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Act

Date: 20th of May 1998

amending Act No. 80/1990 of the National Council governing elections to the National Council and several other acts

The National Council of the Slovak Republic has decided to pass the following Act:

PART ONE

Act No. 80/1990 of the National Council governing elections to the National Council, as amended by Act No. 8/1992 of the National Council, Act No. 104/1992 of the National Council, Act No. 518/1992 of the National Council, Act No. 157/1994 of the National Council and Act No. 81/1995 of the National Council shall be amended as follows:

1. Section 2 shall be:

„Section 2

- (1) The right to vote in the National Council of the Slovak Republic (hereinafter referred to as the 'right to vote') shall be given to those citizens of the Slovak Republic who have attained the age of 18 years on the day of the elections and are present in the territory of the Slovak Republic.
- (2) Obstacles to the performance of the right to vote shall be:
 - a) a limitation of personal freedom, as governed by law, for the purposes of protection of a person's health,¹⁾
 - b) the serving of a term of imprisonment,^{1a)}
 - c) absence of legal capacity.

The footnotes referred to in references 1, 1a and 2 shall be:

- 1) Section 11 of Act No. 272/1994 of the National Council of the Slovak Republic, governing the protection of a person's health.
Section 14 of Act No. 277/1994 of the National Council of the Slovak Republic, governing the health service.
- 1a) Act No. 59/1965 of the National Council of the Slovak Republic governing jail terms, as amended.
- 2) Section 10, paragraphs 1 and 2 and section 855 of the Civil Code.²⁾

2. Section 3 shall be:

„Section 3

Any citizen of the Slovak Republic who has attained the age of 21 years on the day of the elections and has permanent residency in the territory of the Slovak Republic may be elected as a member of the National Council of the Slovak Republic (hereinafter referred to as a 'Member')."

3. Part two including the heading shall be:

**„PART TWO
PERMANENT ELECTORAL REGISTER**

Section 4

The Preparation and Maintenance of the Permanent Electoral Register

- (1) The permanent Electoral Register (hereinafter referred to as the 'Register') shall be prepared and maintained by the municipality and in Bratislava and Košice by the city district (hereinafter referred to as the 'municipality').³¹
- (2) The municipality shall verify all facts that may constitute reasons for a change in the Register from time to time during the electoral term. Any changes shall be made on the basis of:
 - a) own data,
 - b) notices from other state bodies,
 - c) the results of appeals.
- (3) State bodies that make decisions regarding the personal status of citizens³² or keep records regarding the personal status of citizens, shall be obliged to inform the municipalities without undue delay of any acquisition or loss of citizenship status, voter's death or declared voter's death, or change of forename or surname. The registering bureau³³ shall inform the appropriate city districts of the register of citizens who have attained the age of 18 years without undue delay, as well as any changes in permanent residency of citizens in Bratislava.
- (4) The municipality shall be obliged to allow any citizen to inspect the Register in order to ensure that he/she is included and that the data concerning him/her is correct.

Section 5

Requirements and Changes in the Register

- (1) Voters shall be listed in the Register in alphabetical order by their surname.
- (2) The data about every voter must include:
 - a) forename and surname,
 - b) birth registration number,
 - c) permanent residency. ⁴¹ for the purposes of this Act, this term shall mean the name of the municipality, the name of the street in cases where a municipality is divided into streets, and the number of the house.
- (3) The municipality shall record in the Register those persons that
 - a) have acquired citizenship of the Slovak Republic,
 - b) have registered their permanent residency in this municipality,
 - c) have attained the age of 18 years.
- (4) The municipality shall remove from the Register those persons who have
 - a) lost their citizenship of the Slovak Republic,
 - b) died or were declared dead,
 - c) registered their permanent residency in a different municipality, upon receiving notice from that municipality.
- (5) The municipality shall make changes in the Register with respect to any person who has changed
 - a) their forename or surname,
 - b) their permanent residency in the municipality.
- (6) Space shall be reserved in the Register for corrections.

Section 6

Registering in the Register

- (1) Citizens of the Slovak Republic with the right to vote shall be listed in the Register according to the location of the permanent residency. Each citizen may only be listed in one Register.
- (2) Members of the armed forces, armed security units and armed units⁴² who are accommodated collectively shall be registered in the Register of the municipality in the territory in which their unit is

- (3) Any person who is additionally registered in the Register pursuant to paragraph 2 shall, for the period of elections, be excluded from the Register of that municipality which is their place of permanent residency.
- (4) Any citizen of the Slovak Republic who has not permanent residency within the territory of the Slovak Republic and comes to the election room on the day of the elections shall be registered in the Register on the basis of a submitted identity card. The registration shall be recorded in his/her passport. This registration in the Register shall only be valid for the period of the elections.
- (5) Any citizen of the Slovak Republic who comes to the polling station on the day of the elections according to his permanent residency and who is not registered in the list, shall be additionally registered by the commission on the basis of his/her identity card.

