

Date Printed: 01/05/2009

JTS Box Number: IFES_17

Tab Number: 19

Document Title: NO 1311/1998, 981 GOVERNMENTAL PROPOSAL,
LAW, WHICH AMENDS AND SUPPLEMENTS THE LAW

Document Date: 1998

Document Country: SLO

Document Language: ENG

IFES ID: EL00359



* B 1 8 B 0 1 A 4 - 3 6 B 2 - 4 C 1 4 - 8 F E D - 4 D 3 D D A C 1 A D 7 D *

GOVERNMENT OF THE SLOVAK REPUBLIC

For the Meeting of the National Council of the
Slovak Republic

No.: 1311/1998

981

GOVERNMENTAL PROPOSAL

Law,

**which amends and supplements the Law of the Slovak National Council
no. 346/1990 Col., on elections for bodies of local governments of
municipalities, in the wording of later regulations, and on the
amendment and supplementing of some laws**

Draft decision:

The National Council of the Slovak
Republic
a p p r o v e s
the Governmental proposal of the law
which amends and supplements the
Law of the Slovak National Council no.
346/1990 Col., on elections for bodies
of local governments of municipalities,
in the wording of later regulations,
and on the amendment and
supplementing of some laws

Submitted by:

Vladimír Mečiar
Prime Minister of the Government of
the Slovak Republic

Bratislava, April 1998

Draft

D e c i s i o n
of the National Council of the Slovak Republic
dated 1998

G O V E R N M E N T A L P R O P O S A L
on the proposal of the Government of the Slovak Republic for the
accelerated legislative proceeding on the Governmental draft law,
which amends and supplements the Law of the Slovak National Council
no. 346/1990 Col., on elections for bodies of local governments of
municipalities, in the wording of later regulations, and on the
amendment and supplementing of some laws (Print no. 981)

The National Council of the Slovak Republic

in accordance with § 89, Paragraph 1 of the Law of the National Council of the
Slovak Republic, no. 350/1996 Col. of Laws, on the rules of sessions of the
National Council of the Slovak Republic

on the proposal of the Government of the Slovak Republic

a g r e e s that it will discuss the Governmental proposal of the law which
amends and supplements the Law of the Slovak National Council no. 346/1990
Col., on elections for bodies of local governments of municipalities, in the
wording of later regulations, and on the amendment and supplementing of some
laws, in the accelerated legislative proceeding.

for the accelerated legislative proceeding on the Governmental draft law, which amends and supplements the Law of the Slovak National Council no. 346/1990 Col., on elections for bodies of local governments of municipalities, in the wording of later regulations, and on the amendment and supplementing of some laws

The elections for bodies of local governments of municipalities are regulated by the Law of the Slovak National Council no. 346/1990 Col., in the wording of later regulations, which, despite the previous four amendments, does not provide for the protection of the constitutional rights of the citizenry in a satisfactory way.

The Government of the Slovak Republic submits for the meeting of the National Council of the Slovak Republic a draft of another amendment of the above-mentioned law. It mainly contains, in addition to the removal of several shortcomings, the provision for the representation of national minorities and ethnic groups in municipal councils in municipalities and for the judicial protection of electors and candidates for bodies of local governments of municipalities.

The administration of bodies of local governments of municipalities and cities which were elected in 1994 will terminate in November this year and rules for the election of deputies of municipal and city councils must be adapted early enough to provide for the quality of the organisational and technical preparation of the implementation of elections.

For the above-mentioned reasons the Government of the Slovak Republic proposes that the National Council of the Slovak Republic shall discuss the Governmental draft law, which amends and supplements the Law of the Slovak National Council no. 346/1990 Col., on elections for bodies of local governments of municipalities, in the wording of later regulations, and on the amendment and supplementing of some laws in the accelerated legislative proceeding, in accordance with § 89, Paragraph 1 of the Law of the National Council of the Slovak Republic, no. 350/1996 Col. of Laws, on the rules of sessions of the National Council of the Slovak Republic.

NATIONAL COUNCIL OF THE SLOVAK REPUBLIC
ELECTION PERIOD No. 1

981

Governmental Proposal
LAW

dated 1998,

which amends and supplements the Law of the Slovak National Council no. 346/1990 Col., on elections for bodies of local governments of municipalities, in the wording of later regulations, and on the amendment and supplementing of some laws

The National Council of the Slovak Republic decided on the following law:

Article I

Law of the Slovak National Council, no. 346/1990 Col, on elections for bodies of local governments of municipalities in the wording of the Law of the Slovak National Council no. 8/1992 Col., the Law of the National Council of the Slovak Republic no. 60/1993 Col. of Laws, the Law of the National Council of the Slovak Republic no. 252/1994 Col. of Laws, and the Law of the National Council of the Slovak Republic no. 222/1996 Col. of Laws is amended and supplemented in the following way:

1. § 2 has the following wording:

"(1) A citizen of the Slovak Republic who has a permanent address in the municipality and has reached on the date of the elections the minimum age of 18 years has the right to take part in the election of bodies of local governments of municipalities; in Bratislava and Košice, a citizen who has a permanent address in the city part and has reached on the date of the elections the minimum age of 18 years has the right to take part in the election of bodies of local governments of city parts.

(2) An obstacle in the exercise of the right to vote could be one of the following:

- a) the restriction of personal freedom defined by law due to the protection of the health of the people,²⁾
- b) the exercise of the penalty of imprisonment,^{2a)}

- c) the deprivation or limitation of the ability to legal acts.³⁾"

The footnotes to references 2, 2a and 3 have the following wording:

- "2) § 11 of the Law of the National Council of the Slovak Republic, no. 272/1994 Col. of Laws on the health protection of the people,
2a) § 14 of the Law of the National Council of the Slovak Republic, no. 277/1994 Col. of Laws, on health care.
3) Law no. 59/1965 Col., on the execution of imprisonment, in the wording of later regulations.
§ 10 and § 855 of the Civil Code."

2. § 3 has the following wording:

"A citizen who has a right to vote and no obstacles in the exercise of the right to vote according to § 2, Paragraph 2, Letter c) have occurred, can be elected to the position of deputy of a municipal (city) council."

3. § 4 has the following wording:

"A citizen who has a right to vote and no obstacles in the exercise of the right to vote according to § 2, Paragraph 2, Letter c) have occurred, can be elected to the position a mayor of the municipality or, in Bratislava and Košice, to mayor of the city part."

4. The Part Two, including the heading, has the following wording:

"PART TWO

PERMANENT LIST OF ELECTORS

§ 5

Preparation and Maintenance of the Permanent List Of Electors

(1) The municipality, and in Bratislava and in Košice the city part (further referred to as the "municipality" only) will prepare and maintain the permanent list of electors.^{3a)}

(2) The municipality will during the election period identify facts which give reason for changes in the list. It will perform a change in the list on the basis of the following:

- a) its own records,
- b) notification of state bodies,

- c) the results of objection proceedings.

(3) Bodies which decide on the personal condition of citizens or maintain the registration of the personal condition of citizens^{3b)} are obliged to notify the municipalities without any delay of the acquisition and loss of state citizenship, of the death of a citizen or his declaration to a death, of the change in the first name, the family name or the deprivation of the ability to legal acts. The registration office must notify the corresponding city part of the list of citizens who have reached 18 years of age and the change of the permanent address of citizens in Bratislava without delay.

(4) The municipality is obliged to allow a citizen to view the list to satisfy himself as to whether he is recorded in the list and whether the data recorded as regards his person is accurate.

§ 6

Record in the List, Pre-requisites and Alterations of the List

(1) A citizen who has the right to vote (further referred to as the "elector" only) is registered on the list in the municipality according to the location of the permanent address. Each elector can only be registered on one list.

(2) Electors are registered on the list in alphabetic order according to the family name.

(3) For each elector the following will be stated on the list

- a) family name and first name,
- b) birth registration number,
- c) permanent address^{3d)} which, for the purpose of this Law, shall mean the name of the municipality, name of the street, if the municipality is subdivided into streets, and the house no.

(4) The municipality shall amend the list as regards persons, who

- a) acquired state citizenship of the Slovak Republic,
- b) have registered permanent address in the municipality,
- c) reached the age of 18.

