

## **Amended and Restated ACT No. 247/1995 Coll. of September 27, 1995 on Elections to the Parliament of the Czech Republic and on the Amendment of Certain Other Laws**

Release 65 of the Collection of Laws, Year 1995, distributed on October 30, 1995 (effective as of January 1, 1996) with amendments made to effective as of Act No. 212/1996 Coll. the publication date (August 2, 1996) Constitutional Act No. 69/1998 Coll.\*) April 1, 1998 Finding of the Constitutional Court No. 243/1999

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\*) **This amended and restated wording was effective from April 1, 1998 until June 30, 1998 ACT on Elections to the Parliament of the Czech Republic and on the Amendment of Certain Other Laws**

The Parliament has passed the following Act of the Czech Republic:

### **PART ONE ELECTIONS TO THE PARLIAMENT OF THE CZECH REPUBLIC**

Division One

#### **General Provisions**

Section 1

(1) This Act regulates the terms and conditions of the exercise of the voting right, the organization of elections and the extent of the court review.

(2) Elections into the Parliament of the Czech Republic take place through a secret vote on the basis of a general, equal and direct voting right. Elections into the Assembly of Deputies of the Parliament of the Czech Republic are based on the principles of proportionate representation; elections into the Senate of the Parliament of the Czech Republic are based on the principles of the majority system.

(3) Elections to the Parliament of the Czech Republic are called by the President of the Republic not later than 90 days before their date. The decision to call the elections is published in the Collection of Laws. The distribution date of the Collection of Laws in which the decision to call the elections to the Parliament of the Czech Republic was published is deemed to be the date when the elections are called.

(4) Elections to the Parliament of the Czech Republic are held for 2 days, i.e., on Friday and Saturday. Voting on the first day of the elections starts at 2:00 p.m. and ends on 10:00 p.m.

Voting on the

second day of the elections starts at 8:00 a.m. and ends at 2:00 p.m. Unless specified otherwise herein, the election date means, under this Act, the first day of the elections.

(5) A voter means a citizen of the Czech Republic (the .citizen.), who has reached at least on the second day of the elections at least 18 years of age. A citizen who has reached at least on the second day of the elections at least 18 years of age may also vote in the second round of the Senate elections.

Section 2

Impediments to the exercise of the election right are

(a) restriction of personal freedom imposed by the law to protect the health of the people (Note 1);

(b) deprivation of ability to perform legal acts. (Note 2)

Section 3

### **Constituencies**

(1) Voting to the Parliament of the Czech Republic takes place in permanent constituencies formed under a special law. (Note 3)

(2) Special permanent constituencies (.special permanent constituencies.) are established at the diplomatic missions and consulates of the Czech Republic (individually the .diplomatic mission.), except for consulates headed by honorary consuls, for the purpose of voting to the Parliament of the Czech Republic outside the territory of the Czech Republic. The territory of each special constituency is the same as the territorial jurisdiction of the diplomatic mission.

Section 4

Voters are registered in permanent registers (the .permanent register.), or in special registers of voters

(the .special register.). Every voter may be registered only in one voter register.

Section 5

### **Permanent Register**

The permanent register is maintained under a special law. (Note 4)

Section 6

### **Special Register**

(1) The special register is maintained by the municipal office, city office, magistrature, the office of the city district or territorial subdivision of a subdivided statutory city and the Municipal Office of the City

Part of the Capital of Prague (individually, the .municipal office.) to register all voters who are not registered as permanent residents (Note 5) within the territorial jurisdiction of such municipal office, or who are unable to vote due to reasons referred to under clauses (b) to (d) below in the constituency in whose permanent register they are registered, and who

(a) perform compulsory or substitute military service within the jurisdiction of the relevant municipality, the Capital City of Prague or in a district or subdivision of a subdivided statutory city;

(b) are in hospitals, maternity hospitals, sanatoriums, social care or similar facilities located in the relevant municipality, the Capital City of Prague or within the jurisdiction of a city part or subdivision of a subdivided statutory city;

(c) are in police cells, detention facilities or prisons (Note 5a) located in the relevant municipality, the Capital City of Prague or within the jurisdiction of a city part or subdivision of a subdivided statutory city;

(d) vote with their voter passes (Note 6a).

(2) The municipality shall register in the special register voters referred to under paragraph 1(a) above on the basis of information provided by the relevant commandant, voters referred to under paragraph 1(b)

and (c) on the basis of the information provided by the management of the relevant institute or facility. The

information shall be submitted by the above bodies not later than 7 days before the commencement of the voting and shall be updated as needed.

(3) In coordination with the municipality maintaining the special register, the commandant or,

respectively, the management of the relevant institution or facility shall send to the municipal office in the municipality in whose permanent register the voter is registered a notice that such voter has been reported for registration in the special register.

(4) In the case of Senate elections, the voters registered in the special register are only voters registered for permanent residence in the constituency in which the elections have been called or, if applicable, voters registered in the special register (paragraph 5).

(5) Special registers are also maintained by diplomatic missions, which register voters who:

(a) reside outside the territory of the Czech Republic; each such voter is registered on the basis of his application for registration, accompanied with an original or an authenticated copy of documents confirming the applicant's identity, his citizenship of the Czech Republic and his residence within the jurisdiction of the diplomatic mission at which he is to be registered in the special register. Such application must be delivered or handed to the diplomatic mission not later than 40 days before the election date; or

(b) vote at the diplomatic mission with their voter passes.

(6) The diplomatic missions shall close the special registers referred to in paragraph 5(a) 30 days before the election date and shall deliver them promptly to the Ministry of Foreign Affairs, which shall notify the diplomatic missions of any duplicity regarding their registered voters. Following the removal of such duplicities, the Ministry of Foreign Affairs shall advise the Ministry of Interior not later than 20 days before the election date of the final version of those registers. A voter who is registered at his own request, due to his residence abroad, in a special register and who is registered at the same time in a permanent register, shall be struck out by the relevant municipal office from the permanent register on the basis of a notice of the Ministry of Interior. Based on a notice of the municipal office, the diplomatic mission shall notify the voter of his being struck out from the permanent register.

(7) For the purpose of elections to the Assembly of Deputies, the diplomatic mission shall deliver to a special constituency commission an excerpt from the special register, containing a list of voters entitled to vote in such special constituency.

#### Section 6a

##### **Voter Passes**

(1) The municipal office or, if applicable, the diplomatic mission shall issue to a voter who will be unable to vote in the constituency in whose permanent register or special register maintained pursuant to Section 6(5)(a) he is registered, at his own request, a voter pass and shall note such fact in the permanent or the special register and in the excerpt thereof designated for the constituency commission and the special constituency commission. Voter passes for Senate elections are issued solely to voters registered in the permanent register in the constituency in which such elections have been called, or to voters registered in a special register in accordance with the provision of Section 6(5)(a).

(2) A voter may apply for the voter pass beginning with the date on which the elections were called. The application must be in writing with an authenticated signature of the voter attached thereto, and must be delivered not later than 7 days before the election date to the entity maintaining the permanent or special register, or in person until the closing of the permanent or special register. The municipal office or the diplomatic mission shall deliver the voter pass not earlier than 15 days before the election date to the voter in person or to the person who submits a power of attorney with an authenticated signature of the voter applying for the voter pass, or shall send the voter pass to the voter by mail.

(3) The voter pass entitles the holder to be registered in the excerpt from the special register on

the days of elections

(a) to the Assembly of Deputies at any constituency or special constituency;

(b) to the Senate at the constituency falling within the single member constituency in which the elections have been called and within whose jurisdiction the voter is registered for permanent residence; if the voter does not reside on the territory of the Czech Republic, the voter pass entitles him to be registered at any constituency falling within the single member constituency in which the elections have been called.

## **General Provisions Relating to Electoral Commissions**

### Section 7

#### **Electoral Bodies**

(1) Under this Act, the electoral bodies include:

(a) the National Elections Commission;

(b) the Ministry of Interior;

(c) the Ministry of Foreign Affairs;

(d) the Czech Statistical Office;

(e) for the elections into the Assembly of Deputies: the district office at the seat of each electoral region

(as defined in Section 26), Magistrature of the Capital City of Prague (with respect to the Capital City

of Prague), the District Office of Praha-západ (with respect to Středočeský kraj (the Central Bohemian

Region)), the Magistrature of the City of Plzeň (with respect to Plzeňský kraj (the Plzeň Region)), the

Magistrature of the City of Brno (with respect to Jihomoravský kraj (the South Moravian Region)), the

Magistrature of the City of Ostrava (with respect to Moravskoslezský kraj (the Moravian and Silesian

Region)) (each of the foregoing offices and magistratures is hereinafter referred to only as .the district

office at the seat of the region.);

(f) for the elections into the Senate: the district office at the seat of the single member constituency; in

Prague, those bodies are represented by the municipal offices of each of the city parts that have jurisdiction over the seat of the single member constituency; in Brno, Ostrava and Plzeň, those bodies

are represented by the magistratures of those cities (each of the foregoing offices and magistratures is

hereinafter referred to only as .the district office at the seat of the single member constituency.);

(g) the district municipal office or, at the capital city of Prague, at the city of Brno, Ostrava and Plzeň, the

magistratures of those cities (each of the foregoing offices and magistratures is hereinafter referred to

only as .the district office.);

(h) the authorized municipal office (Note 5b) or, at the capital city of Prague, the municipal office of each

of the city parts, the Municipal Office of the City Part of Prague 1 (which keeps voting results from

abroad) or, at the city of Brno, Ostrava and Plzeň, the municipal office of the city part or of the city district (each of the foregoing offices is hereinafter referred to only as the .authorized municipal office.);

(i) municipal offices;

(j) mayors of municipalities or of statutory cities that have no territorial subdivisions, or mayors of the city

parts or city districts of statutory cities that have territorial subdivisions and mayors of the city parts or

city districts of the Capital City of Prague (individually, the .mayor.);

(k) diplomatic missions;

(l) constituency commissions;

(m) special constituency commissions for elections into the Assembly of Deputies (individually, the

.special constituency commission.).

(2) The activity of the electoral bodies represents the exercise of the state administration.

Section 8

### **National Elections Commission**

(1) The National Electoral Commission, which is established under a special law (Note 5c), is a permanent electoral body having jurisdiction over the elections into the Parliament of the Czech Republic.