7) P.R. Act No. 40/1993 of the National Council of the Slovak Republic governing citizenship; the
8) E.B., Act No. 160/1993 of the National Council of the Slovak Republic governing criminal procedure; the Code of Criminal Procedure, the Code of Civil Procedure.

Council of the Slovak Republic governing register offices as amended by the Act No. 222/1996 of the National Council of the Slovak Republic.

- 3b) Section 2, paragraph 1 (a) and 1 (c) of Act No. 135/1982 Coll. governing reporting and recording of the residency of citizens
 - 3) Section 3 paragraph 2 of Act No. 135/1982 Coll.
 - 5) Act No. 351/1997 Coll., Act No. 171/1993 of the National Council of the Slovak Republic governing the police force, as amended, Act No. 79/1992 Coll. as amended, Act No. 61/1993 Coll. as amended by the Act No. 83/1994 Coll.
 - 5a) Section 200(f) of the Code of Civil Procedure."
- 4. The heading of part three shall be "Electoral Circuit and Election Wards".
 - 5. Section 9 including the heading shall be:

Section 9

Electoral Circuit

- (1) Elections to the National Council of the Slovak Republic shall take place in the territory of the Slovak Republic.
 - (2) The territory of the Slovak Republic shall constitute one electoral circuit."
- 6. In the first sentence of section 10, paragraph 2, the period shall be replaced by a semicolon and the following words shall be added: 'in an election ward with persons registered pursuant to section 6, paragraph 2, the number of voters may be higher.'
 - 7. Section 11, paragraph 1 shall be:
"(1) The Central Election Commission, District Election Commissions and Ward Election Commissions shall be created for the election to the National Council of the Slovak Republic."
 - 8. In section 11, paragraphs 2 to 4 shall be omitted. The current paragraphs 5 to 10 shall be renumbered as paragraphs 2 to 7.
 - 9. Section 11, paragraph 3, shall be:
"(5) The Election Commissions shall consist of an equal number of the parties and political movements²⁾ representatives (hereinafter referred to as "political party") or their coalitions that submit registration forms. Each political party and coalition shall provide the names of their representatives, their substitutes and their exact addresses to the authority that convenes the first session of the Election Commission. If the Registration Form is withdrawn or not registered by any political party or coalition, the membership of the representatives of such a political party and coalition in the Election Commission shall cease. The term of a member of the Election Commission shall cease upon the delivery of a written notice from the political party or coalition that nominated him, or upon the delivery of a member's letter of resignation from the office to the chairperson of the Election Commission. The chairperson of the Election Commission shall then summon a substitute according to the order set out by the political party or coalition."
 - 10. Section 11, paragraphs 6 and 7 shall be:
"(6) The Election Commission shall agree upon its chairperson and deputy at the first session. If no agreement can be reached, the chairperson and deputy shall be decided by a draw. The chairperson and deputy must not belong to the same political party or coalition. The draw is chaired by the recorder of the Election Commission.
(7) The Statistical Office of the Slovak Republic shall create for the Central Election Commission and District Election Commissions for the purpose of the preparation for processing and the processing of the results of the election an expert (summary) bodies of the Election Commissions consisting of employees allocated for such a purpose by appropriate bodies of the state statistic. Employees allocated to such expert (summary) bodies of the Election Commissions shall take the oath as stipulated in paragraph 4."

- 11. Section 12 shall be:

„Section 12

The Recorders of the Election Commissions

- (1) The Recorder of the Election Commission shall provide for organisational and administrative measures relating to the preparation and process of deliberations of the Election Commission. In addition, he/she shall serve as expert counsellor to the Election Commission.
- (2) The Recorder
 - a) of the Central Election Commission shall be appointed and recalled by the government of the Slovak Republic,
 - b) of the District Election Commission shall be appointed and recalled by the principal of the district office,
 - c) of the Ward Election Commission shall be appointed and recalled by the mayor of the municipality.
- (3) The Recorder of the Central Election Commission shall be appointed and recalled by the government of the Slovak Republic at least 70 days prior to the day of the elections: it is necessary to appoint Recorders pursuant to paragraphs 2b) and c) sufficiently early so that they can perform the tasks following from this Act. The Recorder shall have the right of counsel during the deliberations of the Election Commission. The Recorder shall take the oath as stipulated in section 11, paragraph 4."

