or coalition may seek a judicial review of the decision of the Central Election Board to reject its list of candidates running for election to the Chamber of Delegates, or to remove a candidate from its list of candidates. Within twenty-four hours, the Political Party or coalition may refer the matter to a court of justice, and demand that the court decide in this matter under a separate rule of law 13).

Article 87

An entity that applied for the registration of a candidate running for election to the Senate may seek a judicial review of the decision of the Central Election Board to reject the application for registration. Within twenty-four hours, the said entity may refer the matter to a

court of justice, and demand that the court decide in this matter under a separate rule of law13).

Article 88

(1) Each Citizen may file a complaint against the issuance of Confirmation of Election to a candidate elected Delegate or to a candidate elected Senator provided the said Citizen has been on the list of voters which is pertinent to the election ward in which votes were cast for the Delegate or the Senator. The same right may be enjoyed by each Political Party or coalition which filed its list of candidates in the electoral region, or which applied for registration of a candidate. No later than ten days of the declaration of the election results by the Central Election Board, the petitioner may refer the matter to a court of justice, and demand that the court decide in this matter under a separate rule of law 14).

(2) The opinion of the court upon which its resolution is so based shall be forwarded by the court to the Chamber of Delegates in the case that a Delegate is contested, or to the Senate in the case that a Senator is contested.

Article 89

The Supreme Court shall be the court with jurisdiction in regard to proceedings under Articles 86, 87, and 88 above.

PART TWO: AMENDMENTS TO ACT NO. 99/1963 SB., CODE OF CIVIL PROCEDURE, AS WORDED BY LATER LEGISLATION

Article 90

Act No. 99/1963 Sb., Code of Civil procedure, as worded by Act No. 36/1967 Sb., Act No. 158/1969 Sb., Act No. 49/1973 Sb., Act No. 20/1975 Sb., Act No.133/1982 Sb., Act No. 180/1990 Sb., Act No. 328/1991 Sb., Act No. 519/1991 Sb., Act No. 263/1992 Sb., Act of the Czech National Council No. 24/1993 Sb., Act No. 171/1993 Sb., Act No. 117/1994 Sb., Act No. 152/1994 Sb., Act No.216/1994 Sb., Act No. 84/1995 Sb., Act No. 118/1995 Sb., and Act No. 160/1995 Sb. shall hereby be amended as follows:

1. Articles 200f and 200g shall hereby be omitted, inclusive of their titles.

2. Article 200j, Paragraphs 1 and 4 shall read as follows:

"(1) Should a relevant body of State administration fail to remove deficiencies or errors from the Permanent Electoral Roll or from the Registers of Persons Unable to Vote Locally on its own initiative, the Citizen thereby affected may resort to a court with the venue jurisdiction, and motion that a decision is delivered, ruling an amendment or supplement be made to the register in question.

(4) District courts shall be the courts with the venue jurisdiction in regard to proceedings on errors and deficiencies in Permanent Electoral Rolls and Registers of Persons Unable to Vote Locally."

3. Article 200l shall be succeeded by Articles 200m and 200n which including their title and Footnote No. 34d) shall have the following wording:

"Proceedings in Respect of Election-Related Matters

Article 200m

(1) If an election board specified in a separate Act 34d) as the authority endowed with powers to render a final decision, has decided to:

34d) Act No. 247/1995 Sb., on Elections to the Parliament of the Czech Republic, and on Amendments to Certain Other Acts

(a) reject a list of candidates running for election to the Chamber of Delegates, the political party, political movement or coalition which has filed the list of candidates may refer the matter to a court of justice, and motion that a decision is delivered, ruling that the list of candidates be registered;

(b) remove a candidate from a list of candidates running for election to the Chamber of Delegates, the political party, political movement or coalition which has filed the list of candidates may refer the matter to a court of justice, and motion that a decision is delivered, ruling that the candidate be retained;

(c) reject an application for registration of a candidate running for election to the Senate, the applicant may refer the matter to a court of justice, and motion that a decision is delivered, ruling that the candidate be registered.

2) The election board in question and the petitioner shall be the parties to such proceedings.

(3) The resolution of the court shall be delivered within three days without the court calling a hearing.

(4) There is no right of appeal against the decision of the court.

Article 200n

(1) A complaint against the issuance of Confirmation of Election to a candidate elected a Delegate or a Senator 34e) shall be decided by the court without the court calling a hearing no later than the tenth day of the complaint. 34e) Act No. 247/1995 Sb., on Elections to the Parliament of the Czech Republic, and on Amendments to Certain Other Acts

(2) The petitioner, the election board in question, and the Delegate or Senator whose Confirmation of Election is contested shall be the parties to such proceedings.

(3) There is no right of appeal against the decision of the court.

PART THREE: ACT NO. 152/1964 SB., ON ELECTIONS TO LOCAL AUTHORITY COUNCILS AND BOARDS, AND ON AMENDMENTS TO CERTAIN OTHER ACTS

Article 91

Act No. 152/1994 Sb., on Elections to Local Authority Councils and Boards, and on Amendments to Certain Other Acts shall hereby be amended as follows:

Article 14, including Footnote No. 8a) shall read as follows:

"Article 14

(1) The Central Election Committee shall be constituted in compliance with a separate Act 8a).

8a) Act No. 247/1995 Sb., on Elections to the Parliament of the Czech Republic, and on Amendments to Certain Other Acts

(2) The Central Election Board shall be called into its first session by the Minister of the Interior so that the session shall commence no later than the fifty-seventh day prior to the day of elections to local authority councils and boards."