(2) The National Elections Commission:

(a) co-ordinates the preparation, organization and course of the elections into the Parliament of the Czech

Republic;

(b) oversees the performance of acts necessary to ensure the organizational and technical aspects of the

elections into the Parliament of the Czech Republic;

(c) determines by a draw the numbers that are to be allocated to the ballots of each political party, political

movement or political coalition used in the elections into the Assembly of Deputies;

(d) prepares a record of the result of elections into the Assembly of Deputies;

(e) announces and publishes the overall results of the elections into the Assembly of Deputies and the

Senate;

(f) delivers to the elected candidates the certificate of election as Member of the Parliament of the Czech

Republic;

(g) delivers the overall results of the elections to the relevant chamber of the Parliament of the Czech

Republic;

(h) issues permissions to other parties to be present at the counting of votes by constituency commissions;

(i) determines by a draw the electoral region that is to supervise the special constituencies established

abroad.

Section 9

### **Ministry of Interior**

(1) The Ministry of Interior is a central state administration authority having jurisdiction over the elections into the Assembly of Deputies and the Senate (Note 5d).

(2) The Ministry of Interior

(a) provides guidelines for the preparation of organizational and technical aspects and for carrying out the

elections into the Parliament of the Czech Republic;

(b) resolves complaints relating to the organization and technical aspects of the elections on the district

level;

(c) issues lists of registered political parties and political movements (Note 9) and provides such lists to

district offices at the seat of the region and to district offices at the seat of the single member constituency for the purpose of registration of lists of candidates (tickets) and applications for registration;

(d) provides information from the residential register of citizens for the purpose of the maintenance of

permanent and special registers;

(e) ensures in coordination with the Czech Statistical Office the operation of the uniform telecommunications system within the territory of the Czech Republic;

(f) ensures printing of the electoral materials and organizes the printing of ballots;

(g) arranges for qualification checks for employees of the Capital City of Prague working under the

Magistrature of the Capital City of Prague who are charged with tasks relating to the elections and who

are obligated to pass an exam proving their knowledge in this respect, and issues certificates attesting

to the results of such qualification checks.

Section 10

### **Ministry of Foreign Affairs**

The Ministry of Foreign Affairs:

(a) organizes and provides for technical aspects of the preparation and carrying out of the elections into the Assembly of Deputies of the Parliament of the Czech Republic that are held abroad (Note 5e);

(b) delivers to the Ministry of Interior on a technical carrier special voter registers maintained in accordance with Section 6(5) hereof;

(c) ensures in coordination with the Ministry of Interior and the Czech Statistical Office the establishment

of telecommunication links between the diplomatic missions and the Ministry of Foreign Affairs;

(d) delivers to the Czech Statistical Office basic data for the establishment and update of lists of special

constituencies;

(e) ensures in coordination with the Czech Statistical Office the conditions necessary for the operation of a

center of the Czech Statistical Office at the Ministry of Foreign Affairs.

Section 11

### **Czech Statistical Office**

(1) The Czech Statistical Office prepares a binding system of ascertainment and processing of results of the elections and arranges for the production of the necessary software for the processing and presentation of those results.

(2) Furthermore, the Czech Statistical Office

(a) ensures the operation of the technical system of processing results of the elections to the Parliament of the Czech Republic (Note 5f) referred to in paragraph 1 at the centers established at authorized municipal offices, district offices at the seat of the region, district offices at the seat of the single member constituency, at the National Elections Commission and at the Ministry of Foreign Affairs; in

this respect, the Czech Statistical Office cooperates with the Ministry of Interior, the Ministry of Foreign Affairs, district offices and municipal offices;

(b) processes overall results of the elections into the Assembly of Deputies (Sections 48 to 51), basic data

for the record of the National Elections Commission (Section 52) and data relating to overall results of

elections to the Senate (Section 77), and promptly delivers those results to the National Elections Commission;

(c) prepares records of results of elections and promptly delivers them to the district offices at the seat of

the regions or to the district offices at the seat of single member constituencies;

(d) ensures the technical aspects of availability and ongoing provision of the results of the election and of

the provision of overall results of the elections;

(e) provides its employees to each center referred to under clause (a) above, who are charged with the

ascertainment and processing of results of the elections to the Parliament of the Czech Republic, and

provides for and trains the necessary number of other persons necessary to ensure the processing and

provision of results of the elections;

(f) trains designated members of constituency commissions in the use of the system of ascertainment and

processing of voting results;

(g) issues to constituency commissions or to the Ministry of Foreign Affairs a computer printout attesting

that the results of the relevant constituency or special constituency that have been taken over for further

processing are free of any errors;

(h) delivers written summaries of the results of the elections achieved in electoral regions, single member

constituencies and in the Czech Republic to political parties, political movements, coalitions and independent candidates whose candidate lists or applications for registration were registered;

such information is also delivered in the electronic form within the system referred to in paragraph (1) above;

(i) prepares registers and lists of numbers of candidates and nominated political parties, political

movements and coalitions;

(j) notifies district offices at the seat of the regions and district offices at the seat of the of any duplicity in

candidate lists and applications for registration;

(k) resolves complaints against the operation of technical equipment and related software used in the

processing of results of the elections;

(l) delivers records of the course and results of voting taken over from constituency commission and

special constituency commissions for safekeeping to the district office of competent jurisdiction not

later than 10 days after the processing of those results by the relevant authorized municipal office or by

the center at the Ministry of Foreign Affairs;

(m) provides on request, following the publication of overall results of the elections to the Assembly of

Deputies or the Senate, any information regarding the results of such election by the required territorial

subdivisions.

(3) Only an employee of the Czech Statistical Office who is authorized under paragraph 2(e) may

(a) stay in the room in which the constituency commission counts votes (Section 23);

(b) accept a counterpart of the record on the course and result of voting and the result of voting on a

technical carrier;

(c) determine the time limit for the removal of errors and submission of a new record on the course and

results of voting;

(d) issue an order to terminate the meeting of the constituency commission and the special constituency

commission on the second day of elections (Section 43(5));

(e) ensure the receipt of voting results for all constituencies and special constituencies having the appropriate territorial jurisdiction;

(f) arrange for the processing of the overall result of elections in the electoral region (Section 46(1)) and in

the single member constituency (Section 73(1));

(g) prepare and sign a record on the result of elections in an electoral region (Section 46(2) to (4));

(h) prepare and sign a record on the result of election in a single member constituency (Section 73(2) to

(4));

(i) send summary information regarding the result of elections in an electoral region and single member

constituency to the authorized representatives of political parties, political movements and coalitions.

Section 12

### **District Office at the Seat of a Region**

(1) The district office at the seat of the region performs the following acts with respect to the



elections to the Assembly of Deputies:

- (a) provides for the organizational and technical aspects of the preparation, course and carrying out of the elections in the electoral region;
- (b) reviews and registers lists of candidates;
- (c) notifies mayors of the registration of lists of candidates;
- (d) provides to the constituency commissions addresses of authorized representatives of the political parties, political movements and coalitions whose lists of candidates have been registered;
- (e) arranges for the printing of ballots for the relevant electoral region;
- (f) ensures rooms and supporting materials for the activities of the center of the Czech Statistical Office for the respective region and cooperates with the center in the provision of technical facilities necessary for the processing and presentation of the voting result that are to be used at such center;
- (g) ensures supporting materials for the organization of elections within the electoral region;
- (h) retains election documents;
- (i) performs other tasks specified herein.

(2) Only an employee of the district office at the Seat of the region who holds a certificate under a

special law (Note 5c) may

- (a) accept lists of candidates and confirm their submission (Section 31(3));
- (b) review lists of candidates and request removal of errors (Section 33(1));
- (c) accept a written notice of recalling of an authorized representative (Section 32(5));
- (d) prepare and send a decision on registration, on the rejection of a list of candidates or on the deletion of a candidate from a list of candidates (Section 33(4) and (5));
- (e) accept a written resignation or withdrawal of candidacy (Section 36(2));
- (f) change the notification of rank of candidates on a list of candidates (Section 36(3));
- (g) sign a record on the result of elections in the electoral region (Section 46(4)).

Section 13

#### **District Office at the Seat of a Single Member Constituency**

(1) A district office at the seat of the single member constituency performs the following acts with

respect to the elections to the Senate:

- (a) provides for the organizational and technical aspects of the preparation, course and carrying out of the elections in the single member constituency;
- (b) reviews and registers applications for registration;
- (c) notifies mayors of the registration of applications for registration;
- (d) determines by draw the numbers that are to be allocated to the ballots of each candidate for Senate elections;
- (e) provides to the constituency commissions addresses of authorized representatives of the political parties, political movements and coalitions whose applications for registration have been registered;

- (e) arranges for the printing of ballots for the relevant single member constituency;
  - (f) ensures rooms and supporting materials for the activities of the center of the Czech Statistical Office  
for the respective single member constituency and ;
  - (g) ensures supporting materials for the organization of elections within the single member constituency;
  - (h) retains election documents;
  - (i) performs other tasks specified herein.
- (2) Only an employee of the district office at the Seat of the single member constituency who holds a certificate under a special law (Note 5c) may
- (a) accept applications for registration and confirm their submission (Section 60(4));
  - (b) review applications for registration and request removal of errors (Section 62(1));
  - (c) accept a written notice of recalling of an authorized representative (Section 61(3));
  - (d) prepare and send a decision on registration and on the rejection of an application for registration  
(Section 62(4) and (5));
  - (e) accept a written resignation or withdrawal of candidacy (Section 36(2));
  - (f) sign a record on the result of elections in the single member constituency (Section 73(4)).

#### Section 13

##### **District Office**

- (1) The district office
- (a) provides for the organizational and technical aspects of the preparation, course and carrying out of the elections in the district;
  - (b) checks the course of voting at the polling stations;
  - (c) checks the counting of votes by the constituency commission;
  - (d) imposes penalties prescribed herein;
  - (e) resolves complaints regarding the organization and technical aspects of the elections by the municipalities;
  - (f) cooperates with the Czech Statistical Office in the provision of technical facilities and manpower  
necessary for centers that are to be established at authorized municipal offices.
- (2) Activities referred to under paragraph 1(b) and (c) may be performed solely by an employee of the district office who holds the relevant certificate under a special law (Note 5c).

#### Section 14a

##### **Authorized Municipal Office**

The authorized municipal office

- (a) ensures rooms and supporting materials for the activities of the center of the Czech Statistical Office  
relating to the acceptance, review and processing of records taken from constituency commissions and  
special constituency commissions;
- (b) cooperates with the Czech Statistical Office in the provision of necessary manpower and technical  
facilities for the input of results achieved in each constituency into the processing system at such center.

#### Section 14b

**Municipal Office**

The municipal office

- (a) provides polling stations, necessary manpower and supporting materials for the constituency commissions;
- (b) maintains a special register pursuant to Section 6(1) to (4);
- (c) issues voter passes pursuant to Section 6a(1);
- (d) resolves complaints regarding the organization and technical aspects of the elections in the constituency;
- (e) keeps election documents;
- (f) performs other tasks specified herein.