12. Section 13 including the heading shall be:

„Section 13

Central Election Commission

- (1) Each political party or coalition that submits the Registration Form shall nominate two members and two substitutes to the Central Election Commission at least 65 days prior to the day of the elections.
- (2) The first session of the Central Election Commission shall take place within five days following the expiry of the period set forth in paragraph 1; the Prime Minister of the Slovak Republic shall convene the deliberations.
- (3) The Central Election Commission shall:
 - a) examine the Registration Forms and make decisions regarding their registration or rejection of their registration,
 - b) supervise the state of readiness of lower level Election Commissions in providing for tasks pursuant to this Act,
 - c) deliberate on information from the Ministry of the Interior of the Slovak Republic concerning organisational and technical preparations for the elections and recommend motions for the implementation of measures,
 - d) deliberate on information from the Statistical Office of the Slovak Republic concerning preparation of the project for technical processing of the election results in the districts of the Slovak Republic,
 - e) deliberate on information concerning equal allocation of broadcasting time on television and radio broadcasting during the election campaign,
 - f) ascertain and publish the results of elections,
 - g) make minutes concerning the results of the elections and deliver them to the chairman of the National Council of the Slovak Republic,
 - h) issue certificates of election for the elected candidates,
 - i) deliver the election documents to the Ministry of the Interior of the Slovak Republic for archiving.
- (4) The Ministry of the Interior of the Slovak Republic shall create an expert administrative body to assist in the performance of the tasks of the Central Election Commission."

13. Section 14 shall be omitted.

14. Sections 15 to 21 including the headings shall be:

Section 15

District Election Commission

- (1) Each political party or coalition whose Registration Form was registered shall nominate one member and one substitute to the District Election Commission at least 45 days prior to the elections.
- (2) The first session of the District Election Commission shall take place within 5 days following the expiry of the period set forth in paragraph 1; the principal of the district office shall convene the deliberations.
- (3) The District Election Commission shall:
 - a) supervise the state of preparedness of the Ward Election Commissions in providing for the tasks pursuant to this act,
 - b) deliberate on information from the district office concerning the organisational and technical preparations for the elections and recommend motions for the implementation of measures,
 - c) deliberate on information concerning the provision of activities of its expert (summary) body,
 - d) supervise the processing of the results of voting in the election wards,
 - e) in cases of doubt arising, have the right to demand explanations and other information from the Ward Election Commission; correct apparent errors after agreement with the Ward Election Commission; otherwise it shall require the Ward Election Commission to convene and correct the insufficiencies,
 - f) make minutes concerning the course and results of elections in the district and deliver them to the Central Election Commission,
 - g) deliver the election documents to the district office for archiving.

Section 16

Ward Election Commission

- (1) Each political party or coalition whose Registration Form was registered may nominate one member and one substitute to the Ward Election Commission at least 30 days prior to the day of elections.
- (2) The Ward Election Commission must have at least 5 members; Ward Election Commission whose Register includes persons additionally registered pursuant to section 6 paragraph 2 must have at least 7 members.
- (3) If the Ward Election Commission created in the manner set out in paragraph 1 does not have enough members, the mayor of the municipality shall inform the principal of the district office of this fact without undue delay, who shall appoint the remaining members from among persons who are not members of any political party or coalition.
- (4) The first session of the Ward Election Commission shall take place within 7 days following the expiry of the period set forth in paragraph 1; the deliberations shall be convened by the mayor of the municipality.
- (5) The Ward Election Commission shall
 - a) supervise the correct polling of voting ballots and taking charge of the election room,
 - b) provide for the additional registration of voters and take the voter cards,
 - c) count the votes and make the minutes concerning voting, which shall be submitted to the appropriate District Election Commission without undue delay,
 - d) deliver all other documents relating to the elections for archiving in the municipality.

Section 17

Registration Form

- (1) The Registration Form shall be delivered by the political party or coalition of political parties registered pursuant to the special act¹⁾ to the Recorder of the Central Election Commission in two counterparts at least 65 days prior to the day of the elections via a proxy.