(5) The municipality shall cancel from the list persons who

- a) have lost the state citizenship of the Slovak Republic,
- b) have died or were declared dead,
- c) have registered for a permanent address in another municipality, on the basis of the notification of such a municipality.

(6) The municipality shall perform a change in the list for a person who has altered the following

- a) first name or family name,
- b) permanent address within the municipality.

(7) The list must include a section for the correction of faults.

§ 7

Objection Proceeding

(1) During the office hours can each elector check in the municipal office whether he is registered on the list, and can request the amendment of data or the performance of corrections. The municipality is obliged to satisfy the applicant within 48 hours or to notify him within this time limit of reasons why his application cannot be approved.

(2) If the municipality will not remove the faults from or add missing information to the list, the citizen who is affected by this can contact court corresponding to the election precinct with a proposal for issuance of a decision of correction or amendment of the list. Provisions of a special law are applicable for the proceeding.^{3e)} On the basis of the decision of the court the municipality and, on the date of the elections, the precinct election commission, will perform the change in the list.

§ 8

Delivery of the List

(1) The municipality shall deliver to the precinct election commission, at the latest two hours before the beginning of voting, the list of electors who are authorised to vote in its election precinct in two counterparts.

(2) The precinct election commission can add to the list of electors an individual according to § 7, Paragraph 2, as well as an individual who will prove

by his identity card that he has a permanent address in a location which belongs to the election precinct."

The footnotes to references 3a to 3e have the following wording:

- "3a) Law of the National Council of the Slovak Republic, no. 369/1990 Col., in the wording of later regulations.
- 3b) E.g. Law of the National Council of the Slovak Republic, no. 40/1993 Col. of Laws, on the state citizenship of the Slovak Republic, in the wording of later regulations, the Penal Rules, the Civil Rules of the Court, Law of the National Council of the Slovak Republic, no. 154/1994 Col. of Laws, on registrars, in the wording of later regulations, Law no. 59/1965 Col., in the wording of later regulations.
- 3c) § 2, Paragraph 1, Letters a) and c) of the Law no. 135/1982 Col., on the reporting and registration of the addresses of citizens.
- 3d) § 3, Paragraph 2 of the Law no. 135/1982 Col.
- 3e) § 200f of the Civil Rules of Court."

5. § 9, including the heading, has the following wording:

"§ 9 Election District

(1) Each municipality forms one multi-seat election district for the elections to the municipal (city) councils.

(2) Each municipality forms one single-seat election district for the elections of the mayor of the municipality (city).

(3) The number of deputies to be elected in the municipality will be defined by the municipal council⁴⁾ and published 65 days at the latest before the date of election.

(4) In municipalities in which the inhabitants include, in addition to Slovaks, members of minorities and ethnic groups, the municipality will split the number of deputies according to Paragraph 3 in such a way that this split shall correspond to the ratio of Slovaks and individual national minorities and ethnic groups in the municipality according to the results of the latest census of people, houses and apartments.

(5) The procedure according to Paragraph 4 relates to a municipality in which the number of members of a minority or ethnic group according to the results of the latest census of people, houses and apartments is at least 5%,

however not more than 95% of the overall number of inhabitants of the municipality. In a municipality where the number of deputies cannot be split according to Paragraph 4, with regard to the number of deputies which was defined by the municipal council,⁴⁾ members of the minority or ethnic group which include at least 5% of the inhabitants of the municipality, are represented in the municipal council by one deputy.

(6) The provisions of Paragraphs 4 and 5 are equally applicable for a municipality where Slovaks are in minority."

6. In § 11, Paragraphs 1 to 4 have the following wording:

"(1) The Central Election Commission, District Election Commissions and Local Election Commissions are established for elections of bodies of municipal governments.

(2) Precinct Election Commissions are established in Election Precincts.

(3) Any person which has a right to vote can be a member of an election commission. A candidate for deputy of a municipal (city) council or mayor of a municipality cannot be a member of the election commission.

(4) Election commissions will be created from an equal number of representatives of political parties and political movements (further referred to as "political parties" only) under the conditions which are stated in § 12, Paragraph 1; § 13, Paragraph 1; and § 15, Paragraph 1. The first names and family names of representatives and their substitutes, stating their addresses, will be submitted by political parties to the person who is calling the first meeting of the election commission. In the event of sickness, resignation, repeated absence or expiration of the position of a member of an election commission its chairman will summon a substitute according to an order defined by the political party. A withdrawal of the list of candidates by a political party will result in the expiry of membership of representatives of the political party in the corresponding election commission. The position of a member of the election commission will also expire on the date of the delivery to the chairman of the election commission of the written notification by the political party which had delegated him or of the notification of the member of his resignation from his position. The chairman of the election commission will summon a substitute according to an order defined by the political party."

7. In § 11, Paragraph 6, the last sentence has the following wording: "The election commission will prepare minutes from the meeting."

8. In § 11, Paragraph 7, the last sentence has the following wording: "The ballot will be managed by the registrar of the election commission."

9. In § 11, Paragraph 8 has the following wording:

"(8) The Statistics Office of the Slovak Republic will for the preparation of processing and for the processing of results of voting in elections create for the Central Election Commission and district election commission professional (summarising) departments. The employees which are allocated to professional (summarising) departments of election commission will be sworn in in accordance with the wording and in a way stated in Paragraph 5."

10. In § 11, Paragraph 9 is deleted.

11. After § 11, a new § 11a is inserted which, including the heading, has the following wording:

"§ 11a
Registrar of the Election Commission

(1) The registrar of the election commission provides for the organisational and technical issues which relate to the preparation and course of the meeting of the election commission. He also performs the job of professional advisor to the election commission.

(2) The registrar

- a) of the Central Election Commission will be appointed and dismissed by the Government of the Slovak Republic,
- b) of the district election commission will be appointed from employees of the district office and dismissed by the head of the district office,
- c) of the local (city) election commission will be appointed from employees of the municipality and dismissed by the mayor of the municipality,
- d) of the precinct election commission will be appointed from employees of the municipality and dismissed by the mayor of the municipality.

(3) The registrar of the Central Election Commission will be appointed by the Government of the Slovak Republic 70 days at the latest before the date of

elections; registrars according to Paragraph 2, Letters b) to d) must be appointed in satisfactory advance to be able to perform their tasks according to this Law. The registrar has the right to an advisory vote in the meetings of election commissions. The registrars will be sworn in with the procedure and wording stated in § 11, Paragraph 5."

12. § 12 to 18, including the headings, have the following wording:

"§ 12

Central Election Commission

(1) Every political party which delivers lists of candidates for municipal (city) councils in at least one third of the districts of the Slovak Republic, will delegate 30 days at the latest before the date of elections one member and one substitute to the Central Election Commission.

(2) The first meeting of the Central Election Commission will be held within 5 days after the expiry of the time limit stated in Paragraph 1. *This* meeting will be called by the Prime Minister of the Slovak Republic.

(3) The Central Election Commission

- a) will supervise the readiness of election commissions at lower levels to provide for tasks according to this law, as well as the representation of political parties in district election commissions,
- b) will discuss the information of the Ministry of the Interior of the Slovak Republic on the organisational and technical preparation of elections and recommends proposals for the performance of actions,
- c) will discuss information of the Statistical Office of the Slovak Republic on the preparation of project for the technical processing of results of voting in the elections,
- d) will identify and publish the results of the elections,
- e) will prepare the minutes of the results of the elections,
- f) will deliver the documents of the elections for the custody of the Ministry of the Interior of the Slovak Republic.

(4) In the event of the disagreement of a member of the Central Election Commission with a decision of the Central Election Commission *it(he??)* can

deliver a proposal as regards this issue for a judicial decision. An appeal against the decision of the court is not possible.

(5) The Ministry of the Interior of the Slovak Republic will create a professional administration department for assistance in the fulfilment of tasks of the Central Election Commission.

§ 13

District Election Commission

(1) Every political party which delivers lists of candidates for municipal (city) councils in at least one third of municipalities of the district, will delegate 35 days at the latest before the date of elections one member and one substitute to the district election commission.