Section 14c

**Mayor**

The mayor

- (a) provides information to the voters regarding the time when and the place where the elections in the municipality are to be held;
- (b) ensures distribution of ballots to voters;
- (c) determines within 60 days before the election date the minimum number of members of the constituency commission, taking into account the number of voters in the respective constituency; each commission must have at least 5 members, except for constituencies whose number of voters does not exceed 300 and where the commission may have four members;
- (d) convenes the first meeting of the constituency commission, which must be held not later than 21 days before the polling day;
- (e) appoints and recalls the minutes clerk of the constituency commission (the .minutes clerk.);
- (f) provides to each political party, political movement, coalition and independent candidate whose list of candidates or application for registration have been registered information regarding the number and seat of constituencies by posting such information on the official board within 45 days before the election date;
- (g) performs other tasks specified herein.

Section 14d

**Diplomatic Mission**

The diplomatic mission performs the following tasks within its territorial jurisdiction:

- (a) ensures the organization and technical aspects of the preparation, course and carrying out of elections to the Assembly of deputies;
- (b) maintains the special register referred to in Section 6(5);
- (c) issues voter passes pursuant to Section 6a(1);
- (d) trains members of special constituency commissions;
- (e) provides to the voters subject to local circumstances information regarding the time when and the place where the elections are to be held, the possibility to register in the special registers (Section 15(3)) and the manner of voting, including information provided in a foreign language (if applicable);

(f) if the ballots are sent by automatic transmission, the diplomatic mission arranges for the printing or reproduction of the ballots (Section 38(5));

(g) provides the polling station, supporting materials and necessary manpower for the special constituency commission.

Section 14e

### **Constituency Commission**

(1) The constituency commission

(a) takes care of the order at the polling station;

(b) organizes and supervises voting;

(c) counts votes and prepares a record on the course and result of voting;

(d) submits the election documents to the municipal office for safekeeping, except for one counterpart of the record on the course and result of voting.

(2) A member of the constituency commission may be every citizen of the Czech Republic

(a) who has reached at least 18 years of age as of the date when he is sworn;

(b) in whose case there are no impediments to the exercise of voting right specified in Section 2; and

(c) who is not a candidate for the elections to the Parliament of the Czech Republic.

(3) Every political party, political movement and coalition whose list of candidates for the election to the Assembly of Deputies has been registered in the electoral region whose part is the constituency, and each political party, political movement, coalition and independent candidate whose application for registration has been registered for Senate elections in the single member constituency whose part is the constituency, may nominate not later than 30 days before the election date 1 member and 1 substitute to the constituency commission. If such manner does not provide for the minimum determined number of the constituency commission specified in Section 14c(c), the mayor shall appoint members to such vacancies before the first meeting of the constituency commission. In the case that the number of members of the constituency commission falls during the elections to the Parliament of the Czech Republic below the determined number and if there are not substitutes referred to in the first sentence of this paragraph, the mayor shall appoint other members to such vacancies.

(4) Nomination of members and substitutes referred to in paragraph 3 above means the delivery of their list to the mayor. The list must include the name and surname of each member or substitute, his birth identification number, the place where he is registered for permanent residence and the signature of the authorized representative of the relevant political party, political movement, coalition or, in the case of an independent candidate, the signature of such candidate. The list may further indicate the constituency commission to which such nominated members or substitutes should be placed; if there is no such information, such members are placed in constituency commissions by the mayor.

(5) Membership in the constituency commissions arises upon taking the following oath: .I swear that I shall diligently and impartially perform the tasks relating to my office and shall abide during their

performance by the Constitution and applicable laws and regulations of the Czech Republic.. The oath is taken by the nominated or appointed representative by attaching his signature to the written wording of the oath, whereby he assumes his office.

(6) Membership in the constituency commission is terminated

(a) on the day when the constituency commission finishes its activities (Sections 52a and 72a);  
(b) by death;  
(c) upon receipt by the chairman of the constituency commission of the written resignation of the member of the constituency commission. Such resignation may not be revoked;  
(d) upon receipt by the chairman of the constituency commission of a written recalling of the member of the constituency by the person/entity who has nominated him;  
(e) upon the loss of citizenship;  
(f) on days of elections if the member of the constituency commission fails to perform his tasks and is absent for more than 2 hours.

(7) The minutes clerk is a member of the constituency commission with an advisory vote, which is not counted among the votes of members of the constituency commission. The minutes clerk may submit proposals to the constituency commission and prepares minutes of the meetings of the commission. The minutes clerk takes the oath referred to in paragraph 5 above and must be appointed by the mayor not later than 20 days before the first meeting of the constituency commission. If the minutes clerk ceases to perform his tasks, it is necessary to promptly appoint a new minutes clerk.

#### Section 14f

(1) For any member whose membership was terminated pursuant to Section 14e(6), the chairman of the constituency commission shall call, via the mayor, a substitute nominated by the same political party, political movement, coalition or independent candidate. Such substitute becomes a member of the constituency commission upon taking the oath referred to in Section 14e(5). If there occur the circumstances referred to in

Section 14e(6)(f) and there are no substitutes, the chairman of the constituency commission shall notify the mayor, who shall proceed in accordance with the third sentence of Section 14e(3).

(2) The constituency commission has a quorum if there are present more than one half of its members having voting right, and passes resolutions by the majority vote of its members.

(3) At its first meeting, the constituency commission selects from among its members a chairman and deputy chairman by means of a draw, which is organized by the minutes clerk of the constituency

commission. If the chairman or deputy chairman of the constituency commission resigns or is unable to hold his office for other serious reasons, a repeated draw shall be organized. In such case, the deputy chairman shall not be included in such draw. In the case of resignation of the deputy chairman of the constituency commission, the chairman of the constituency commission shall not be included in the draw.

#### Section 14g

##### **Special Constituency Commission**

(1) The head of the diplomatic mission shall appoint within 30 days before the date of elections to the Assembly of Deputies the chairman and at least 2 members of the special constituency commission from among citizens of the Czech Republic who have reached at least 18 years of age as of the day on which they take their oath and who are proficient in the Czech language. In the case that the number of members of the special constituency commission falls in the course of the elections below 3, the head of the diplomatic mission shall appoint other members of the special constituency commission to fill the vacancies. The first meeting of the special constituency commission shall be convened by the head of the diplomatic mission in such

manner that it is held not later than 21 days before the election date. In the case of failure to appoint the special constituency commission with three members, the tasks of such commission shall be performed by the head of the diplomatic mission and the minutes clerk, who shall be appointed and recalled by the head of the diplomatic mission not later than 18 days before the first meeting of the special constituency commission. While performing those tasks, the head of the diplomatic mission has the same position as the position held by the mayor. Each member of the special constituency commission assumes his office upon taking the oath referred to in Section 14a(5).

(2) The special constituency commission

(a) organizes voting within the special constituency and namely supervises correct submission of ballots

and takes care of the order at the polling station;

(b) counts votes and prepares a record on the result of voting in the special constituency;

(c) submits election documents for safekeeping to the diplomatic mission, which shall deliver such

documents via the Ministry of Foreign Affairs to the Office of the City Part of Prague 1.

Section 15

### **Providing Information to Voters**

(1) Not later than 15 days before the election date, the mayor shall publish in the manner that is commonly used at the respective place a notice of the time when and the place where the elections at the

municipality will be held. If more than one constituency has been established on the territory of the

municipality, the mayor shall specify the parts of the municipality that fall under each such constituency and shall publish such notice on the territory of each such part. At the same time, the mayor shall include in the notice the addresses of the polling stations.

(2) The mayor shall remind the voters in the notice of their duty to prove their identity and citizenship of the Czech Republic at the voting and shall provide any further information necessary to ensure undisturbed course of the elections.

(3) Every diplomatic mission shall inform sufficiently in advance all voters living within its territorial jurisdiction in the manner that is commonly used at the respective place of the time when and the

place where the elections to the Assembly of Deputies will be held at the special constituency, of the possibility to register in the special register and of their duty to submit before casting their vote their passport of the Czech Republic as a proof of their identity and citizenship of the Czech Republic. The diplomatic mission shall also inform voters of the elections to the Senate that are held on the territory of the Czech Republic and of the terms and conditions applying to the exercise of their voting right.

(4) Every municipality that establishes a committee for national minorities under a special law (Note 5g) shall publish the notice referred to in paragraphs 1 and 2 above also in the language of such national minority.

Section 16

### **Election Campaign**

(1) 16 days before the polling day, the mayor may allocate a space for election posters used in the election campaign. The possibility to use such space must be provided in accordance with the principle of

equality of parties and coalitions running for election, or of the candidates running for the Senate.

(2) The election campaign must be organized with honesty and integrity; it is prohibited, in particular, to publish any false information regarding candidates and political parties or coalitions on whose lists of candidates they are included.

(3) No results of pre-election and election polls may be published in any manner within the period beginning with the third day before the date of elections to the Parliament of the Czech Republic and ending with the close of the voting.

(4) Political parties, political movements and coalitions running for elections to the Assembly of Deputies, whose lists of candidates have been registered, shall be allocated a total of 14 hours of free

broadcasting time in the Czech Radio and a total of 14 hours of free broadcasting time in the Czech Television, which shall be divided equally among the political parties, political movements and coalitions running for election. The broadcasting time shall be determined by a draw. The responsibility for the content of such programs rests with the political parties, political movements and coalitions.

(5) A natural person who publishes results of pre-election and election opinion polls within the period beginning with the third day before the date of elections to the Parliament of the Czech Republic and ending with the close of voting shall be guilty of transgression. The competent authority to deal with such transgression is the district office having jurisdiction over the place of residence of the natural person who has published such pre-election and election polls. Such transgression is punishable by a fine up to the amount of CZK 30,000. The transgression proceedings are governed by a special law (Note 5h).

(6) Political parties, coalitions and candidates may not perform during the days of elections any canvassing activities within the facility where the polling station is located, or in its immediate vicinity.

(7) A legal entity that publishes results of pre-election and election opinion polls during a radio or television broadcast or in the press within the period beginning with the third day before the date of elections to the Parliament of the Czech Republic and ending with the close of voting shall be guilty of other administrative delict. Such delict is punishable by a fine of up to CZK 500,000, which shall be imposed by the district office having jurisdiction over the seat of the legal entity. The proceeding regarding such fine may be commenced within 3 months and must be resolved with legal effect within 3 years from the date when the relevant breach occurred. The amount of the fine shall be determined on the basis of the seriousness of the illegal act and the manner in which it was committed. The decision on the fine shall not affect the provisions of a special law (Note 5i). The fine shall be due within 30 days following the date on which the decision by which such fine was imposed came into legal effect. The fine is part of the income of the district office that has imposed it.