- (2) For the purposes of this Act, the Registration Form of a coalition shall mean a separated list of candidates political parties that have entered into a written coalition agreement. No member of one political party can be listed on the Registration Form of another political party, not even within the coalition among candidates of another coalition political party.
- (3) The political party shall attach a statement to the Registration Form confirming it has at least 10 thousand individual members; this statement must be attached to the Registration Form by every party of the coalition.
- (4) If a political party fails to comply with the conditions pursuant to paragraph 3, it shall attach a petition signed by such number of voters that will replace the missing number of members of the political party pursuant to paragraph 3. Upon signing the petition, a voter shall state his/her name, birth, registration number and permanent residency; for the purposes of this Act, the term permanent residency shall mean the name of the municipality, name of the street in cases where the municipality is divided into streets, and the number of the house. The signature on the petition may not be rescinded.
- (5) The condition set forth in paragraph 3 or 4 shall not apply to political parties that are represented in the National Council of the Slovak Republic on the basis of the results of the previous elections to the National Council of the Slovak Republic and that have an independent club in the National Council of the Slovak Republic on the day that this Act becomes effective.
- (6) The Registration Form shall contain:
 - a) the name of the political party.
 - b) forename, surname, academic title, age, birth certificate number, occupation, permanent residency, membership of political party or a proclamation that he/she is not a member of any political party, and the order on the Registration Form shown in Arabic numerals with respect to all candidates.
- (7) A political party may display its graphical symbol on the Registration Form.
- (8) Each political party or coalition may nominate a maximum of 150 candidates on the Registration Form.
- (9) The Registration Form must include the attached candidates' statements, signed in person, that he/she consents with the nomination and has not been nominated on any other Registration Form and is not aware of any obstacles to electoral eligibility, and the certificate of membership in the party or a proclamation that he/she is not a member of any political party.
- (10) Political parties may agree in writing on the establishment of a coalition. Each political party in the coalition must meet the requirements set out in paragraphs 3 to 9.
- (11) On an attachment to the Registration Form, the political party shall state its proxy and two substitutes, and state their forenames, surnames and exact permanent residences. The proxy or his/her substitutes may not be candidates. The political party shall be bound by the actions of its proxy. If a substitute takes over the position of the proxy, the political party shall notify the Central Election Commission of this fact. A coalition shall determine a common proxy and common representatives to the Election Commissions. The acts of the proxy and representatives to the Election Commissions shall be binding for every party in the coalition.
- (12) The Recorder shall ascertain that the submitted Registration Forms meet the stipulated criteria. If not, he/she shall notify the proxy of the political party or coalition of this fact. The Recorder shall certify the delivery of the Registration Form for the proxy of the political party or coalition.
- (13) The Recorder shall convey the Registration Form to the expert (summary) body of the Central Election Commission without undue delay for the purposes of verification and processing the election results.

Section 16

Examination of Registration Forms

- (1) The Central Election Commission shall begin to examine the submitted Registration Forms...

- (2) The Central Election Commission shall examine the submitted Registration Form to ascertain if it complies with the conditions of this Act. The Central Election Commission shall remove
- a) those candidates who do not meet the conditions set out in section 3,
 - b) those candidate whose statement pursuant to section 17, paragraph 9 was not attached,
 - c) any candidate who is listed on the Registration Forms of several political parties or on such a Registration Form to which the statement pursuant to section 17, paragraph 9 has not been attached; If the candidate signed the statement attached to several Registration forms, he/she shall be erased from all Registration Forms,
 - d) those candidates listed on the Registration Form in excess of the stipulated number pursuant to section 17, paragraph 8.

Section 19

Registration of Registration Forms

- (1) The Central Registration Commission shall register those Registration Forms that comply with this Act at least 45 days prior to the day of elections, as well as those Registration Forms amended pursuant to section 18, paragraph 2. Registration is a prerequisite for the printing of voting ballots. The voting ballots for a coalition shall be printed in such a way that it is apparent that it is the voting ballot of a coalition, and each party shall have its own ballot.
- (2) The Central Election Commission shall reject any Registration Form not complying with this Act within the period pursuant to paragraph 1 and which it is not possible to amend pursuant to section 18, paragraph 2.
- (3) The Recorder of the Central Election Commission shall deliver the decision of the Central Election Commission pursuant to paragraphs 1 and 2 to the affected political party within 24 hours of such a decision being adopted.
- (4) With respect to the decision of the Central Election Commission regarding the registration of the Registration Form, the registration of the Registration Form with amendments pursuant to section 18, paragraph 2 and with respect to the decision regarding the rejection of the registration of the Registration Form, political parties may file a motion to the Supreme Court of the Slovak Republic to issue a ruling cancelling the registration, or a motion to issue a ruling leaving a candidate on the Registration Form, or a motion to issue a ruling regarding the registration of the Registration Form. The motion must be filed within three days following the decision of the Central Election Commission. There shall be no appeal against the ruling of the Supreme Court of the Slovak Republic. The Supreme Court of the Slovak Republic shall make its ruling within five days.
- (5) The Ministry of the Interior of the Slovak Republic shall deliver a list of registered candidates to the municipalities via the regional and district offices at least 25 days prior to the day of elections. The municipalities shall ensure that a counterpart of the list is sent to every voter not less than 20 days before the day of the elections.