(2) The first meeting of the district election commission will be held within 5 days after the expiry of the time limit stated in Paragraph 1; the meeting will be called by the head of the district office.

(3) The district election commission

- a) will supervise the readiness of local and city election commissions (further referred to as the "local election commission" only) and of precinct election commission to provide for tasks according to this law, as well as the representation of political parties in them,
- b) will discuss the information of the district office on the organisational and technical preparation of elections in the districts and recommends proposals for the performance of actions,
- c) will discuss information concerning the provision for the activities of its professional (summarising) department,
- d) will prepare the minutes on the course and the results of voting in the district and deliver it to the Central Election Commission,
- e) will deliver the documents of elections for the custody of the district office.

(4) In the event of the disagreement of a member of the district election commission with a decision of the district election commission *it(he??)* can deliver a proposal as regards this issue for a judicial decision. An appeal against the decision of the court is not possible.

§ 14

Local Election Commission

(1) Every political party which delivers lists of candidates for the municipal (city) council, will delegate 55 days at the latest before the date of elections one member and one substitute to the local election commission.

(2) The local election commission must have a minimum of 5 representatives from political parties. If the local election commission will not be established with this number in a way stated in Paragraph 1, the head of district office, on the basis of proposals from political parties, will appoint the remaining members.

(3) The first meeting of the local election commission will be held within 5 days after the expiry of the time limit stated in Paragraph 1; the meeting will be called by the mayor of the municipality.

(4) The local election commission

- a) will examine the lists of candidates and decide on the registration or non-registration of the candidates,
- b) will supervise the readiness of precinct election commissions to provide for tasks according to this law,
- c) will prepare the minutes on the course and the results of voting to the municipal (city) council and elections for the mayor of the municipality,
- d) will issue elected candidates with the certification of the election,
- e) will deliver the documents of elections for the custody of the municipality.

§ 15

Precinct Election Commission

(1) Every political party which delivers lists of candidates for the municipal (city) council , will delegate 20 days at the latest before the date of elections one member and one substitute to the precinct election commission.

(2) The precinct election commission must have a minimum of 5 representatives from political parties. If the precinct election commission will not

be established with this number in a way stated in Paragraph 1, the political parties will delegate the remaining members according to the representation in the local election commission.

(3) The first meeting of the precinct election commission will be held within 5 days after the expiry of the time limit stated in Paragraph 1; the meeting will be called by the mayor of the municipality.

(4) The precinct election commission

- a) will provide for the course of voting, it will especially supervise the correct delivery of voting-papers and supervise law and order in the election room,
- b) will count the votes prepare the minutes on the voting and submit it without any delay to the local election commission,
- c) will deliver the documents of the elections for the custody of the municipality.

§ 16

Lists of Candidates

(1) Lists of candidates for the elections to a municipal (city) council can be delivered by political parties. In addition to them, lists of candidates can be delivered by civil associations,⁴⁾ Matica slovenská^{4b)} (further referred to as the "association" only) and independent candidates.

(2) Lists of candidates will be delivered in two counterparts to the registrar of the local election commission 55 days at the latest before the date of elections. The political parties or associations will deliver the lists of candidates by means of a representative.

(3) The list of candidates contains the following:

- a) the name of the political party or the association,
- b) first name and family name, academic title, age, occupation and permanent address of the candidates and their order in the list of candidates expressed as an Arabic numeral; in a municipality according to § 9, Paragraph 5 also the nationality,
- c) first name and family name of the representative of the political party or the association and his substitute, stating the address; a candidate cannot already be a representative nor a substitute,

d) first name, family name, position and signature of a person who is authorised to act on behalf of the political party or the association.

(4) The list of candidates of an independent candidate contains the first name and family name, academic title, age, occupation, permanent address, signature of the candidate and declaration of his word of honour that he is not a member of a political party; in a municipality according to § 9, Paragraph 5 also the nationality.

(5) A political party or association can state as many candidates in the list of candidates as there are deputies of the municipal (city) to be elected; in a municipality according to § 9, Paragraph 5 it can only state candidates in the list of candidate as there are deputies of the corresponding nationality to be elected, i.e. separately for each nationality.

(6) A signed declaration of the candidate that he agrees to his candidacy and that he did not grant any approval to be stated in another list of candidates, and that no obstacles to eligibility are known to him, must be appended to the list of candidates.

(7) One section of the list of candidates of an independent candidate is the petition^{4c}) signed by the electors which support his candidacy. The required number of signatures according to the size of the municipality is included in the Annex to this Law. The petition must state, with each signature, the first name and the family name of the elector, his birth registration number and permanent address, which should include the name of the municipality, name of the street, if the municipality is split into streets, and the number of the house.

(8) A candidate for deputy of the municipal (city) council must have a permanent address in the municipality in which he candidates.

(9) The registrar will establish whether the submitted lists of candidates comply with the defined requirements. If not, he will notify the representative of the political party, association or the independent candidate of this. The registrar will confirm the delivery of the list of candidates to the representative of the political party, association or the independent candidate.

§ 17

Registration of Candidates

(1) The local election commission will examine the submitted lists of candidates and will not register a candidate,

a) who does not comply with the conditions stated in § 3,

- b) whose proposal comes without an appended declaration according to § 16, Paragraph 6,
- c) who is stated in lists of candidates of several political parties or associations, i.e. in such a list of candidates without an appended declaration according to § 16, Paragraph 6; if the candidate has signed the declaration to several lists of candidates, therefore this will delete him from all lists of candidates,
- d) who comes above the maximum defined number according to § 16, Paragraph 5,
- e) who does not have a permanent address in the municipality in which he candidates (§ 16, Paragraph 8)
- f) if a petition according to § 16, Paragraph 5 is missing or incomplete,
- g) who is stated in a list of candidates which does not comply with the requirements of this Law.

(2) The local election commission will register candidates 45 days at the latest before the date of elections and mark the registration of candidates in the list of candidates. The registration of candidates is the condition for the printing of voting-papers.

(3) The registrar of the local election commission will within 24 hours of the date of the decision of the local election commission deliver the decision according to Paragraphs 1 and 2 to the political party, association and independent candidate.

(4) Candidating political parties, associations and independent candidates can submit against the decision of the local election commission on the registration or non-registration of a candidate a proposal for the issuance of the decision on the registration of the candidate to the court. The proposal must be delivered within three days of the decision of the local election commission. No appeal is possible against the decision of the court.

(5) If the court decides on the registration of a candidate or the cancellation of the registration of a candidate, the local election commission shall execute the decision of the court within 24 hours.

§ 18

Declaration of Candidacy

(1) The local election commission will 35 days at the latest before the date of elections publish the list of registered candidates in a way which is common in the location. The list shall state the first name, family name, academic title, age,

occupation, permanent address of the candidate and the name of the political party or association which proposed the candidate or data that it is an independent candidate and his nationality.

(2) In a municipality according to § 9, Paragraph 5 it will publish the list of registered candidates separately according to the nationality."

The footnotes to references 4a, 4b and 4c have the following wording:

"4a) § 2 of the Law no. 83/1990 Col., on the association of the citizenry.

4b) Law no. 68/1997 Col. of Laws, on Matica slovenská.

4c) Law no. 85/1990 Col., on petition rights."

13. In § 19, Paragraph 1, the words "coalition of political parties which have candidated him" are replaced by the words "association which has candidated him".

14. In § 19, Paragraph 3 has the following wording:

"(3) If the declaration of the resignation of or the cancellation of the candidacy was made after the registration of candidates or if the political party has folded or its activities suspended^{4d)} or the association has folded^{4e)} following the registration of candidates, their data will remain on the voting-paper, but they will not be reflected by the allocation of mandates.

The footnote to reference 4c) has the following wording:

"4d) § 12 to § 16 of the Law no. 424/1991 Col., on the association in political parties and political movements, in the wording of later regulations.

4e) § 12 of the Law no. 83/1990 Col., in the wording of later regulations.

15. In § 20, Paragraphs 2 to 4 have the following wording:

"(2) The voting-paper is common for all registered candidates.