(8) Until the execution of the record on the course and result of voting, the members of constituency commissions and special constituency commissions may not provide any information regarding the course of the election. Such prohibition does not apply to the information on the number of voters who have already cast their votes.

#### Section 17

##### **Polling Station**

(1) The polling station must be furnished with a ballot box for each constituency, with a portable ballot box, a sufficient number of ballots, empty envelopes with official stamps impressed thereon (the .official envelopes.), writing material, excerpts from the permanent register and from

the special register and a copy of this Act, which has to be presented upon request to any voter for inspection.

(2) Special spaces must be allocated at the polling stations for alteration of the ballots, which must be separated in a manner ensuring voting secrecy. The number of such spaces shall be determined by the mayor on the basis of the number of voters in the respective constituency.

(3) The state flag must be hung out on the facility in which the polling station is located and a large state emblem must be located at a prominent place in the polling station (Note 6).

(4) Ballots marked as specimen must be posted at a visible place in the polling station, as well as written notices of resignation or of withdrawal of candidates that have been delivered within 48 hours before the commencement of the elections.

(5) Official envelopes must be non-transparent, must have the same size and must be made of the paper of the same quality and color. If the elections to the Assembly of Deputies or to the Senate are held

together with other elections, the official envelope for the elections to the Assembly of Deputies or to the Senate must have a different color from the official envelope designated for other elections.

(6) The polling station of a special constituency must be furnished with a ballot box, sufficient number of ballots, sufficient number of official envelopes, writing material, an excerpt from the special register and with a copy of this Act, which has to be presented upon request to the voters for inspection, with a large state emblem located at a prominent place and with special spaces for alteration of ballots, which have to be located in a manner ensuring voting secrecy. The number of these spaces shall be determined by the head of the diplomatic mission on the basis of the number of votes in the respective special constituency. Ballots marked as specimen must be posted at a visible place in the polling station, as well as written notices of resignation or of withdrawal of candidates that have been delivered within 48 hours before the commencement of the elections.

Section 18

### **Commencement of Voting**

(1) Prior to the commencement of voting, the chairman of the constituency commission shall check whether the polling station is equipped in accordance with the provisions of Section 17a and whether the ballot box and the portable ballot box are empty, and shall then seal both boxes in the presence of the other members of the constituency commission. The same procedure shall be performed by the chairman of the special constituency commission, except for the control and sealing of the portable ballot box.

(2) After the completion of the inspection specified in paragraph 1 above, the chairman of the constituency commission or the chairman of the special constituency commission shall declare the voting as commenced.

Section 19

### **Principles of Voting**

(1) Every voter votes in person; no proxy is permissible.

(2) Voters appear before the constituency commission or the special constituency commission and

vote in the order in which they have appeared at the polling station.

(3) Upon his entry into the polling station, every voter shall prove his identity and citizenship of the Czech Republic (Note 7) by presenting a valid traveling passport, diplomatic or service passport of the



Czech Republic or by a traveling document (Note 7a) (the .passport.), or by a valid identity card (Note 7b).

Upon his registration in the excerpt from the permanent or the special register, the voter shall receive from the constituency commission or from the special constituency commission an empty envelope. At the voter's request, the constituency commission or the special constituency commission shall provide to him other ballots instead of ballots that are missing, crossed out or otherwise marked.

(4) Voters who fail to prove their identity and citizenship of the Czech Republic (Note 7) shall not be allowed to vote.

(5) The constituency commission shall add to the excerpt from the permanent register any voter who is not registered therein and who proves his right to vote in the relevant constituency, and shall allow him to vote. A voter who has appeared at the polling station with a voter pass shall surrender such voter pass to the constituency commission or to the special constituency commission, which shall attach it to the excerpt from the special register.

(6) No other person, including any member of the constituency commission or special constituency commission, may be present with the voter in the space designated for alteration of ballots. A

voter who is unable to alter the ballot by himself due to physical disability or who cannot read or write, may be accompanied in the space designated for alteration of ballots by another voter (but not by a member of the constituency commission or special constituency commission) who may alter the ballot instead of him and place it in the official envelope.

(7) Based on serious reasons, namely his health conditions, a voter may ask the municipal office and during the days of the elections also the constituency commission for the permission to vote outside the polling station. Such vote may take place solely within the territorial jurisdiction of the constituency for which the constituency commission has been established. In such case, the constituency commission shall delegate to such voter two of its members with the portable ballot box, an official envelope and ballots. During the voting, the members of the constituency commission proceed in a manner ensuring protection of voting secrecy. Voting with the use of the ballot box is not permitted outside the Czech Republic.

Section 19a

### **Manner of Voting**

(1) After receiving the official envelope and (if applicable) the ballots, the voter shall enter the space designated for the alteration of ballots.

(2) After leaving the space designated for alteration of ballots, the voter votes by throwing the official envelope with the ballot inserted inside, to the ballot box before the constituency commission or the

special constituency commission. A voter who is unable to insert the official envelope with the ballot into the ballot box may use another voter (but not a member of the constituency commission or the special constituency commission) to do so instead of him.

(3) The constituency commission or the special constituency commission shall not allow a voter who did not go to the space designated for alteration of ballots to cast his vote.

(4) In the case of Senate elections, a voter who does not reside on the territory of the Czech Republic shall hand to the constituency commission his voter pass issued by the diplomatic mission in

accordance with Section 6a(1). The constituency commission shall attach such voter pass to the excerpt from the special register.

## Section 20

### **Maintenance of Order at the Polling Station and in Its Immediate Vicinity**

The responsibility for the order at the polling station and its immediate vicinity rests with the chairman

of the constituency commission or of the special constituency commission. His instructions to keep order and proper course of voting are binding for anyone present at the polling station and in its vicinity.

## Section 21

### **Interruption of Voting**

(1) After the close of the first polling day, the constituency commission or the special constituency commission shall ensure that the ballot box and (if applicable) the portable ballot box are sealed in a manner preventing insertion or withdrawal of ballots, and shall secure all other elections documents. Before the commencement of voting on the second day of elections, the constituency commission or the special constituency commission shall check the seals for tampering and shall remove them.

(2) If there occur any circumstances that do not allow commencing, carrying on or termination of the voting process, the constituency commission or the special constituency commission may adjourn the commencement of voting to a later hour, suspend it or extend the voting period, but for no more than 1 hour. The constituency commission shall notify voters of such measure in the manner commonly used at the respective place and shall also report it to the municipal office and the competent district office at the seat of the region in the case of elections to the Assembly of Deputies, or the competent district office at the seat of the single member constituency in the case of Senate elections. If the voting is suspended, the constituency commission or special constituency commission shall put the election documents into safekeeping and shall seal the ballot box and (if applicable) the portable ballot box in a manner preventing insertion or withdrawal of ballots. After the resumption of the voting process, the chairman of the constituency commission or the special constituency commission shall check the seals for tampering in the presence of members of the constituency commission or special constituency commission and shall remove them.

## Section 21a

(1) The district office may perform an on-site inspection of the voting and counting of votes at the

polling station by the members of the constituency commission. A record shall be made of such inspection, which shall be included in the election documents.

(2) Except for instructions with the aim of ascertaining the voting results, all instructions issued by the district office are binding for the constituency commission. Any minor deficiencies found during the onsite inspection shall be removed immediately by the chairman of the constituency commission upon an order of the district office. If any serious deficiency has been found, the district office shall order the constituency commission to remove it. In such case, the constituency commission shall proceed in accordance with Section 21.

## Section 22

### **Close of Voting**

Immediately upon the expiry of the period designated for voting, the polling station shall be closed.

Prior to that, anyone present in the station or in front of it shall be allowed to cast his vote.

Thereafter, the

chairman of the constituency commission or of special constituency commission shall declare the voting as ended.

#### Section 23

Employees of the Czech Statistical Office authorized under Section 11(2)(e), employees of the district

office holding the certificate pursuant to a special law (Note 5c), members of the National Elections

Commission and its secretariat and persons who have been granted permission by the National Elections

Commission may be present in the room in which the constituency commission counts votes.

#### Division Two

### **Elections to the Assembly of Deputies**

#### Section 24

The Assembly of Deputies has 200 deputies elected for a period of four years (Note 8).

#### Section 25

Every citizen of the Czech Republic who has the right to vote and has achieved not later than on the

second day of elections at least 21 years of age and in whose case there exist during the days of elections no impediments to the exercise of his right to vote specified in Section 2(b) may be elected into the Assembly of Deputies.

#### Section 26

Elections into the Assembly of Deputies are held in all electoral regions within the territory of the Czech Republic according to the principle of proportionate representation. Electoral regions are higher-level self-government subdivisions defined by a special law. (Note 8a).

#### Section 27

All special constituencies abroad are included in the electoral region determined by the National Elections Commission by a draw within 7 days after the declaration of elections by the President of the

Republic.

#### Section 28 - 30

Repealed

#### Section 31

### **Submission of Lists of Candidates**

(1) Lists of candidates running for election to the Assembly of Deputies may be submitted by registered political parties and political movements whose activities have not been suspended (Note 9) and by their coalitions. A list of candidates submitted on behalf of a coalition means a list that is clearly marked as such by all political parties and political movements running together, which shall indicate the membership of the coalition and determine its name.

(2) Every political party, political movement and coalition running for election to the Assembly of Deputies may submit only one list of candidates in each electoral region. A political party or a political

movement that has submitted separate lists of candidates may no longer become part of a coalition. Every

political party or political movement may be the member of only one coalition. Each coalition must be

comprised of the same political parties or political movements in all electoral regions. A

candidate running for election to the Assembly of Deputies may be included in only one list.

(3) Lists of candidates shall be submitted not later than 66 days before the election date to the district office at the seat of the region and may be delivered only by the authorized representative. The district office shall confirm to the authorized representative of the political party, political movement or coalition the acceptance of such list of candidates.

(4) Every political party, political movement or coalition shall attach to its list of candidates a receipt confirming that it has paid the contribution to election costs (the .contribution.) in the amount of CZK 15,000. Such contribution is paid by the political party, political movement or coalition in each electoral region in which it submits a ticket and is remitted to a special account that shall be opened with the Czech National Bank by the district office at the seat of the region not later than 72 days before the election date. Such contribution paid by the political party, political movement or coalition represents revenue of the state budget.