Section 20

Withdrawal of the Registration Form, Waiver and Termination of Nomination

- (1) Any political party or coalition may withdraw its Registration Form in writing via its proxy within 48 hours prior to the start of the elections.
- (2) Any candidate may waive his/her nomination in writing within 48 hours prior to the start of the elections. Within this period, the political party or coalition that nominated him/her may terminate his/her nomination in writing.
- (3) The withdrawal of the Registration Form by any political party or coalition and the waiver or termination of the nomination may not be rescinded. It shall be delivered to the chairperson of the Central Election Commission in two counterparts, who shall provide for its publishing in an appropriate manner.
- (4) If a candidate has waived his/her nomination or his/her nomination has been terminated after the registration of the Registration Form, his/her data shall remain on the Registration Form but he/she shall not be considered during the allocation of mandates.

Section 21

Numbering of Registration Forms

The Central Election Commission shall determine by a draw the number that shall belong to the Registration Form of every political party or coalition at least 40 days prior to the day of elections. The Registration Form of a political party that has been additionally registered on the basis of a court ruling shall be allocated the number following the highest drawn number. The Central Election Commission shall notify all political parties and coalitions without undue delay of the drawn numbers of the Registration Forms and provide for their publication. Coalition parties shall be identified by a common number and the voting slip shall be identified by the fraction of this number in the order of the contesting parties."

The footnote referred to in the reference to 8a shall be:

"8a) Act No. 85/1990 governing petition rights."

15. A new paragraph 1 shall be incorporated in section 22 as follows:

"(1) A voting slip shall be printed for every political party that has nominated its members. A separate voting slip shall be printed for every political party running in a coalition; the voting slip shall also contain the name of the appropriate coalition political party or political movement, in addition to the requirements pursuant to paragraph 2."

The current paragraphs 1 to 4 shall be renumbered as paragraphs 2 to 5.

16. Section 22, paragraph 2 shall be:

"(2) The Ministry of the Interior of the Slovak Republic shall provide for a sufficient number of voting slips on the basis of the registered Registration Forms. The voting slip shall contain drawn number of the Registration Form, name of the political party or coalition, the forename and surname of the candidate, academic title, age, occupation, municipality of his/her permanent residency and membership in a political party. The order of candidates on the voting slip shall be in accordance with the order on the Registration Form. If the Registration Form of the political party contains the graphic symbol of the party, it shall also be shown on the voting slip."

17. The phrase "Regional Election Commission" in section 22, paragraph 3 shall be replaced by the phrase "the Ministry of the Interior of the Slovak Republic."

18. The phrase "chairperson of the District Election Commission" in section 22, paragraph 4 shall be replaced by the phrase "the Ministry of the Interior of the Slovak Republic."

19. A new paragraph 6 shall be incorporated in section 22 as follows:

"(6) If a political party is cancelled^{8a)} or if its activities are suspended or it withdraws its Registration Form after the registration of the Registration Form, the voting slips of such a political party shall not be printed and if have already been printed, the Election Commission shall ensure that they are not distributed to the voters in the election rooms."

The footnote referred to in reference 8c shall be:

"8c) Sections 12 to 15 of Act No. 424/1991 governing association in political parties and political movements, as amended."

20. Section 23 including the heading shall be:

"Section 23

Election Campaign

- (1) For the purposes of this Act, the election campaign period shall mean the period commencing 30 days before and ending 48 hours before the beginning of the elections. All political parties have an equal

approach to the mass media and other services of local government during the election campaign. All political parties may conduct their election campaigns via radio or television broadcasting only in Slovak Radio and Slovak Television. An election campaign on the radio or television broadcasting of license holders shall be prohibited. It shall be prohibited to use local radio for the election campaign, with the exception of announcing election meetings.

- (2) Slovak Radio⁹⁾ and Slovak Television^{9a)} shall both reserve 21 hours of the broadcasting time that shall be evenly distributed among the political parties in such a way that no political party shall be put at a disadvantage; the broadcasting times shall be determined by a draw. The political parties shall be responsible for the content of the programs.
- (3) During the election campaign it shall be prohibited to broadcast political speeches and political programs and release any speeches publicising political parties at times other than those times reserved for political parties pursuant to paragraph 2. It shall also be prohibited to broadcast the election campaign at times reserved on radio and television broadcasting for advertising, or use radio or television advertising for the election campaign.
- (4) It shall be possible to display election campaign posters at open public spaces but only at open public spaces reserved by the municipality, provided that all the principles of equality of political parties are observed. Places for displaying election posters shall be determined by the municipality in a generally binding regulation.
- (5) An election campaign in any manner for or against any political party or candidate in the information media and in the buildings of the Ward Election Commission and their immediate surrounding shall be forbidden 48 hours prior to the beginning of the elections and on the day of elections. It shall only be possible to publish the results of pre-election public opinion polls until the 14th day before the day of the elections.
- (6) The members of the Election Commissions and the staff of the expert (summary) bodies may not provide information regarding the course and partial results of elections until the minutes of recording the results has been executed.
- (7) It shall be prohibited to publicise the results of pre-election public opinion polls during the course of the election.
- (8) The Central Election Commission shall resolve disputes regarding equality of distribution time for the election campaign on Slovak Radio and Slovak Television, and its ruling in this matter shall be binding.
- (9) Any violation of the rules of conducting the election campaign pursuant to this Act shall be sanctioned pursuant to a special law.^{9b)}