(3) The voting-paper shall state the names of political parties or associations which submitted a list of candidates under which their registered candidates are listed in alphabetic order, stating the numerical order, family name, first name, academic title, age and occupation. Also data will be shown stating an independent candidate. The order of publishing of political parties and independent candidates on the voting-paper will be defined by a ballot in the election commission. On the voting-paper in a municipality according to § 9, Paragraph 4 and 5, the number of deputies will be divided, the candidates will be stated separately according to nationality, and their number must correspond to

the number of deputies according to § 9, Paragraph 4 and 5. The voting-paper must also include the number of members of the municipal (city) council who are to be elected.

(4) All candidates and data on them must be stated on one side of the voting-paper only. The voting-papers are marked with the stamp of the municipality at the end of the list of candidates."

16. In § 21, Paragraphs 1 to 3, including the heading, have the following wording:

"§ 21 Lists of Candidates

(1) Lists of candidates for the elections of the mayor of a municipality (city) can be delivered by political parties or associations. Each political party or association can state in the list of candidates only one candidate. Political parties and associations can submit a list of candidates with a common candidate. Lists of candidates will be delivered in two counterparts to the registrar of the local election commission 55 days at the latest before the date of elections. The political parties or associations will deliver the lists of candidates by means of a representative.

(2) Independent candidates can also candidate for the position of a mayor. The independent candidate shall deliver his list of candidates in two counterparts to the registrar of the local election commission 55 days at the latest before the date of elections. One section of the list of candidates of an independent candidate is the petition^{4c)} signed by the electors which support his candidacy. The required number of signatures according to the size of the municipality is included in the Annex to this Law. The petition must state, with each signature, the first name and the family name of the elector, his birth registration number and permanent address, which should include the name of the municipality, name of the street, if the municipality is split into streets, and the number of the house.

(3) The list of candidates should include the first name, family name and academic title, age, occupation, permanent address of the candidate and the name of the political party or association which proposed the candidate or data stating that it is an independent candidate; an independent candidate shall append and a declaration of his word of honour that he is not a member of a

political party. A declaration according to § 16, Paragraph 6 will be appended to the list of candidates.

(4) A candidate for the mayor of the municipality (city) must have a permanent address in the municipality in which he candidates.

(5) The registrar will establish whether the submitted lists of candidates comply with the defined requirements. If not, he will notify the representative of the political party, association or the independent candidate of this. The registrar will confirm the delivery of the list of candidates to the representative of the political party, association or the independent candidate."

17. § 22, including the heading, has the following wording:

§ 22

Registration of Candidates

(1) The local election commission will examine the submitted lists of candidates and not register a candidate,

- a) who does not comply with the conditions stated in § 3,
- b) whose proposal comes without the appended declaration according to § 16, Paragraph 6,
- c) if a petition according to § 21, Paragraph 2 is missing or incomplete,
- d) who does not have a permanent address in the municipality in which he candidates (§ 21, Paragraph 8),
- e) who is stated in a list of candidates which does not comply with the requirements of this Law.

(2) The provisions of § 17, Paragraphs 3 to 5 are equally valid."

18. In § 23, the words "§ 18" are replaced by the words "§ 18, Paragraph 1".

19. In § 24, Paragraphs 2 and 3 have the following wording:

"(2) A voting-paper will be prepared for the elections of the mayor of a municipality in which the registered candidates will be stated in alphabetic order. For candidates, the following will be stated: the sequential number, first name and family name, academic title, age, occupation and the name of the political party or association which delivered the list of candidates or data stating that it is an independent candidate.

(3) The provisions of § 20, Paragraphs 4 to 6 are equally valid."

20. In § 25, Paragraph 3, the number "70" is replaced by the number "90" and the reference "4a)" by the reference "5)".

21. § 30, including the heading, has the following wording:

"§ 30
Election Campaign

(1) The period of the election campaign according to this Law shall mean the period starting 25 days and ending 48 hours before the start of elections.

(2) The election campaign by means of radio or television broadcasting is prohibited, except for radio or television broadcasting whose operator, on the basis of a license is the municipality. If the municipality will allow to maintain the election campaign by means of its radio or television broadcasting it is obliged to provide equal conditions for all candidating political parties, associations or independent candidates. Local radio, except for the notification of the holding of election assemblies, cannot be used for the election campaign.

(3) Election posters during the election campaign can only be put up in places reserved by the municipality and the reserved area must correspond to the principles of the equality of candidates. The municipality will limit the places for the securing of election posters by a generally binding decree. The securing of election posters is prohibited in other places. The municipality will recourse a breach of the generally binding decree according to a special law.^{5a)}

(4) Any canvassing is prohibited forty-eight hours before the start of elections and on the date of elections.

(5) A breach of the prohibition according to Paragraph 2 and 4 by the municipality will be recourse according to a special law.^{5b)}

(6) Members of election commissions and staff of their professional (summarising) departments may not provide information on the course and results of elections until the signing of protocols on the results of voting."

The footnotes to references 5a) and 5b) have the following wording:

"5a) § 13a of the Law of the Slovak National Council, no. 369/1990 Col., on the municipal establishment, in the wording of later regulations.

5b) § 5, Paragraph 1, Letter a) of the Law no. 468/1991 Col., on the operation of radio and television broadcasting."

22. In § 31, Paragraph 2, the following sentence is added to the end: "The precinct election commission will allow an elector who came to the election room and by whom the obstacle in the exercise of the voting right according to § 2, Paragraph 2 has expired, to perform the voting."

23. In § 31, Paragraph 3, the words "missing, crossed-out or others" are deleted.

24. In § 31, Paragraph 4 has the following wording:

"(4) Following the taking-up of the envelope and voting-papers the elector shall enter the area which is designated for the adjustment of voting papers. The elector will in this area insert into the envelope the voting-paper for elections to the municipal council and the voting-paper for the elections of the mayor of the municipality. The elector will mark on the voting-paper for elections to the municipal council by encircling the political party or association for which he votes. Thus the elector will give his vote to all candidates of the marked party or association. The elector can, by encircling, mark also individual candidates for which he votes; he can encircle a maximum number of candidates which are to be elected in the municipality. In a municipality according to § 9, Paragraph 5 he can encircle such a maximum number of candidates which is to be elected for individual nationalities. It is not allowed to combine voting for political parties or associations and for individual candidates. On the voting-paper for the elections of the mayor of the municipality he will mark by encircling the sequential number of the candidate for which he votes."

25. In § 31, Paragraph 6, Sentence two, the words "*with* voting-papers" are inserted after the words "the election box".

26. In § 34, Sentence one, the words "following the agreement with the local election commission" are deleted.

27. In § 36, the word "(summarising)" is inserted after the word "professional".

28. In § 38, Paragraph 1, Letter b) has the following wording:
"b) which is not regulated according to § 31, Paragraph 4,".

29. In § 38, Paragraph 1, Letter c), the words "in the election district" are deleted.

30. In § 38, Paragraph 2 is inserted after Paragraph 1, with the following wording:

"(2) In municipalities according to § 9, Paragraph 5, the validity of the voting-paper will be assessed separately for each nationality with a procedure according to Paragraph 1."

The existing Paragraphs 2 to 4 are marked as Paragraphs 3 to 5.

31. In § 39, Paragraph 2, Letter e), the following words are added at its end: "in a municipality according to § 9, Paragraph 5 separately according to the nationality."

32. In § 39, Paragraph 2, Letter g) has the following wording:
"g) survey of decisions which were adopted by it and their brief substantiation."

33. In § 41, Paragraph 1, the words "results of voting in individual election districts and" are deleted.

34. In § 41, Paragraph 2, the word "(summarising)" is inserted after the word "professional".

35. § 42 is deleted.

36. In § 43, Paragraph 2, the Letter a) is deleted.

The existing Letters b) to k) are marked as Letters a) to j).

37. In § 43, Paragraph 2, Letter f) has the following wording:
"f) the names of candidates which were elected to the municipal (city) council, the name of the political party or association which proposed them, or data showing them as independent candidates; in municipalities according to § 9, Paragraph 5, separately according to nationalities."

38. In § 43, Paragraph 2, Letter g), the following words are added at its end: "in a municipality according to § 9, Paragraph 5 separately according to the nationalities,".

39. In § 43, Paragraph 2, Letter i) has the following wording:

"i) the name of the elected mayor of the municipality, the name of political party or association which proposed him, or data showing him as an independent candidate,".