Section 32

### **Particulars of Lists of Candidates**

(1) Each list of candidates shall include:

(a) the name of the electoral region;

(b) the name of the political party, political movement or the name and composition of the coalition;

(c) the name, surname, age and profession of each candidate, the municipality where he is registered as

permanent resident, the name of the political party or political movement whose member he is, or an

indication that he is not a member of any political party (i.e., is .without political affiliation.);

(d) the ranking of each candidate on the list, expressed in Arabic numerals;

(e) the name and surname of the authorized representative of the political party, political movement or

coalition and the place where he is registered as permanent resident. Each political party, political movement or coalition may propose a substitute authorized representative and shall state his name,

surname and the place where he is registered for permanent residence;

(f) in the case of a coalition, the name of the political party or political movement that has nominated the candidate;

(g) the signature of the authorized representative of the political party, political movement or coalition;

(h) the name, surname, title and signature of the person authorized to act on behalf of the political party or

political movement or, in the case of coalition, the name, surname, title and signature of each person

authorized to act on behalf of each political party or political movement that is the member of the coalition.

(2) The list of candidates must be accompanied by a signed declaration of each candidate stating that he agrees with his candidacy, that he is not aware of any impediments to his being eligible for election or that such impediments shall cease to exist as of the date of election to the Assembly of Deputies, and that he did not consent to his inclusion into another list of candidates running for the elections to the Assembly of Deputies. Each candidate shall further include in such declaration the place where he is registered as permanent resident and his birth identification number.

(3) The maximum number of candidates that may be included by a political party, political movement or coalition in the list of candidates for each electoral region is set out in Annex No. 2 hereof.

(4) Upon the expiry of the sixtieth day before the date of elections, it is no longer possible to add further candidates to the list of candidates or to switch their ranking.

(5) A political party, political movement or coalition performs acts in matters relating to the elections through its authorized representative. The authorized representative or his substitute is a natural

person specified as such on the list of candidates. Such person may not be younger than 18 years, may not be incapable of performing acts in law and may not be a candidate. The political party, political movement or coalition is bound by the acts performed by its representative in election-related matters. Every political party, political movement or coalition may recall its authorized representative or his substitute. In such case, his authorization shall become extinct as of the delivery of the notice of recalling to the district office at the seat of the region.

Section 33

### **Review and Registration of Lists of Candidates**

(1) The district office at the seat of the region shall review the submitted lists of candidates in the period between the 66th and the 60th day before the election date. If a list of candidates is not filed in accordance with Section 32 or if it contains incorrect information, the district office at the seat of the region shall invite the political party, political movement or coalition through its authorized representative not later than 58 days before the election date to remove such deficiencies until the 50th day before the election date.

(2) If a political party, political movement or coalition fails to remove such deficiencies within the aforementioned time limit, the district office at the seat of the region shall decide within 49 days before the date of the election to strike out

(a) any candidate on the list of candidates whose declaration referred to in Section 32(2) is not attached to

the list of candidates or is incorrect or incomplete;

(b) any candidate who is, according to the notice of the Czech Statistical Office, included in lists of

candidates in more than one electoral region, or on more than one list of candidates in the same electoral region; such candidate shall be struck out of the list of candidates where his declaration referred to in Section 32(2) is missing. If a candidate signed and attached such declaration to more than

one list of candidates, he shall be struck out by all district offices at the seat of the region where such

lists of candidates were filed;

(c) all candidates included in the lists of candidates in excess of the maximum number referred to in

Section 32(3);

(d) any candidate whose data specified in Section 32(1)(c) and (f) are missing, incorrect or incomplete; or

(e) any candidate who does not qualify under Section 25.

(3) The district office at the seat of the region shall decide 49 days before the election date

(a) on the registration of an error-free list of candidates;

(b) on the rejection of a list of candidates that has not been filed in compliance with Section 31 or that

lacks the particulars referred to in Section 32 if such deficiencies may not be rectified by the procedure

specified in paragraphs 1 and 2 above.

(4) The district office at the seat of the region shall promptly prepare a decision on the registration

or rejection of a list of candidates or on the deletion of a candidate from the list of candidates and shall send such decisions to the person/entity that is authorized to seek court protection against such decision (Section 86). At the same time, such decision shall be posted on the official board of the district office at the seat of the region, with the posting date marked thereon. Such decision shall be deemed to have been delivered the third day after posting.

(5) Every decision on the registration or rejection of a list of candidates or on the deletion of a candidate from the list of candidates must include a verdict, statement of reasons and instruction regarding appeal. The verdict shall contain the decision in the matter and shall refer to the provision of the law under which such decision has been taken. The statement of reasons shall specify the facts that were taken as the grounds for such decision. No statement of reasons is necessary in the case of a decision on registration. The written decision must include the name of the body that has issued such decision and its date. An impression of the official seal and signature with the name and surname of the employee of the district office at the seat of the electoral region must be affixed to each decision.

(6) A list of all political parties, political movements and coalitions that have submitted their lists of candidates shall be sent by the district office at the seat of the region to the National Elections Commission, which shall determine by a draw not later than 45 days before the date of elections the numbers that are to be affixed to ballots for elections into the Assembly of Deputies. The results of the draw shall be communicated to each political party, political movement, coalition and district committee at the seat of the region by the chairman of the National Elections Commission.

(7) On the basis of a court ruling issued under a special law (Note 10), the district committee at the seat of the region shall register a list of candidates even after the end of the time limit specified in paragraph 3 above but not later than 20 days before the date of the election. No recourse is permissible against such registration.

(8) The district office shall refund within 1 month the contribution paid by the political party, political movement or coalition whose list of candidates was not registered despite a court ruling issued under a special law. In the case that another amount has been deposited on the account of the district office at the seat of the region in lieu of the amount referred to in Section 31(4), the district office shall refund such amount to the payer without undue delay.

(9) The registration is a prerequisite for the printing of ballots.

Section 34 - 35

Repealed

Section 36

### **Resignation and Withdrawal of Candidacy**

(1) Every candidate may submit until 48 hours before the commencement of the elections a written resignation, or his candidacy may be withdrawn in the same manner by the authorized representative of his political party, political movement or coalition. Such notice may not be revoked.

(2) The notice of resignation or withdrawal of candidacy must be delivered to the district office at the seat of the region.

(3) If a notice of resignation or withdrawal of the candidacy has been made after the registration

of the list of candidates, the information relating to the candidate shall stay on the list of candidates but the priority votes given to him shall be disregarded at the time when the result of voting for the Assembly of

Deputies is being ascertained. The district office at the seat of the region shall ensure the publication of such notice at all polling stations within the territory of the region, provided that it has received such notice until 48 hours before the commencement of the elections to the Assembly of Deputies. The publication of such notice at the polling stations abroad shall be arranged for via the Ministry of Foreign Affairs.

#### Section 37

In a political party or political movement is cancelled or its activities suspended after the registration of its list of candidates, such political party, political movement and its candidates shall be disregarded at the allocation of mandates.

#### Section 38

##### **Ballots**

(1) Following the registration of lists of candidates, the district office at the seat of the region shall arrange for the printing of ballots. Separate ballots are printed for each political party, political movement and coalition.

(2) Each ballot must include the name of the electoral region, the number allocated by the draw referred to in Section 8(2)(c), the unabbreviated name of the political party, political movement or coalition, the name, surname, age and profession of each candidate and the place where he is registered for permanent residence, the ranking of candidates marked with Arabic numerals and their affiliation to a certain political party or political movement or the fact that the candidate is without any political affiliation. In the case of a coalition, it is necessary to provide a list of the political parties or political movements forming the coalition. With respect to each candidate, it is necessary to specify the political party or political movement that has nominated him. The accuracy of the data on the ballot may be checked prior to its printing by the authorized person of the respective political party, political movement or coalition.

(3) The ballots must be printed in the same font type and size and on the paper of the same color, quality and dimensions. An impression of the rubber stamp of the district office at the seat of the region must be attached to each ballot.

(4) The district office at the seat of the region shall send the ballots via the district offices to the mayors, who shall ensure that the ballots are delivered to all voters not later than 3 days before the election date and to all constituency commissions on the election date. The distribution of ballots among voters in municipalities where there are no mayors shall be arranged for within the stipulated time limit by the deputy mayor and if there is no deputy mayor, by the superintendent of the district office, or by the mayor of the Capital City of Prague, or by the mayors of the city of Brno, Ostrava and Plzeň (the superintendent of the district office.).

(5) Ballots for the elections held in special constituencies shall be sent by the competent district office at the seat of the region to the Ministry of Foreign Affairs, which shall ensure that they are delivered not later than 24 hours before the commencement of the elections to the diplomatic missions determined by a decree of the Ministry of Foreign Affairs. The Ministry of Foreign Affairs shall also ensure the delivery of the ballots to the other diplomatic missions by electronic transmission not later than 3 days before the election date. The head of the diplomatic mission shall ensure that the ballots are printed or reproduced in sufficient quantities not later than 24

hours before the commencement of the elections. Every voter voting at the special constituency shall receive ballots at the polling station.

(6) Ballots containing manifest typos that have been distributed to voters shall not be reprinted and the district office at the seat of the region shall ensure that the information regarding such typos shall be posted at all polling stations within the territory of the electoral region with the correct information attached thereto. As to voting outside the territory of the Czech Republic, the district office at the seat of the region shall ensure via the Ministry of Foreign Affairs that the information about such errors is posted at all polling stations outside the territory of the Czech Republic.

Section 39

### **Voting**

In the space designated for the alteration of the ballots, every voter shall insert one ballot into the official envelope. At the same time, the voter may circle the serial number of the maximum of two candidates listed on the same ballot, thus indicating the candidates to whom he gives priority. All other written alterations of the ballot do not affect its assessment.

Section 40

### **Ascertainment of the Voting Result by the Constituency Commission and the Special Constituency Commission**

(1) Upon the close of the voting, the chairman of the constituency commission or of the special constituency commission shall cause the remaining unused ballots and official envelopes to be sealed, except for unused ballots designated for the counting of priority votes (Section 42(3)), and then shall order the opening of the ballot box.

(2) The constituency commission or the special constituency commission shall extract the envelopes with ballots inserted therein out of the ballot box. In the case that the constituency commission has used, on the basis of an express request of individual voters, also portable ballot boxes, the constituency commission shall open such portable ballot box, extract from it the official envelopes with ballots inserted therein and shall mix the content of the boxes. At the same time, the constituency commission or the special constituency commission shall exclude other than official envelopes, as well as ballots not inserted in the official envelopes that have been found in the ballot box or in the portable ballot box. The constituency commission or the special constituency commission shall count the official envelopes and shall compare their number with the entries in excerpts from the permanent register and the special register.

(3) Upon the extraction of the ballots from the official envelopes, the constituency commission or the special constituency commission shall divide and count the ballots that have been given to each party, political movement or coalition, and shall exclude invalid ballots. Furthermore, the constituency commission or the special constituency commission shall count priority votes given to each candidate.