The footnotes referred to in references 9, 9a and 9b shall be:

- „9) Act No. 255/1991 of the National Council of the Slovak Republic governing Slovak Radio as amended.
- 9a) Act No. 254/1991 of the National Council of the Slovak Republic governing the Slovak television as amended.
- 9b) Section 5 paragraph n) of Act No. 463/1991 governing operation of radio and television broadcasting.“

23. In section 24, paragraph 1 the numeral „80“ shall be replaced by numeral „90“.

24. Section 25 including the heading shall be:

**„Section 25
Information for Voters**

The municipality shall determine the time and place of the election in the municipality not later than 25 days before the day of the elections. If there are more election wards in the municipality, it should also be determined which units (section 6, par. 2) or premises (section 10, par. 3) belong to the individual wards. The municipality shall send information containing time of election, election ward and the place of voting to each voter registered in the Register within this time limit; it will also surer the duty of identification of voters with their ID cards."

25. The sentence "The Ward Election Commission shall act accordingly with respect to the case set forth in section 6 paragraph 4" shall be added to section 28, paragraph 3.
26. The word "Slovak" in all its grammatical forms contained in section 32, section 37, section 44 paragraph 1 and its heading and section 45 shall be replaced by the word "Central" in appropriate grammatical forms.
27. The words "and voting slips of political parties pursuant to section 22, paragraph 6" shall be added behind the word "form" in section 34 paragraph 2.
28. The phrase "Registration Form" in section 35 paragraph 2c) shall be replaced by the phrase "political party".
29. The phrase "Registration Forms" in section 35 paragraph 2g) shall be replaced by the phrase "political parties".
30. In section 35, paragraph 1) shall be:
 „h) a review of decisions adopted by the commission and their brief reasoning."
31. In section 35, a new paragraph 3) shall be added:
 „3) Ward Election Commission shall give a counterpart of minutes concerning voting signed by the chairperson of the Election Commission to the member of the commission."
32. The word "Regional" in section 36, paragraph 2 shall be replaced by the word "Central".
33. The last sentence in section 37 shall be omitted.
34. Section 38 shall be omitted.
35. Section 39 including the heading shall be:

„Section 39

The Minutes of the District Election Commission Concerning the Course and Results of Voting in the District

- (1) The District Election Commission shall prepare the minutes concerning the course and results of voting in the district; the minutes shall be executed by the chairperson and the rest of the members of the commission. If any of the members do not approve the minutes, they shall include their reasons.
- (2) The minutes concerning the course and results of voting shall contain:
 - a) the number of election wards in the district and the number of election ward commissions that delivered the results of voting,
 - b) the number of persons registered in the Register in the district,

- d) the number of given envelopes.
 - e) the number of valid votes cast for each political party.
 - f) the number of voters for a political party that have used the right for a preference vote.
 - g) the number of valid preference votes cast for individual candidates by political parties.
 - h) a review of the resolutions adopted by the commission and their brief rationale.
- (3) Upon the execution of both counterparts of the minutes concerning the course and results of voting in the district, the chairperson shall deliver one counterpart of the minutes to the Central Election Commission without undue delay. The remaining election documents shall be delivered for archiving at the district office.
- (4) The District Election Commission shall give the minutes concerning the course and results of voting in the district signed by the chairperson of the commission to the member of the commission."

36. Section 40 shall be omitted.

37. Section 41 and 42 including the headings shall be:

„Section 41

Conditions of Mandate Allocation

- (1) The Central Election Commission shall ascertain how many valid votes have been cast for every political party. The number of valid votes for a coalition of political parties shall be found in cases where paragraph 3 does not apply to the coalition.
- (2) The Central Election Commission shall further ascertain which political party or political movement has received less than five percent of the entire number of valid votes.
- (3) In further findings of election results and allocation of mandates, any political party as stipulated in paragraph 2, as well as the votes cast for them, shall not be taken into consideration. If such a political party is a member of a coalition, all other political parties or political movements are considered as if they submitted the Registration Form separately.
- (4) If the Central Election Commission finds that any political party or political movement has not met the condition pursuant to paragraph 2, it shall decrease the limit from five to four percent.