PART FOUR: JOINT, TRANSITORY AND FINAL PROVISIONS

Article 92 Enabling Provisions

(1) The Ministry of the Interior shall lay down legal regulations providing for:

(a) the particulars with respect to duties with which Municipalities and district State administration offices shall be commissioned while

making up and keeping Registers of Persons Unable to Vote Locally as well as drawing extracts from the Registers of Persons Unable to Vote Locally;

providing and equipping polling stations;

safe-keeping ballots and other election-related documents;

(b) specimen forms of a ballot, Register of Persons Unable to Vote Locally, Confirmation of Election of a Senator/Delegate and, as the case may be, also of other election-related documents and forms;

(c) particulars in respect of the interaction of State administration bodies in verifying the information stated by Political Parties and coalitions filing their lists of candidates for registration, or by independent candidates applying for their registration;

(d) the rules of the proceedings of the Central Election Board;

(e) the amount and other details of payment of a non-recurring compensation to which election board members shall be entitled for services provided in office. Such particulars shall be defined by the Ministry of the Interior, based on consultations with the Ministry of Labour and Social Security, and the Ministry of Finance.

(2) The Ministry of Finance shall lay down specific legal regulations providing for particulars with respect to the manner in which the security deposited will be refunded.

Article 93

Measures for the preparation of the execution of this Act taken by the relevant bodies of the State administration already before the effectiveness of this Act shall be deemed measures taken after the effective date of this Act provided, however, that such measures have complied with the provisions of the law.

Article 94

The first election to the Senate shall be held in each of the eighty-one electoral divisions specified in Annex 3. Senators who represent electoral divisions No. 1, 4, 7, 10, 13, 16, 19, 22, 25, 28, 31, 34, 37, 40, 43, 46, 49, 52, 55, 58, 61, 64, 67, 70, 73, 76, and 79 shall be elected for a two-year electoral term. Senators who represent electoral divisions No. 2, 5, 8, 11, 14, 17, 20, 23, 26, 29, 32, 35, 38, 41, 44, 47, 50, 53, 56, 59, 62, 65, 68, 71, 74, 77, and 80 shall be elected for a four-year electoral term, and Senators who represent the remaining electoral divisions shall be elected for a six-year electoral term.

Article 95

(1) Should elections to the Chamber of Delegates be held on the same day as the elections to the Senate, ward election boards shall serve jointly for convenience in both the elections to the Chamber of Delegates and the elections to the Senate. In such a case, ward election boards shall not discontinue operations unless directed to do so by both its district election board and divisional election board.

(2) If one regional election board is of a different opinion to that of another regional election board, and/or if one divisional election board is of a different opinion to that of another divisional election board, then upon the request of any of the election boards, the issue shall be decided by the Central Election Board.

Article 96

Should elections to the Chamber of Delegates and/or to the Senate be held jointly with the elections to local authority councils and boards, neither ward election boards nor district election boards shall discontinue operations unless directed to do so by each and every election board of a superior authority which shall have been established for convenience in each type of election that will then be held.

Article 97

(1) Any reference which may appear in this Act as to numbers of population shall be construed as having referred to the numbers of population known on the first day of the first month of the year in which elections are held.

(2) The first day of the elections shall be considered to be the day of the elections referred to in this Act, except as otherwise provided for in this Act.

Article 98 Rescinding Provisions

Act of the Czech National Council No. 54/1990 Sb., on Elections to the Czech National Council, as worded by Decree of the Presidium of the Czech National Council No. 221/1990 Sb., Act of the Czech National Council No. 435/1991 Sb., Act of the Czech National Council No. 94/1992 Sb., and Act No. 117/1994 Sb. are hereby repealed.

Article 99 Effectiveness of this Act

This Act becomes effective on January 1, 1996.

- 1) Article 5, Paragraph 2, Letter (b), and Article 9, Paragraph 4, etter (a) of Act No. 20/1966 Sb., on the Protection of the Public Health, in he reading of Act of the Czech National Council No. 548/1991 Sb.
- 2) Article 10, and Article 855 of the Civil Code
- 3) Article 8 of Act No. 152/1994 Sb., on Elections to Local Authority Councils and Boards, and on Amendments to Certain Other Acts
- 4) Article 10, and Article 11 of Act No. 152/1994 Sb.
- 5) Act No. 135/1982 Sb., on Reporting and Registering the Citizens' Address
- 6) Act of the Czech National Council No. 3/1993 Sb., on National Symbols of the Czech Republic
- 7) Article 20 of Act No. 40/1993 Sb., on Citizenship of the Czech Republic
- 8) Article 16, Paragraph 1 of the Constitution of the Czech Republic
- 9) Act No. 424/1991 Sb., on Affiliating with Political Parties and Associating with Political Movements, as worded by later legislation (full reading - No. 118/1994 Sb.)
- 10) Article 58 and Article 200m of Code of Civil Procedure
- 11) Article 16, Paragraph 2 of the Constitution of the Czech Republic
- 12) (a) Decree of the Federal Ministry of Labour and Social Security, No.18/1991 Sb., on Other Services in the Public Interest
(b) Article 17, of the Decree of the Government, No. 108/1994 Sb., implementing the Labour Code and Certain Other Laws
- 13) Article 200m of Code of Civil Procedure
- 14) Article 200n of Code of Civil Procedure