(4) Every member of the constituency commission or of the special constituency commission may inspect the ballots. The chairman of the constituency commission or of the special constituency commission shall supervise the accurate counting of votes.

Section 41

### **Assessment of Ballots**

(1) The ballots counted in favor of each political party, political movement or coalition shall also include those ballots on which the names of candidates have been struck out, changed or added. Such



modifications, however, shall be disregarded. If a voter gave a priority vote on one ballot to more than 2

candidates, such ballot shall be counted in favor of the political party, political movement or coalition, but the priority votes shall be disregarded.

(2) Ballots that are not on the prescribed pre-printed form or that have not been printed or reproduced by the diplomatic mission, which are torn or have not been inserted in the official envelope are

invalid. Damaging or folding the ballot does not affect its validity if the necessary information is still apparent. A voter's vote is invalid if there are several ballots inserted in the official envelope.

(3) The validity of the ballot shall be definitely confirmed by the constituency commission or by the special constituency commission.

Section 42

### **Record on the Course and Result of Voting**

(1) The constituency commission or the special constituency commission shall prepare in duplicate a record on the course and result of voting, which shall be signed by all members of the constituency commission or of the special constituency commission. If any member refuses to sign the record, the reasons therefor shall be stated in a special annex thereto.

(2) The record on the course and result of voting prepared by the constituency commission or by the special constituency commission shall include:

(a) the time when the voting was commenced and closed, adjourned or suspended, or the extension of the

voting period with reasons;

(b) the total number of persons at the constituency who were registered in the excerpt from the permanent

register and the special register;

(c) the number of voters to whom the official envelopes have been issued;

(d) the number of submitted official envelopes;

(e) the number of valid votes given to each political party, political movement and coalition and the total

number of valid votes;

(f) the number of valid priority votes given to each candidate of the political party, political movement and

coalition;

(g) a brief summary of the notices and complaints that have been delivered to the constituency commission or to the special constituency commission, resolutions adopted by the commission, accompanied by a brief statement of reasons.

(3) To record the information referred to in paragraph 2(f), the constituency commission or the special constituency commission shall use the necessary number of unused ballots that have been expressly designated for such purpose after the close of the voting by the chairman of the constituency commission in the presence of the members of the constituency commission or by the chairman of the special constituency commission in the presence of the members of the special constituency commission.

(4) A constituency commission or a special constituency commission that will use a computer for the preparation of the record on the course and result of voting or for the preparation of data on a data carrier

shall make use of the software delivered by the Czech Statistical Office.

Section 43

### **Delivery of the Record on the Course and Result of Voting to the Czech Statistical Office**

(1) Upon signing the record on the course and result of voting, the chairman or the authorized member of the constituency commission shall promptly deliver one counterpart of the record on the course and result of voting, or the voting result recorded on a data carrier to the center of the Czech Statistical Office established at the authorized municipal office.

(2) Upon signing the record on the course and result of voting at the special constituency, the chairman or the authorized member of the special constituency commission shall promptly send one counterpart of the record on the course and result of voting by automated transmission or by computer technology to the Czech Statistical Office via its center established at the Ministry of Foreign Affairs.

(3) Any mistakes found in the record on the course and result of voting that is being handed out shall be removed in cooperation with the chairman or the authorized member of the constituency commission if they are authorized to remove them. If the chairman or the authorized member of the constituency commission are not authorized to correct such errors or if such errors may be corrected solely with the use of materials kept at the polling station, the record on the course and result of voting shall be rejected and a time limit shall be stipulated to remove such errors and deliver a new record on the course and result of voting.

(4) If there are any errors found in the record on the course and result of voting delivered by a special constituency, such record shall be rejected and a time limit shall be stipulated to remove such errors and deliver a new record on the course and result of voting.

(5) Following the acceptance of the record on the course and result of voting for further processing, the chairman or the authorized member of the constituency commission or the chairman or the authorized member of the special constituency commission shall receive a written document in the form of a computer printout attesting that the results of the relevant constituency or special constituency that have been taken over for further processing are free of any errors. The chairman or the authorized member of the special constituency commission shall receive such document by automated transmission via the Ministry of Foreign Affairs. At the same time, the Czech Statistical Office shall issue an instruction to the effect that the constituency commission or the special constituency commission may close its session on the second day of the elections. This shall not affect Section 52a.

(6) If the constituency commission or the special constituency commission fails to comply with the request of the Czech Statistical Office and to fulfill its duties referred to in paragraph 1 or 2 within 24 hours after the close of voting (Section 22), or within the time limit specified pursuant to paragraph 3 or 4, the overall results of the elections in the electoral region may be processed without the results achieved in such constituency or special constituency. After the expiry of such time limit, the results of such constituency or special constituency shall be disregarded.

(7) The constituency commission or the special constituency commission shall seal a counterpart of the record on the course and result of voting, the submitted voter passes, the submitted ballots and official envelopes, the excerpt from the permanent registers, the excerpt from the special registers, the proof of acceptance of the voting result for further processing and the record on inspection made by the district office (if applicable). The constituency commission shall deliver those documents to the municipal office for safekeeping;

the special constituency commission shall hand those documents to the diplomatic mission, which shall send them together with all other election documents via the Ministry of Foreign Affairs to the Office of the City Part of Prague 1.

Repealed  
Section 45

**Providing Information to the Political Parties, Political Movements and Coalitions Running for Election to the Assembly of Deputies**

(1) Each political party, political movement and coalition whose list of candidates has been registered in the electoral region may notify the Czech Statistical Office not later than 15 days before the election date of its contact address. The Czech Statistical Office shall promptly notify each political party, political movement and coalition of the parameters for connection to the Czech Statistical Office for the purpose of electronic transmission of information regarding results of elections in the region and in the Czech Republic. The connection is provided for by the political parties, political movements and coalitions at their own expense.

(2) Promptly upon the signing of the record on the result of elections in the electoral region as a whole and in each of its districts, the Czech Statistical Office shall send a written summary of the result of elections to the address of the authorized representative of each political party, political movement and coalition whose list of candidates was registered at such region, or shall deliver such information in the electronic form.

Section 46

**Ascertaining the Results of Elections in the Electoral Region**

(1) The center of the Czech Statistical Office located at the district office at the seat of the region shall accept the results from all constituencies falling within the territorial jurisdiction of such region or from special constituencies, which delivered within the determined time limit records on the course and result of voting referred to in Section 43, and shall process the results achieved in the electoral region.

(2) The Czech Statistical Office shall prepare in duplicate the record on the result of elections in the given electoral region and shall promptly deliver it to the district office at the seat of the region.

(3) The record on result of elections in the electoral region shall include

(a) the number of constituencies within the electoral region, and (if applicable) the number of special constituencies, the number of constituency commissions and (if applicable) special constituency commissions that have delivered voting results;

(b) the total number of persons in the electoral region who were registered in the excerpts from the permanent registers and the special registers;

(c) the number of voters in the electoral region to whom the official envelopes have been issued;

(d) the number of submitted official envelopes for the electoral region as a whole;

(e) the total number of valid votes given in the electoral region to each political party, political movement

and coalition and the total number of valid votes in the electoral region;

(f) the number of priority votes given to individual candidates.

(4) The record on the result of elections in the electoral region shall be signed by

(a) the superintendent (mayor) of the district office at the seat of the region;

(b) the employee of the district office at the seat of the region;

(c) the employee of the Czech Statistical Office.

(5) Upon signing both counterparts of the record on the result of elections in the electoral region, the district office at the seat of the region shall promptly deliver one counterpart thereof to the Czech Statistical Office and shall retain the other counterpart together with the other election documents.

Section 47

Repealed

Section 48

### **Determination of the Number of Deputies**

#### **Elected in Electoral Regions**

(1) Based on the results of voting received by the authorized municipal offices from constituencies and special constituencies pursuant to Section 43, the Czech Statistical Office shall calculate the total number of valid votes that have been given in all electoral regions to all political parties, political movements and coalitions, and shall divide such number by the number of deputies. The resulting figure, rounded to whole numbers, represents the mandate number for the whole republic.

(2) The Czech Statistical Office shall then divide the total number of votes given in each region by the mandate number for the whole republic. The resulting quotient (rounded to the whole numbers)

represents the number of mandates allocated to individual regions.

(3) If not all mandates are divided by the above manner, the remaining mandates shall be allocated to each of the regions that has shown the highest remainder in the above division. Lots will be drawn in the case of equal remainders.

Section 49

### **Passing of the Political Parties, Political Movements and Coalitions to the Scrutiny**

(1) Based on the record on the result of elections in the regions, the Czech Statistical Office shall ascertain the total number of valid votes given for each political party, political movement and coalition and shall find out (a) which of the political parties or political movement gained less than 5 percent of votes;

(b) which coalitions consisting of two political parties or political movements gained less than 10 percent

of the total number of votes;

(c) which coalitions consisting of three political parties or political movements have gained less than 15

percent of the total number of votes;

(d) which coalitions consisting of four and more political parties or political movements have gained less

than 20 percent of the total number of votes.

(2) The above political parties, political movements or coalitions and votes given to them shall be disregarded in all further calculations of election results and allocation of mandates.

(3) If the Czech Statistical Office ascertains that at least two coalitions or one coalition and one political party or political movement, or two political parties or political movements do not proceed to the

scrutiny, it shall reduce

- (a) the 5 percent limit applying to political parties or political movements to 4 percent;
- (b) the 10 percent limit applying to coalitions referred to in paragraph 1(b) to 6 percent;
- (c) the 15 percent limit applying to coalitions referred to in paragraph 1(c) to 8 percent;
- (d) the 20 percent limit applying to coalitions referred to in paragraph 1(d) to 10 percent;

If the relevant political parties, political movements or coalitions still do not proceed to the scrutiny under the foregoing paragraph, the Czech Statistical Office shall reduce the limit by one more percent.

(4) The political parties, political movements and coalitions that have passed to the scrutiny shall be allocated mandates by electoral regions.

#### Section 50

##### **Scrutiny**

(1) The number of valid votes for each political party, political movement and coalition that has proceeded to the scrutiny is divided for each electoral region in turn by 1, 2 and 3 and then at all times by a number that is one digit higher, until the number of shares so calculated becomes equal to the number of candidates listed on the ballot. The candidates who, after registration of the list of candidates, resigned or whose candidacy was withdrawn under Section 36 are not counted. The values of the shares are calculated and quoted at two decimal places rounded up.