40. In § 43, Paragraph 2, Letter j) has the following wording:

"j) survey of decisions which were adopted by it and their brief substantiation.".

41. § 44, including the heading, has the following wording:

"§ 44 Results of Elections

(1) Candidates who acquired the highest number of votes will be elected as deputies of the municipal (city) council.

(2) If in the last position two or more candidates of the same political party or association acquire the same number of votes, the first candidate in the order stated in the list of candidates of the corresponding political parties or association will be elected as deputy.

(3) If it cannot be established who was elected as deputy of the municipal (city) council according to Paragraph 2, because these are candidates of different political parties or associations or independent candidates, the local election commission will identify the deputy among them by a draw.

(4) In municipalities according to § 9, Paragraph 5 the establishment according to Paragraphs 1 to 3 will be performed separately for each nationality.

(5) The candidate which acquires the highest number of valid votes will be elected as mayor of the municipality. By the equality of votes, new elections will be performed (§ 48).".

42. In § 46, Paragraph 3, Letter c) has the following wording:

"c) the number of elected deputies to the municipal (city) council according to individual political parties, independent candidates and in the summary for associations,".

43. In § 46, Paragraph 3, a new Letter e) is inserted after Letter d), which has the following wording:

"e) a list of municipalities in which the municipal (city) council was elected according to § 9, Paragraphs 4 and 5,".

The existing Letter e) is marked as Letter f).

44. In § 46, Paragraph 3, Letter f) has the following wording:

"f) the number of elected mayors of municipalities according to individual political parties, associations and independent candidates,".

45. In § 47, Paragraph 3, Letter c) has the following wording:

"c) the overall number of elected deputies to the municipal (city) council according to individual political parties, independent candidates and in the summary for associations,".

46. In § 47, Paragraph 3, a new Letter d) is inserted after Letter c), which has the following wording:

"d) number of municipalities in which the municipal (city) council was elected according to § 9, Paragraphs 4 and 5,".

The existing Letters d) and e) are marked as Letters e) and f).

47. In § 47, Paragraph 3, Letter f) has the following wording:

"f) the number of elected mayors of municipalities according to individual political parties, associations and independent candidates,".

§ 48

New Elections

(1) The Chairman of the National Council of the Slovak Republic shall declare new elections

- a) if in any municipality the elections were for any reason according to this Law not performed,
- b) if the constitutional Court shall declare the invalidity of elections or cancel the results of elections,
- c) in the event of the election of a mayor of a municipality if candidates will obtain the same number of votes (§ 44, Paragraph 5),
- d) if a post in the municipal (city) council was vacated and there is no substitute for this job (§ 51, Paragraph 1) or the job of the mayor was vacated,
- e) if a new municipality was established.^{5a)}

(2) If facts emerged according to Paragraph 1, Letter a), the Chairman of the National Council of the Slovak Republic shall declare new elections within 14 days of the publishing of results by the Central Election Commission.

(3) If a new municipality is to be established during the election term^{5a)} new elections for the municipal (city) council and the mayor of the municipality shall be performed. The tasks which are imposed by this Law on the municipality or the mayor of the municipality shall be, for the newly established municipality, performed by the municipal (city) council of the divided municipality or by the municipal (city) council of the merged municipalities

(4) Municipalities shall deliver applications for the declaration of new elections to bodies of municipal governments according to Paragraph 1, Letter d) to the Chairman of the National Council of the Slovak Republic by means of the Ministry of the Interior of the Slovak Republic.

(5) Provisions on time limits will be accordingly applied for new elections.

(6) New elections shall not be declared in the last six months of the administration^{5c)} of bodies of local governments of municipalities.¹⁾".

The footnotes to references 5a and 5b have the following wording:

"5a) § 2, Paragraphs 2 and 3 of the Law of the National Council of the Slovak Republic, no. 369/1990 Col.

5b) § 11, Paragraph 1, and § 13, Paragraph 1 of the Law of the National Council of the Slovak Republic, no. 369/1990 Col."

32. In § 51, Paragraph 1, the following words are added at the end of Sentence one: "; in a municipality according to § ??, Paragraph 5, a substitute candidate which acquired the highest number of votes and has the same nationality as the deputy who has been vacated, will take the job of the deputy of the municipal council."

50. In § 51, Paragraph 3 is deleted.

51. § 5š, including the heading has the following wording:

"§ 53

Co-operation of Other Bodies and Individuals

State bodies and municipalities are obliged to co-operate with the application of this Law.

52. § 58 is deleted.

53. In § 61, Paragraph 1 is supplemented with Letter d) which has the following wording:

"d) shall define the requirements of the proposals of municipalities for the declaration of new elections."

54. The words "the Slovak Election Commission", in all forms, are replaced throughout the whole text of the Law by the words "the Central Election Commission", and the words "the Slovak Statistical Office" are replaced throughout the whole text of the Law by the words "the Statistical Office of the Slovak Republic".

Article II

The Law of the National Council of the Slovak Republic no. 369/1990 Col., on municipal arrangement, in the wording of the Law of the Slovak National Council Law no. 96/1991 Col., the Law of the Slovak National Council no. 130/1991 Col., the Law of the Slovak National Council no. 421/1991 Col., the Law of the Slovak National Council no. 500/1991 Col., the Law of the Slovak National Council no. 564/1991 Col., the Law of the Slovak National Council no. 11/1992 Col., the Law of the Slovak National Council no. 295/1992 Col., the Law of the National Council of the Slovak Republic no. 43/1993 Col. of Laws, the Law of the National Council of the Slovak Republic no. 252/1994 Col. of Laws, the Law of the National Council of the Slovak Republic no. 287/1994 Col. of Laws, and the Law of the National Council of the Slovak Republic no. 229/1997 Col. of Laws is amended and supplemented in the following way:

1. In § 11, a new Paragraph 2 is inserted after Paragraph 1, with the following wording:

"(2) The job of a deputy of a municipal council is incompatible with the job of the following:

- a) mayor of the municipality,
- b) an employee of a professional organisation of the municipality in whose body he has to be elected, or,
- c) other jobs if it is defined by a special law.^{10a)}".

The existing Paragraphs 2 and 3 are marked as Paragraphs 3 and 4.

The footnote to reference 10a) has the following wording:

"10a) E.g. the Law of the National Council of the Slovak Republic, no. 346/1996 Col. of Laws, on prosecutions, in the wording of later regulations.

2. In § 13, a new Paragraph 2 is inserted after Paragraph 1, with the following wording:

"(2) The job of the mayor is incompatible with the following:

- a) the job of a deputy of the municipal council,
- b) the job of an employee of a professional organisation of the municipality in whose body he has to be elected, or,
- c) other jobs if it is defined by a special law.^{10a)}".

The existing Paragraphs 2 to 5 are marked as Paragraphs 3 to 6.

"§ 13a

(1) The mandate of the mayor will terminate

- a) with the rejection to swear in or when swearing in with reservations,
- b) on the expiry of the administration period (§ 13 Paragraph 1),
- c) with his resignation from the job,
- d) as a result of sentencing due to a deliberate criminal act,
- e) as a result of being judged incapable of or with a limited capability in performing legal acts,
- f) by a change in his permanent address to one outside the municipal zone; in cities according to § 22, Paragraph 8, also in the event of change of his permanent address to one outside the zone of the city area in which he exercises his job,
- g) as a result of the merger, split or cancellation of the municipality,
- h) with his death.

(2) Resignation from the job must be in writing and it shall be effective following its delivery to the municipal office. Resignation from the job cannot be revoked.

(3) The court shall notify the municipality of the facts according to Paragraph 1, Letters d) and e).

4. In § 25, Paragraph 2 has the following wording:

"(2) The rejection to swear in or swearing in with reservations shall mean the expiry of the mandate. The mandate of the deputy shall also expire as a result of the following:

- a) his resignation from the job,
- b) if he was sentenced due to a deliberate criminal act,
- c) if he was being judged incapable of or with a limited capability in performing legal acts,
- d) if he changes his permanent address to one outside the municipal zone; in cities according to § 22, Paragraph 8, also in the event of a change in his permanent address to one outside the zone of the city area in which he exercises his job,
- e) if he, without serious reason and excuse, does not participate in three subsequent meetings of the municipal council,
- f) if he is incapable of participating in the meetings of the municipal council for a period of one year,
- g) as a result of the merger or split of the municipality following the elections of the new municipal council or the cancellation of the municipality,
- h) his death."