Section 42

Allocation of Mandates

- (1) The total of valid votes cast for proceeding political parties shall be divided by the number 151 (the number of mandates plus one). The number resulting from this division and rounded to a whole number shall be the republic election number.
- (2) The entire number of valid votes received by a political party shall be divided by the republic election number and the party shall be allocated as many mandates as many times is the republic election number contained in the total of valid votes received by the party.
- (3) If one more mandate than allowed is allocated in such a manner, the redundant mandate shall be deducted from that political party which had the lowest fraction of the division. If the remainder is the same, the mandate shall be deducted from that political party which received the lower number of votes. If the number of votes is the same, it shall be determined by a draw.
- (4) In case that not all the mandates were allocated in this way or in case that the number of registered candidates of a political party shall be lower than the number of mandates that are to be allocated to this political party, then the Central Election Commission shall successively allocate those mandates to those political parties which had the lowest fraction of the division. If the remainder is the same, then the mandate shall be allocated to that political party which received the higher number of votes. If the number of votes is the same, as well, it shall be determined by a draw.
- (5) Candidates within individual political parties shall be allocated mandates in the order in which they are stipulated on the voting slip. However, if at least one tenth of the total number of voters that cast a valid vote for this political party have used their right for a preference vote, the mandate shall be given first to the candidate who received at least 10 percent of the total number of votes cast for the political party. If a party is allocated more mandates because more candidates have fulfilled the

above-mentioned condition, the mandates shall be given to the candidates according to the highest number of received preference votes. If the number of preference votes is equal, the determining factor shall be the order on the voting slip.

(6) Candidates who have not been given a mandate shall become substitutes."

38. Section 43 shall be omitted.

39. Section 44 paragraph 3c) and d) shall be:

- „c) The number of valid votes cast for each political party and for each coalition which each political party gained at least 5 percent of votes of total amount of valid votes, or 4 percent of total amount of valid votes if the procedure was according to section 41, par. 4.
- c) the names of the candidates that were elected, together with the data of the preference voting results, as well as the candidates who became substitutes."

40. Section 44 paragraph 3 shall be:

„(3) The Central Election Commission shall publicise the overall election results after the execution of the minutes concerning the election results. It may publicise the overall results containing the data pursuant to paragraph 2a) to c). At the same time it shall notify the parties of the results of the final order of the candidates after its modification according to the results of preference voting."

41. Section 47 including the heading will be:

„Section 47

New Elections

- (1) If the Constitutional Court of the Slovak Republic rules the elections invalid or cancels them, the Speaker of National Council of the Slovak Republic will announce a new election in the National Council; he will announce the new elections within 30 days following the publication of the ruling of the Constitutional court in the Law Series."

42. Section 48 paragraph 1 shall be:

„(1) If a mandate is vacated during the electoral term of the National Council of the Slovak Republic, the substitute of the same political party shall take the position, whereby the substitute shall be determined by the political party."

43. In section 48, paragraph 2 shall be omitted.

The present paragraphs 3 to 7 shall be renumbered as paragraphs 2 to 6. In the new paragraph 6, the number „6" shall be replaced by the number „5" and the last sentence in the new paragraph 5 shall be deleted.

44. Section 49, paragraph 2 shall be:

„(2) All means of assistance for the District Election Commission shall be provided by the district officer, and all means of assistance for the Central Election Commission shall be provided by the Ministry of the Interior of the Slovak Republic."

45. Section 50 shall be:

„Section 50

Co-operation of State Bodies and Municipalities

State bodies and municipalities shall be obliged to co-operate in the execution of this Act."

46. Section 54, paragraph 1 shall be:

„(1) the Ministry of the Interior of the Slovak Republic shall:

- a) regulate the details concerning the role of municipalities and local bodies in a special ordinance with respect to:
 1. the creation of election wards,
 2. the provision and furnishing of election rooms,
 3. the archiving of election documents.
- b) publish the models of voting forms and provide for a sufficient number of copies of election documents.“

48. Schedules No. 1 and No. 2 shall be omitted.

ARTICLE II

Act No. 99/1963 Coll., Code of Civil Procedure as amended by Act No. 36/1967 Coll., Act No. 158/1969 Coll., Act No. 49/1973 Coll., Act No. 20/1975 Coll., Act No. 133/1982 Coll., Act No. 180/1990 Coll., Act No. 328/1991 Coll., Act No. 519/1991 Coll., Act No. 263/1992 Coll., Act No. 51/1993 of the National Council of the Slovak Republic, Act No. 46/1994 of National Council of the Slovak Republic, Act No. 190/1995 of the National Council of the Slovak Republic, Act No. 232/1995 of the National Council of the Slovak Republic, Act No. 22/1996 of the National Council of the Slovak Republic and Act No. 58/1996 of the National Council of the Slovak Republic and ruling No. 350/1997 of the Constitutional Court of the Slovak republic shall be amended as follows:

Section 200f and 200g including the headings shall be:

Section 200f

Proceeding in Matters relating to the Register and the Lists of Persons Eligible to Vote in the Referendum

- (1) If the municipality fails to correct mistakes of insufficiencies in the lists of voters or the lists of voters eligible to vote in the referendum itself, the affected citizen may file a motion to a district court according to his/her election ward to issue a ruling to realise the correction or amendment of the list.
- (2) The parties to the proceedings shall be the plaintiff and the municipality.
- (3) The court shall decide by the form of resolution within three days from the filing of the motion. The ruling must be delivered to the parties to the proceedings on the day of ruling.
- (4) There shall be no remedy against the ruling of the court.