(2) All shares calculated according to paragraph 1 are ranked in the descending order by their size and a list of shares is worked out, in which the number of shares is equal to the number of mandates allocated to each electoral region in accordance with Section 48. If two or more shares are equal, their ranking is determined on the basis of the number of votes given to the political party, political movement and coalition in the electoral region, and if the number of votes is also equal, the ranking is decided by draw. Together with the size of the share, it is necessary to indicate the political party, political movement or coalition who has achieved such share.

(3) The political party, political movement or coalition shall be allocated 1 mandate for each share

included in the list that is referred to in paragraph 2 above.

(4) Each political party, political movement and coalition grants mandates allocated to it to its candidates in the order of rank in which they are put on the ballot.

(5) If a candidate receives such number of priority votes that is equal to at least 7 percent of the total number of valid votes given to the respective political party, political movement or coalition in the

respective electoral region, such candidate has a priority in obtaining a mandate.

(6) If more than one candidate have fulfilled the conditions specified in paragraph 5 above and the

political party, political movement or coalition has received more mandates, priority in allocating mandates shall be given to those candidates who have met the condition specified in paragraph 5. Mandates shall be granted to them in the order of rank based on the number of priority votes acquired by each of them. In the case of a tie, the ranking of the candidate on the ballot shall decide. Candidates who have not met the condition specified in paragraph 5 shall be allocated mandates in accordance with their ranking on the ballot.

(7) The candidates of political parties, political movements or coalitions who were not elected but received at least one mandate in the electoral region shall become substitutes. The order of rank of the

substitutes within their political parties, political movements and coalition is determined in the manner set out in paragraphs 4 to 6.

#### Section 51

If the ascertained total number of valid votes or the number of valid votes in the electoral region, which

were given to the political parties, political movements or coalitions that have passed to the scrutiny, does not allow to make

(a) the calculation referred to in Section 48(2), the Czech Statistical Office shall increase the mandate

number calculated in accordance with Section 48(1) by one;

(b) the division of mandates pursuant to Section 48(3), the Czech Statistical Office shall deduct any excess mandates from the mandates of the electoral regions showing the lowest division remainders. Lots shall be drawn in the case of a tie. If it is impossible to divide the determined number of mandates by this

method, the Czech Statistical Office shall allocate the remaining mandates by the repetition of the procedure specified in Section 48(3), or shall take away the excess mandates using the procedure specified in this clause.

Section 52

### **Record of the National Elections Commission and Publication of Results of the Elections**

(1) Upon completion of the scrutiny, the National Elections Commission shall prepare a record on

the result of the elections on the basis of the information delivered by the Czech Statistical Office. The record shall be signed by members of the National Elections Commission; if any one of them denies his signature, the reasons therefor shall be stated.

/2) The record of the National Elections Commission shall include

(a) the total number of persons who were registered in the excerpts from the permanent registers and the

special registers;

(b) the total number of voters to whom the official envelopes have been issued;

(c) the total number of valid votes given to each political party, political movement and coalition in each

electoral region separately;

(d) names and surnames of elected candidates and substitutes of each political party, political movement

and coalition, together with results of priority voting.

(3) The National Elections Commission shall proclaim and publish the overall results of the elections promptly after the execution of the record on the result of the elections.

Section 52a

### **Termination of Activities of the Constituency Commission and of the Special Constituency Commission at the Elections to the Assembly of Deputies**

The activity of the constituency commission and of the special constituency commission performed in

connection with the elections to the Assembly of Deputies shall be terminated on the fifteenth day after the date when the National Elections Commission publishes the result of the elections to the Assembly of Deputies.

Section 53

### **Certificate of Election**

(1) Within one month after the publication of the results of the elections, the National Elections

Commission shall issue to each candidate who has been elected as a deputy to the Assembly of Deputies a certificate attesting that he has been elected as of the second day of elections.

(2) If a petition for invalidity of the election of a candidate has been upheld by a court, the National Elections Commission shall issue a certificate of election to a candidate in the order of rank set out in Section 51 within 7 days after the date when the decision ascertaining the invalidity of election of a candidate comes into legal effect (Section 87).

Section 54

#### **Instatement of Substitutes**

(1) If a mandate becomes vacant, it shall be filled by a substitute included in the list of candidates of the same political party, political movement or coalition presented in the electoral region in which the deputy whose mandate has become vacant was nominated. Substitutes shall be selected by the order of rank based on the results of the elections. If there is no such substitute, the vacancy shall be filled by a substitute of the same political party, political movement or coalition, which shall be selected on the basis of valid votes given to the list of candidates; lots shall be drawn in the case of a tie.

(2) If there is no substitute in the same political party, political movement or coalition, the mandate shall remain vacant until the end of the election term.

(3) If the political party or political movement was cancelled, the substitute shall not be instated and the mandate shall remain vacant until the end of the election term. In the case of a coalition, the vacancy shall not be filled by the substitute nominated by the political party or the political movement that has been cancelled and the mandate shall be given to the next substitute.

(4) The Assembly of Deputies shall proclaim the instatement of a substitute within 15 days after the date on which the mandate of the deputy become extinct and shall issue to the substitute a certificate

attesting that he has become a deputy, specifying the date of his instatement.

(5) If the activity of the political party or political movement or of a political party or political movement that is part of a coalition has been suspended, no substitute shall be instated during such suspension period.

Section 55

In the case of dissolution of the Assembly of Deputies, the time limits specified in Sections 1(3), 14c(c)

and (d), 14e(3), 14g (1), 31(4), 32(4) and 45(1) shall be shortened by one third. The time limits specified in

Sections 31(3) and 33(1), (3) and (6) shall be shortened by 20 days.

Division Three

#### **Elections to the Senate**

Section 56

The Senate has 81 senators elected for a 6-year term. One third of the senators are elected every two

years (Note 11).

Section 57

Every voter who has achieved not later than the second day of elections at least 40 years of age and in

whose case there exist during the days of the elections no impediments to the exercise of his right to vote

specified in Section 2(b) may be elected as senator.

Section 58

Elections into the Senate are held in all single member constituencies on the territory of the Czech

Republic according to the principle of majority system.

Section 59

(1) For the purpose of elections into the Senate, 81 single member constituencies are established on the territory of the Czech Republic. One senator is elected in each single member constituency. A list of single member constituencies is attached hereto as Annex No. 3, which forms an integral part of this Act.

(2) If the number of population in a single member constituency falls or grows by 15% in comparison with the average number of population allocated to one mandate in the Czech Republic, the

territories of the single member constituencies shall be changed. Such change is made only in the year in which the Senate elections have been called.

Section 60

### **Submission of Applications for Registration**

(1) Applications for registration of candidates running for election to the Senate may be submitted

by registered political parties and political movements whose activities have not been suspended (Note 9) and by coalitions solely via their respective authorized representatives. An independent candidate shall submit his application for registration by himself. An application for registration submitted on behalf of a coalition means an application that is clearly marked as such by all political parties and political movements running together, which shall indicate the membership of the coalition and determine its name. If a political party or a political movement applies for the registration of a coalition candidate in one single member constituency, it may apply for the registration of another candidate in another single member constituency either separately or as a part of another coalition.

(2) Every political party, political movement and coalition running for election to the Senate may submit only one application for registration in each single member constituency. A political party or a political movement that has submitted a separate application may no longer become part of a coalition. Every political party or political movement may be the member of only one coalition in the respective single member constituency.

(3) Each candidate may run only in one single member constituency and on one application for registration.

(4) Applications for registration shall be submitted not later than 66 days before the election date to the district office at the seat of the single member constituency. The district office at the seat of the single member constituency shall confirm to the authorized representative of the political party, political movement or coalition the acceptance of the application for registration.

Section 61

### **Particulars of Applications for Registration**

(1) Each application for registration shall include:

(a) the name, surname, age and profession of the candidate and the name of the municipality where he is

registered for permanent residence;

(b) the name of the political party, political movement or coalition registering the candidate, or an indication that he an independent candidate; in the case of a coalition, the application shall also include

the composition of the coalition;



(c) the number and seat of the single member constituency in which the candidate runs for election;

(d) affiliation of the candidate to a political party or political movement, or an indication that he is without political affiliation;

(e) in the case of a coalition, the name of the political party or political movement that has nominated the candidate;

(f) the signature of the authorized representative of the political party, political movement or coalition;

(g) the name, surname, title and signature of the person authorized to act on behalf of the political party or political movement or, in the case of coalition, the name, surname, title and signature of each person authorized to act on behalf of each political party or political movement that is the member of the coalition; an independent candidate shall attach his own signature.

(2) Each candidate shall attach to his application

(a) a proof of citizenship (Note 7);

(b) a declaration signed by him stating that he agrees with his nomination, that he is not aware of any impediments to his being eligible for election or that such impediments shall cease to exist as of the election date, and that he did not consent to his nomination in another single member constituency, that he is a member of a certain political party or political movement or that he is without affiliation. Each candidate shall further state in such declaration the place where he is registered as permanent resident and his birth identification number;

(c) if the application for registration is filed by a political party, political movement or a coalition, such political party, political movement or coalition shall attach to the application an appendix where it shall designate its authorized representative and shall state his name, surname and the place where he is registered for permanent residence. Each political party, political movement and coalition has the right to nominate a substitute authorized representative and shall state his name, surname and the place where he is registered for permanent residence;

(d) the application of an independent candidate shall be accompanied by a petition in support of his candidacy, which must be signed by at least 1,000 voters entitled to vote in the single member constituency where the candidate runs for election, stating the name, surname, birth identification number of each such voter and the place where each of them is registered for permanent residence. If any of the foregoing information is missing or incomplete or if the voter did not sign the petition, such

signature is not counted. At the head of the petition, it is necessary to state the name and surname of the

candidate, the number and seat of the single member constituency where he runs for elections and the

year of the elections;

(e) a receipt confirming that he has posted a bond in the amount of CZK 20,000. Such bond shall be paid

to a special account that shall be opened with the Czech National Bank by the district office at the seat

of the single member constituency not later than 72 days before the election date. If the candidate receives in the first round of elections at least 6 percent of valid votes in his single member constituency, the district office at the seat of the single member constituency shall refund the bond to

him within 1 month after the publication of the results of the elections. Interest accruing on such bond

and non-refundable amounts represent an income of the state budget.

(3) A person younger than 18 years, incapable of performing acts in law or a candidate may not serve as an authorized representative or his substitute. The political party, political movement or coalition is bound by the acts performed by its representative in election-related matters. Every political party, political movement or coalition may recall its authorized representative in writing. In such case, his authorization shall become extinct as of the delivery of the notice of recalling to the district office at the seat of the single member constituency. An independent candidate shall not have an authorized representative

Section 62

### **Review and Registration of Applications for Registration**

1) The district office at the seat of the single member constituency shall review the submitted applications for registration in the period between the 66th and the 60th day before the election date. If an

application for registration does not include the particulars specified in Section 61 or if it contains incorrect

information, the district office at the seat of the single member constituency shall invite the independent

candidate or, through the respective authorized representative, the political party, political movement or

coalition not later than 58 days before the election date to remove such deficiencies until the 50th day before the election date.