Article III

The Law no. 99/1963 Col., Civil Rules of the Court, in the wording of the Law no. 36/1967 Col., Law no. 158/1969 Col., Law no. 49/1973 Col., Law no. 20/1975 Col., Law no. 133/1982 Col., Law no. 180/1990 Col., Law no. 328/1991 Col., Law no. 519/1991 Col., Law no. 263/1992 Col., the Law of the National Council of the Slovak Republic no. 5/1993 Col. of Laws, the Law of the National Council of the Slovak Republic no. 46/1994 Col. of Laws, the Law of the National Council of the Slovak Republic no. 190/1995 Col. of Laws, the Law of the National Council of the Slovak Republic no. 232/1995 Col. of Laws, the Law of the National Council of the Slovak Republic no. 22/1996 Col. of Laws, the Law of the National Council of the Slovak Republic no. 58/1996 Col. of Laws, the Law of the National Council of the Slovak Republic no. 281/1996 Col. of Laws and the Law no. 211/1997 Col. of Laws is amended in the following way:

§ 200f and § 200g have the following wording:

"§ 200f

Proceedings in Issues of Lists of Electors and Lists of Authorised Persons for Voting in a Referendum

(1) If the municipality does not remove the faults or shortcomings from the lists of electors or from lists of authorised persons for voting in a referendum, the citizen who is affected by this can contact the court which corresponds according to the election precinct, with a proposal for the issuance of a decision of correction or the amendment of the list.

(2) The plaintiff and the municipality are participants in the proceeding.

(3) The court shall make a decision as regards the resolution without a hearing within three days of the delivery of the proposal. The decision must be delivered to the participants on the date of the decision.

(4) No recourse is possible against the decision of the court.

§ 200g

Proceedings in Issues of Registration of Lists of Candidates

(1) If the election commission decides on the registration of a candidate or non-registration of a candidate for elections to bodies of local governments of municipalities, the political party, association or the independent candidate can within 24 hours of the delivery of the decision of the local (city) election commission contact the court with a proposal for the issuance of a decision on the cancellation of the registration of the candidate or with the proposal on the issuance of the decision on the registration of the candidate.

(2) The political party, association or the independent candidate and the local election commission are participants in the proceeding.

(3) The court shall make a decision as regards the resolution, i.e., within three days of the delivery of the proposal..

(4) No recourse is possible against the decision of the court."

Article IV

The law no. 468/1991 Col., on the operation of radio and television broadcasting, is supplemented in the following way:

"In § 5, Paragraph 1, Letter a), the following words are appended at the end: "and by laws which regulate the rules of elections to the National Council of

the Slovak Republic, bodies of territorial governments as well as the rules of the methods of the performance of a referendum."

Article V

The Chairman of the National Council of the Slovak Republic is authorised to declare the full wording of the Law of the Slovak National Council no. 346/1990 Col., on elections for bodies of local governments of municipalities, as results from the later amendments and supplements.

Article VI

This Law is valid as of the date of its declaration.

**Minimum Number of Signatures of Electors which Support the
Candidacy of Independent Candidates for Elections to Bodies of
Municipal Governments**

Municipality with number of inhabitants	Number of signatures of electors in the petition
up to 100	10
101 - 500	20
501 - 2,000	50
2,001 - 10,000	100
10,001 - 20,000	200
20,001 - 30,000	300
For each, even started 10,000	another 100

Following this it is proposed to regulate in Article III the proceeding in issues of the registration of the list of candidates, especially its classification within the regulation of the Civil Rules of the Court, the time limit for the delivery of proposals, participants of the proceeding and the method of decision.

The amendment deals in Article II of the proposed Law with the Law of the National Council of the Slovak Republic, no. 369/1990 Col., on the municipal arrangement, in the wording of later regulations, in such a way that the existing regulation of the incompatibility of the mayor's and deputy's job shall be classified within the regulation of the municipal arrangement where it belongs from the point of view of relevancy and system.

Following the detailed regulation of new elections it was necessary to open up the valid legal regulation of the expiry of the mandate of the mayor and deputy to be able to define in an unambiguous manner when new elections shall be declared. Thus, Article II reacts to the needs of practice and is mainly based on the position presented by the Association of Cities and Municipalities of Slovakia.

With regard to the experiences of the last elections, the draft law addresses the issue of breaching the rules of the election campaign by operators of radio and television broadcasting. It is prohibited to organise this campaign via all other mediums of such type except for municipalities. Another form of election campaign, such as the positioning of election posters, is also regulated by the proposed law.

The draft law is in accordance with the Constitution of the Slovak Republic, other laws and international contracts and agreements by which the Slovak Republic is bound.

SUBSTANTIATION REPORT

General part:

The submitted draft law is based on knowledge acquired from the preparation and course of elections in 1994. Its task is mainly to provide for the participation of minorities in representative corps at the basic level of territorial governments, i.e. in municipalities. For this reason, a special legal regime is established for elections of deputies of a municipal (city) council in municipalities in which the population consists of Slovaks and of 5 to 95% members of a minority or ethnic group. It also reacts to shortcomings and concerns identified by the last elections and proposes a solution for their removal. This is mainly an issue in the preparation and maintaining of lists of electors. It embeds that permanent lists of electors are prepared and currently maintained by the municipality. It also specifies the documents on the basis of which has the municipality to perform these activities. It imposes the obligation of co-operation by the performance of this task to state bodies and citizens, and precisely states the data which the list of electors has to include. The proposal embeds the reasons on the basis of which the municipality shall add people to the lists of electors, reasons for crossing them of the list and reasons for performing changes in the list of electors. It allows citizens, according to the proposed regulation, to view the list of electors at any time, i.e. not only within the time limit defined for the display of lists of electors before the elections take place.

In accordance with Article 30 of the Constitution of the Slovak Republic which embeds the political rights of citizens of the Slovak Republic and, among them, the right to vote, the regulation of obstacles by the exercise of the voting right is detailed.

Another important change consists of a difference from the existing legal regulation, the political party, association or independent candidate can submit a proposal against the decision of the local election commission on the registration or non-registration of a candidate for its change to the corresponding district court. The proposed regulation is based mainly on the fact that election bodies are established ad hoc of representatives of candidating political entities, therefore it is more suitable that the survey of decisions of a local election commission with regard to the registration of candidates shall be performed by an independent body - the corresponding district court.

COMPATIBILITY CLAUSE

of the Draft Law with the Law of the European Union

1. Designer of the Law:

THE GOVERNMENT OF THE SLOVAK REPUBLIC

2. Name of the Draft Law:

Law which amends and supplements the Law of the Slovak National Council, no. 346/1990 Col., on elections for bodies of local governments of municipalities, in the wording of later regulations, and on the amendment and supplementing of some laws

3. The issue of the draft law is, in the law of the European Union, regulated in the following documents:

Agreement on the Protection of Human Rights and Fundamental Freedoms no. 5, dated 04.11.1950 (Article 3 of the Supplementary Protocol on the Agreement, dated 20.03.1952).

4. The draft law, with its issues:

is not included in the following

- in the areas of precedence of the approximation of law (Article 70, of the European Agreement on the Association)
 - preferences recommended in the White Book
-

5. Description of the legal standards of the European Union which regulate the issues of the draft law:

The Agreement on the Protection of Human Rights and Fundamental Freedoms is the fundamental document which addresses the field of human rights and fundamental freedoms. It is the first international document in the field of human rights which strives for the protection of a broad range of civil and political rights in the form of a legally binding agreement and by introducing the system of control of the implementation of rights at an intranational level on the basis of the right for individual complaints.

6. Expression of the level of compatibility of the draft proposal with the legal standard of the European Union:

F - Fully compatible

The implementation of the submitted draft law will not require any further demand on expenses of the state budget in excess of the existing financial provision for the election to the bodies of municipal governments.