Section 200g

Proceeding in Matters Concerning the Registration of Registration Forms

- (1) If the appropriate Election Commission, as set by a special law^{34c)}, decided
 - a) about the registration of a Registration Form, the political party may file a motion to the Supreme Court of the Slovak Republic to cancel the registration of the Registration Form.
 - b) about the registration of a Registration Form amended pursuant to a special law^{34c)}, the political party may file a motion to the Supreme Court of the Slovak Republic to issue a ruling leaving the candidate on this Registration Form.
 - c) about the rejection of a Registration Form, the political party may file a motion to the Supreme Court of the Slovak Republic to issue a ruling concerning the registration of this Registration Form.

- (2) The parties to these proceedings shall be the political party and the Central Election Commission.

- (2) The court shall decide without a trial within five days from the filing of the motion.

The footnotes referred to in the references 34c) and 34d) shall be:

„34c) Section 15, paragraph 3d) of Act. No. 80/1990 of the National Council of the Slovak Republic governing elections to the National Council of the Slovak Republic, as amended.

34d) Section 19 of Act. No. 80/1990 of the National Council of the Slovak Republic as amended.“

ARTICLE III

Act. No. 468/1991 governing the operation of radio and television broadcasting in the wording of Act. No. 597/1992, Act. No. 166/1995, Act. No. 325/1993, Act. No. 212/1995, Act. No. 220/1996, Act. No. 160/1997 and Act. No. 283/1997 shall be amended as follows:

1. In section 5, the new letters g) and h) shall be added and they shall be:

- a) to secure that no programs shall be broadcast in contradiction to the laws regulating the rules for the elections to the National Council of the Slovak Republic or the bodies of local government, as well as the rules of the method of execution of a referendum.
- b) to broadcast information on any detected violation of the law or of the conditions of the license in the range, form and time given by the Council for Radio and TV Broadcasting of the Slovak Republic (section 20a).“

2. The heading of Part 6 shall be:

„PART SIX Sanctions“

3. In section 20 a new paragraph 2 shall be added and it shall be:

„(2) If the Council finds that the provider violated duties the stated in section 5 letters a), b), c), g) and h), it can decide on the fines without a previous determination of the time limit for improvement.“

The current paragraphs 2 to 10 shall be marked as paragraphs 3 to 11.

4. In section 20, a new paragraph 5, the first sentence, and letter a) shall be amended as follows:

„A fine of 50,000 SK to 5,000,000 SK can be given to any provider who

- a) broadcasts a program with content in contradiction of the duties of providers stated in section 5, letters a), b), c), g) and h).“

5. Section 20 shall be followed by section 20a and it shall be:

„Section 20a

If any provider violates the duties stated by this law or the conditions of the granted license, the Council shall stop the program which violated the law for one month at most, or it shall order the provider to broadcast information about the detected violation of the law in a range, form and broadcast time determined by the Council. This does not affect the provision of Section 20.“

ARTICLE IV

The following section 9a shall be attached to Act No. 81/1996 in the wording of Act No. 84/1968, Act No. 127/1968, Act No. 99/1969, Act No. 131/1970, Act No. 86/1990 and Act No. 186/1997 governing the periodical press and other information media:

..Section 9a

- (1) Publishers of the periodical press shall ensure that periodicals do not contain information contrary to the laws regulating the rules of elections to the National Council of the Slovak Republic and bodies of self-government, as well as the rules for execution of a referendum.
- (2) If the obligations set out in paragraph 1 are violated, the body stipulated in section 5 paragraphs 3 and 5 may impose a fine from 5,000 SK to 1,000,000 SK on the publisher. The proceedings regarding the imposition of the fine shall be governed by the general regulations of administrative proceedings.
- (3) The fine may be imposed within 15 days from the occurrence of the fact substantiating the imposition of the fine."

ARTICLE V

The president of the National Council of the Slovak Republic shall be authorised to proclaim the full wording of Act No. 80/1990 of the National Council of the Slovak Republic governing elections to the National Council of the Slovak Republic, as amended.

ARTICLE VI

This Act shall come into force on the day of proclamation.