Special Part:

On Article I:

On Clause 1: It is specified in accordance with Article 30 of the Constitution of the Slovak Republic. The condition of its application is the state citizenship of the Slovak Republic and the achievement of the defined age. Therefore other facts which disable this exercise are included in the obstacles of the exercise of voting rights.

On Clause 2: In accordance with the proposed § 2, Paragraph 2, the passive voting right is specified with regard to obstacles of the voting right which disable the ordinary performance of the job for which the citizen candidates.

On Clause 3: The proposed wording reacts to obstacles of the voting right. With regard to elections to bodies of governments of city parts in Bratislava and Košice conditions for the candidacy for the job of mayor of a city part are explicitly defined.

On Clause 4: The obligation of municipalities and, in Bratislava and Košice, also of city parts, to maintain the permanent list of electors is defined. Thus, the proposed change reacts to the existing regulation and practice which imposed on the municipality the requirements of preparing the list of electors only before the term of elections. This procedure did not work and showed a substantial level of faults at the last elections.

The province of the preparation and maintenance of the list of voters is still left to the municipalities, but the proposal underlines the fact that it should be an uninterrupted registration of electors (permanent lists of electors). This also relates to the obligation of the municipality to currently identify facts which can cause changes in the list of electors and to perform such changes. For the facilitation of this task, an obligation is designated to state bodies, i.e. to notify municipalities of data defined by the law which cause changes in the list of electors.

The amendment of the election law no longer upholds the display of the lists of electors. It is both a reaction with regard to the protection of the citizenry against the non-substantiated publishing of their personal data and to experiences during elections when displayed lists were torn down in houses and citizens did not know if they were or were not on the electoral roll. However, the citizen can at anytime establish in the municipal office whether he is stated in the list of electors.

The proposal is for the precise definition of what must be included in the list of electors as well as the events when a person must be recorded in or crossed off, or to perform a change on the basis of other facts defined by the law.

The elector can still object to inaccuracies stated in the list of electors. In addition to changes in the formulation, the time limit for the municipality to decide of on objection is reduced from three days to 48 hours.

On Clause 5: Due to the need to address the issue of minorities and ethnic groups in the municipal government it is proposed in municipalities whose population consists of at least 5% but not more than 95% of a minority or ethnic group, to adjust the election system in such a way that each municipality forms for the elections of deputies one multi-mandate election district. The majority system is still maintained. A special legal regime for municipalities with mixed nationalities is proposed in Paragraphs 4 and 5, so that the number of deputies which are to be elected is divided into two groups so that this distribution represents the composition of inhabitants from the point of view of nationalities. It is also proposed to reflect the position of Slovaks, as members of the state-forming nation in those municipalities where they are a minority compared to members of minorities.

On Clause 6: The creation of election bodies is adjusted. Due to the establishment of the independent Slovak Republic the name of the Slovak Election Commission is changed to the Central Election Commission. With regard to the experiences of the last elections the procedure as regards the expiry of membership in the election commission due to the withdrawal of the list of candidates is unambiguously defined so that there will be no differences in the interpretation of this procedure.

On Clause 7: The wording of the Law is specified with regard to activities of commissions.

On Clause 8: The proposal reacts with regard to recommendations from the last elections.

On Clauses 9 and 10: It specifies the classification of staff of statistics with regard to election bodies to respect their labour law position.

On Clause 11: It specially regulates the method of establishment, scope of activities and the position of the registrar of the election commission. For all levels of election bodies it is anticipated that he will be nominated from state officials of the Ministry or a district office or municipal officials.

On Clause 12: The province of the Central Election Commission, district election commissions, local election commissions and precinct election commissions is newly regulated. The proposal consists of the reflection of the position of election bodies in the course of elections to describe their primary role, i.e. public control of the right to general, equal and direct elections guaranteed by the Constitution. Some provinces follow the tasks which are an obligation of state bodies and the election commissions have the opportunity to discuss these tasks and recommend for them proposals for the performance of measures of various characters.

The range of activities which candidates can propose is extended by civil associations and Matica slovenská. This will provide for as broad a participation of the population in the administration of public issues as possible.

The proposed change, i.e. that lists of candidates of political parties and independent candidates have a uniform name, reacts to the requirements of the existing practice, i.e. to avoid delivery of proposals with different names.

The regulation eliminates doubts on the delivery of the list of candidates by means of mail or on the compliance with the defined time schedule.

The regulation embeds the obligation to state the academic title of the candidate in the list of candidates which is a reaction to requests from

candidates. In addition to this, by stating the academic title candidates will be in many events better identified.

The required number of signatures on a petition is proposed to be stated in the annex to the Law differentiated according to the size of the municipality, reflecting municipalities with a low number of inhabitants.

The supplementing of the reference in the footnote has a nature of specification of requirements of a petition in accordance with the law to eliminate potential shortcomings de jure.

The proposed regulation of § 17 and § 22 removes the opportunity for duplicity or the repeated survey of lists of candidates by various levels of election bodies. The decision on registration is delegated to the exclusive province of the local election commission with the opportunity for its survey by an independent body - the corresponding district court.

On Clause 13: With regard to the extension of entities which can submit lists of candidates, the existing wording is specified.

On Clause 14: The regulation reacts to the potential cancellation of a political party or suspension of its activities following the registration of its lists of candidates, the fact of which was not considered by the existing regulation.

On Clauses 15 and 19: The contents of voting-papers are strictly adapted to provide for a sufficient document for the decision-making of a citizen.

A regulation for municipalities with a mixed population is supplemented in such a way that the voting-paper is divided in two parts where each part represents candidates for deputies which are to be elected according to the ratio of the population.

It also reacts to knowledge from the last elections which consists of reservations about the two-sided printing of voting-papers which reputedly could cause the omission of candidates on the reverse side of the voting-paper. Therefore the proposed regulation explicitly imposes that state data on candidates is printed on one side of the voting-paper only.

On Clauses 16 and 17: The proposed regulation is based on the same knowledge and reasons as in Clause 12, with regard to the lists of candidates and the registration of candidates for deputies of municipal councils.

On Clause 18: The change represents the regulation on the basis of the proposed wording.

On Clause 20: Due to the need for the proper preparation of elections, with regard to the experiences of the last elections, the time from the declaration of elections till their performance is extended. Thus, a sufficient space, mainly for the preparation, survey and registration of lists of candidates, is created.

On Clause 21: The conditions of the election campaign are equal for all candidating political parties. It limits the time of the election campaign, access to municipal broadcasting, the co-operation of the municipality with candidating political parties in the election campaign, as well as the prohibition of such campaigns immediately before the elections and during the elections. The co-operation of the municipality is also extended for the definition of the location for putting up of election posters. This should provide for the prohibition of putting up posters everywhere and thus avoid the pollution of the municipality. It also defines the opportunity for the use of sanctions, i.e. against political entities or other legal entities by means of the Law on the municipal arrangement and, in the event of a breach of the law by the municipality or other operator of radio and television broadcasting by means of the Board of the Slovak Republic for Radio and Television Broadcasting. The prohibition of providing information on the course and partial results of elections relates not only to members of election commissions but also to the staff of their professional summarising departments.

On Clause 22: The regulation reflects the active voting rights of the electors after the obstacle in the exercise of the voting rights during election days expires.

On Clause 23: Due to the fact that the elector shall receive the voting-papers only in the election room and shall adjust them in a room which is designated for rgis purpose, the provision for the opportunity to issue him with other voting-papers as a result missing or spoilt voting-papers, has become obsolete.

On Clause 24: It specifies the act of voting of the elector in detail so that the declaration of his choice is unambiguous. The proposal allows the elector to give his vote to the candidates of one political party or association by a single adjustment of the voting-paper. By the encircling of the political party or association each candidate of this party or association shall acquire the elector's vote. If the party or association does not candidate the full number of candidates which is to be elected the elector cannot give the remaining votes to other candidates. However, the elector can decide to give his vote to individual candidates of various election entities in such an amount, as many deputies are to be elected. The decision of the elector to vote by one of the above-mentioned ways also excludes voting by another way. The voting in mixed municipalities is regulated in a special way. Therefore it means that the elector can on the list of candidates which can be quite lengthy especially in large cities (about 800 first names and family names) encircle a maximum number which is defined for the election of deputies (in Bratislava about 80 first names and family names). In mixed municipalities in which the voting-paper is divided, he can, under the sanction of the invalidity of the voting-paper, encircle in each section a maximum of such a number of candidates as defined for it (in Nové Zámky about 26 Slovaks and 13 citizens of Hungarian nationality).

On Clause 25: The proposal is a specification of the existing wording, because voting-papers must be brought to the elector together with the portable election box and the envelope.

On Clause 26: The proposal delegates the resolving and removal of the activities of the commission and by voting exclusively to the province of the corresponding precinct commission.

On Clauses 27 and 34: The regulation reacts to the wording of § 11, Paragraph 8 of the Law.

On Clause 28: Due to the regulation of the method of voting the assessment of the validity of the voting-paper is also adjusted.

On Clauses 29, 30 and 31: The regulation reacts to the establishment of a multi-mandate election district in the municipality and embeds the obligation to assess the validity of the voting-paper with regard to the regulation for mixed municipalities.

On Clauses 32, 33 and 35 to 40: The transparency of minutes of the election commission and the reduction of administration volume represents the regulation which is stated in Clauses 32 and 40.

Those provisions are regulated which were based on the existing regulation of several election districts in the municipality. Due to the single election district there is no need to regulate the results of elections in individual election districts in the municipality. It again reacts to the regulation related to mixed municipalities in such a way that the results of the special legal regime of elections shall be reflected in the minutes.

On Clause 41: The procedure for the acquisition of the mandate in the event of the equality of votes for candidates for deputies is regulated, again specially for a mixed municipality. The regulation on the need to hold new elections as regards the equality of votes for candidates for a mayor still remains.

On Clauses 42 to 47: With regard to the special regulation of elections in nationally mixed municipalities, the requirements of the minutes of district election commissions and the Central Election Commission are regulated.

On Clauses 48, 50 and 52: The proposal reacts to the need to specify the regime of elections which must be held in the event that the ordinary elections are not held for various reasons (e.g. elementary catastrophe in the municipality) or were held and declared invalid, or for the elections of the mayor if the candidates received the equal number of votes, or for elections where a new candidate shall step in to the vacated mandate of the deputy for which there is no substitute. The proposal also removes the existing problems of the regime of so-called supplementary elections which were held in the event of the establishment of a new municipality. It provides for the required ingerence of the state which is required for the ordinary organisational, technical and mainly legal management of the elections. The proposed regulation is also based on the requirements of the Association of cities and Municipalities of Slovakia and means an unambiguous specification of the procedure.

On Clause 49: The regulation reacts to the special regime of regulations in mixed municipalities.

On Clause 51: The proposal reacts to the existing legal system and freedom of business guaranteed by the Constitution. Therefore it defines the obligation to co-operate as regards the exercise of the Law for state bodies and municipalities.

On Clause 53: Mandates of deputies of municipal councils and jobs of mayors of municipalities are being vacated for various reasons which are legally regulated in the law on municipal arrangement. In the interest of an unambiguous document, the requirements of applications of municipalities for the declaration of new elections to the bodies of municipal governments must be defined depending on the manner in which mandates of deputies and jobs of mayors of municipalities are vacated.

On Clause 54: The proposal reacts to changes proposed in Clause 6 and in Clause 9.

On Article II:

The incompatibility of the job of deputy of the municipal council and the mayor was until now regulated in the law on elections to bodies of municipal governments and in special laws which address the position of a specific category of employees. This solution is in our view non-systemic and in many events it was also duplicated, because the incompatibility of the same job with the job of deputy of the municipal council or the mayor was embedded in the election law and in a special law (this related, e.g. to the judge, prosecutor, investigator of the prosecution). Due to the above mentioned this issue was deleted from the law on the elections to bodies of municipal governments, and it will be an issue of special laws which regulate the position of specific categories of employees, to address, within the regulation of their position the potential incompatibility of the exercise of the job with some public job. In the law on municipal arrangement, in accordance with the above-mentioned principle, it is proposed to embed the incompatibility of the job of deputy of the municipal council and the mayor in such a way that the mutual incompatibility of the exercise of jobs of both bodies of local governments will be regulated, and the incompatibility of the exercise of these jobs with the job of employee of the professional administration of the municipal office and incompatibility of other jobs will be delegated to special regulations.

In addition to that, the proposed regulation of the law on municipal arrangement relates to the expiry of the mandate of a deputy of the municipal council and the mayor of the municipality. This regulation is proposed mainly with regard to the necessity of the unambiguous regulation of the performance of new elections. The existing regulation which uses the term "new elections" and "supplementary elections" caused significant difficulties mainly in practice. The supplementary elections were held mainly in the event of the division of municipalities, i.e., to the number of deputies which had a permanent address in the separated part of the municipality additional deputies up to the defined number were supplemented by elections. The same happened in the other part of the municipality with the aim to supplement the number of deputies up to the defined number. The proposed regulation therefore unambiguously embeds as a reason for the expiry of the mandate, the merger or split of the municipality (in both parts of the municipality), with new elections to be held. The proposal is identical with the position of the Association of Cities and Municipalities in Slovakia.

On Article III:

The proposed changes in the Civil Rules of the Court are of two types. The first consists of the supplementing and formal and legal regulation of provisions on the proceedings in issues of lists of voters, where § 200 f and § 200 g are merged in a single § 200 f. At the same time, the general term "corresponding body of the state administration" is replaced by the term "municipality", because the municipality has province in issues of lists of electors and in addition to that, it is not a body of state administration.

The second change includes the embedding of a relevant new § 300 g which regulates other special proceedings, i.e., in issues of registration of candidates for the job of deputy and mayor in communal elections. The reason is such that the registration or non-registration of a candidate by the local election commission can be surveyed by an independent body, i.e. with final validity. By the embedding of the new province of the court we can also follow the fact that in our election law there is a traditionally embedded opportunity to apply, in an extreme event, active election rights at court. Therefore it is logical that this principle should also apply in the event of passive election rights. Due to the fact that a decision of the local election commission is to be surveyed it is proposed that the corresponding court for the survey be the district court. The participants

of the proceedings will be the political party, association or the candidate, and the local election commission. Similarly to issues of lists of electors, the court will decide without hearing by a decree.

On Article IV:

In accordance with Article 26, Paragraph 4 of the Constitution of the Slovak Republic the election law has, in the provision which regulates the election campaign, limited the freedom of speech and the right to disseminate information due to the reason of maintaining the equality of political parties which enter the elections. However, the limitation defined by the election law did not, in the existing wording, include the element of enforcement under the threat of sanction or by imposing a sanction due to its breach. Therefore it is proposed to amend the Law no. 468/1992 Col., on the operation of radio and television broadcasting in such a way that the obligations of operators, which can be enforced under the threat of fine, will also include obligations to comply with the provisions on the election campaign by all operators of radio and television broadcasting. This means that *none* of distributors of radio and television broadcasting, except for municipalities, may organise the election campaign and, during the moratorium, this prohibition is also valid for municipalities. Due to the fact that Slovenský rozhlas (Slovak Radio) and Slovenská televízia (Slovak Television) do not provide for regional broadcasting for each region, it would not be possible to create equal conditions and, in addition, the nature of nation-wide broadcasting is such that it could burden the audience and spectators beyond a tolerable level. With regard to other holders of licenses (private radio and television) due to the commercial and business nature of these entities, allowing their access to the election campaign could disrupt the balance of political parties which are presented in the elections.

On Article V:

Due to the fact that the submitted law presents the fifth amendment of the Law of the Slovak National Council no. 346/1990 Col., on elections for bodies of local governments of municipalities, the Chairman of the National Council of the Slovak Republic is authorised to declare its full wording.

On Article VI:

The provision as regards the validity of the draft law is based on the opportunity to approve the proposed legal regulation. However, in this regard we have to state that due to time limits defined by the law on the elections for bodies of local governments of municipalities, and the end of administration of deputies of municipal councils and mayors, it is required that the draft law be valid as of the date of its declaration.

Bratislava, April 14, 1998

Prime Minister of the
Slovak Republic, signature

Minister of the Interior of the
Slovak Republic, signature