(2) If a political party, political movement, coalition or an independent candidate fails to remove such deficiencies within the aforementioned time limit, the district office at the seat of the single member

constituency shall decide within 49 days before the election date to reject the application for registration if

(a) it is not filed in accordance with Section 60;

(b) it lacks particulars specified in Section 61(1) or if it contains incorrect or incomplete information;

(c) it lacks the appendix referred to in section 61(2)(a) to (c) or if the information in the appendices is

incorrect or incomplete;

(d) it is not accompanied with the petition referred to in Section 61(2)(d) or if the petition does not contain

the necessary number of signatures;

(e) it is not accompanied with the receipt confirming the posting of the bond referred to in Section 61(2)(e)

or if the bond has not been posted in the prescribed amount;

(f) the application for registration of the same candidate has been filed, according to the notice of the

Czech Statistical Office, in more than one single member constituency, or if his name was in more than

one application for registration the same single member constituency; the application of such candidate

shall be rejected in the single member constituency where his declaration referred to in Section 61(2)(b) is missing. If a candidate signed and attached such declaration to more than one application

for registration, he shall be rejected by all district offices at the seat of the single member constituencies where such application has been filed;

(g) the candidate does not qualify pursuant to Section 57.

(3) The district office at the seat of the single member constituency shall decide 49 days before the election date on the registration of an error-free application for registration.

(4) The district office at the seat of the region shall promptly prepare a decision on the registration

or rejection of an application for registration and shall send such decision to the person/entity that is authorized to seek court protection against such decision (Section 86). At the same time, such decision shall be posted on the official board of the district office at the seat of the single member constituency, with the posting date marked thereon. Such decision shall be deemed to have been delivered the third day after posting.

(5) Every decision on the registration or rejection of an application for registration must include a verdict, statement of reasons and instruction regarding appeal. The verdict shall contain the decision in the matter and shall refer to the provision of the law under which such decision has been taken. The statement of reasons shall specify the facts that were taken as the grounds for such decision. No statement of reasons is necessary in the case of a decision on registration. The written decision must include the name of the body that has issued such decision and its date. An impression of the official seal and signature with the name and surname of the employee of the district office at the seat of the single member constituency must be affixed to each decision.

(6) The district office at the seat of the single member constituency shall determine not later than 45 days before the election date by a draw the numbers of ballots of candidates for senate elections. The results of the draw shall be communicated in writing to each political party, political movement, coalition or independent candidate.

(7) On the basis of a court ruling issued under a special law (Note 10), the district committee at the seat of the single member constituency shall register the application for registration even after the expiry of the time limit specified in paragraph 3 above but not later than 20 days before the date of the election. No recourse is permissible against such registration.

(8) The district office shall refund within 1 month the bond paid by a candidate whose application for registration was not registered despite a court ruling issued under a special law. In the case that another amount has been deposited on the account of the district office at the seat of the

single member constituency in lieu of the bond, the district office shall refund such amount to the payer without undue delay.

(9) The registration is a prerequisite for the printing of ballots.

(10) If a political party or a political movement that has applied separately for the registration of his candidate is cancelled or its activities are suspended following the registration, such candidate shall be

regarded as independent and shall not have to submit a petition.

Section 63 – 65 Repealed

Section 66

### **Resignation and Withdrawal of Candidacy**

(1) Every candidate may submit until 48 hours before the commencement of the elections a written resignation, or his candidacy may be withdrawn in the same manner by the authorized representative of his political party, political movement or coalition. Such notice may not be revoked.

(2) The notice of resignation or withdrawal of candidacy must be delivered to the district office at the seat of the single member constituency

(3) If a notice of resignation or withdrawal of the candidacy has been made after the registration, the votes cast for such candidate shall be disregarded at the time when the result of voting is being ascertained. The district office at the seat of the single member constituency shall ensure the publication of such notice at all polling stations of the relevant single member constituency, provided that it has received such notice until 48 hours before the commencement of the elections to the Senate.

Section 67

### **Ballots**

35

(1) Following the registration of lists of candidates, the district office at the seat of the region shall arrange for the printing of ballots.

(2) Each registered candidate is included on a separate ballot, marked with the number that was allocated to such candidate by the draw. The number and seat of the single member constituency shall be printed at the head of the ballot. Each ballot must also include the name, surname, age and profession of the candidate, the municipality where he is registered for permanent residence, his affiliation to a political party or political movement or the fact that he is without political affiliation. Furthermore, the ballot must include the name of the political party, political movement or coalition that has applied for the registration of the candidate. In the case of a coalition, it is necessary to provide a list the political parties or political movements forming the coalition and the name of the political party or political movement that has nominated him. The accuracy of the data on the ballot may be checked prior to its printing by the authorized person of the respective political party, political movement or coalition or by the independent candidate.

(3) The ballots must be printed in each single member constituency in the same font type and size and on the paper of the same color, quality and dimensions. An impression of the rubber stamp of the district office at the seat of the single member constituency must be attached to each ballot.

(4) The district office at the seat of the single member constituency shall send the ballots via the district offices to the mayors, who shall ensure that the ballots are delivered to all voters not later than 3 days before the election date and to all constituency commissions on the election date. The distribution of ballots among voters in municipalities where there are no mayors shall be arranged for within the stipulated time limit by the deputy mayor and if there is no deputy mayor, by the superintendent of the district office.

(5) Ballots containing manifest typos that have been distributed to voters shall not be reprinted and the district office at the seat of the single member constituency shall ensure that the information regarding such typos shall be posted at all polling stations within the territory of the single member constituency with the correct information attached thereto.

Section 68

### **Voting**

In the space designated for the alteration of the ballots, every voter shall insert one ballot into the official envelope. Such ballot shall not be altered in any way.

Section 69

### **Determination of the Voting Result by the Constituency Commission**

(1) Upon the close of the voting, the chairman of the constituency commission shall cause the remaining unused ballots and official envelopes to be sealed, and then shall order the opening of the ballot box.

(2) The constituency commission or the special constituency commission shall extract the envelopes with ballots out of the ballot box. In the case that the constituency commission has used, on the basis of an express request of individual voters, also portable ballot boxes, the constituency commission shall open such portable ballot box, extract from it the official envelopes with ballots and shall mix the content of all boxes. At the same time, the constituency commission shall exclude other than official envelopes, as well as ballots not inserted in the official envelopes that have been found in the ballot box or in the portable ballot box. The constituency commission shall count the official envelopes and shall compare their number with the entries in the excerpts from the permanent register and the special register.

(3) Upon the extraction of the ballots from the official envelopes, the constituency commission shall divide and count the ballots by candidates and shall count them up.

(4) Every member of the constituency commission may inspect the ballots. The chairman of the constituency commission or shall supervise the accurate counting of votes.

Section 70

### **Assessment of Ballots**

(1) The ballots counted in favor of a candidate shall also include those ballots on which the voters made various modifications.

(2) Ballots that are not on the prescribed pre-printed form, which are torn or have not been inserted in the official envelope are invalid. Damaging or folding the ballot does not affect its validity if the

necessary information is still apparent. A voter's vote is invalid if there are several ballots inserted in the official envelope.

(3) The validity of the ballot shall be definitely confirmed by the constituency commission.

Section 71

### **Record on the Course and Result of Voting**

(1) The constituency commission shall prepare in duplicate a record on the course and result of voting, which shall be signed by all members of the constituency commission. If any member refuses to sign the record, the reasons therefor shall be stated in a special annex thereto.

(2) The record on the course and result of voting prepared by the constituency commission shall include:

(a) the time when the voting was commenced and closed, adjourned or suspended, or the extension of the voting period with reason therefor;

(b) the total number of persons at the constituency who were registered in the excerpt from the permanent register and the special register;

(c) the number of voters to whom the official envelopes have been issued;

(d) the number of submitted official envelopes;

(e) the number of valid votes given to each candidate and the total number of valid votes;

(f) a brief summary of the notices and complaints that have been delivered to the constituency commission

and of resolutions adopted by the commission, accompanied by a brief statement of reasons.

(3) A constituency commission that will use a computer for the preparation of the record on the course and result of voting or for the preparation of data on a data carrier shall make use of the software

delivered by the Czech Statistical Office.

#### Section 72

(1) Upon signing the record on the course and result of voting, the chairman or the authorized member of the constituency commission shall promptly deliver one counterpart of the record on the course and result of voting, or the voting result recorded on a data carrier to the center of the Czech Statistical Office established at the authorized municipal office.

(2) Any mistakes found in the record on the course and result of voting that is being handed out shall be removed in cooperation with the chairman or the authorized member of the constituency commission if they are authorized to remove them. If the chairman or the authorized member of the constituency commission are not authorized to correct such errors or if such errors may be corrected solely with the use of materials kept at the polling station, the record on the course and result of voting shall be rejected and a time limit shall be stipulated to remove such errors and deliver a new record on the course and result of voting.

(3) Following the acceptance of the record on the course and result of voting for further processing, the chairman or the authorized member of the constituency commission shall receive a written

document in the form of a computer printout attesting that the results of the relevant constituency that have been taken over for further processing are free of any errors. At the same time, the Czech Statistical Office shall issue an instruction to the effect that the constituency commission may close its session on the second day of the elections. This shall not affect Section 77a.

(4) If the constituency commission fails to comply with the request of the Czech Statistical Office and to fulfill its duties referred to in paragraph 1 within 24 hours after the close of voting (Section 22), or within the time limit specified pursuant to paragraph 2, the overall results of the elections in the single member constituency may be processed without the results achieved in such constituency. After the expiry of such time limit, the results of such constituency shall be disregarded.

(7) The constituency commission shall seal a counterpart of the record on the course and result of voting, the submitted voter passes, the submitted ballots and official envelopes, the excerpt from the permanent registers, the excerpt from the special registers, the proof of acceptance of the voting result for further processing and the record on inspection made by the district office (if applicable). The constituency commission shall deliver those documents to the municipal office for safekeeping.

#### Section 72a

### **Providing Information to the Political Parties, Political Movements, Coalitions and Independent Candidates Running for Election to the Senate**

(1) Each political party, political movement, coalition or independent candidate whose application has been registered in a single member constituency may notify the district office at the seat of such single member constituency not later than 15 days before the election date of his contact address. The Czech Statistical Office shall promptly notify each political party, political movement, coalition and independent candidate of the parameters for connection to the center of the Czech Statistical Office at the district office at the seat of the single member constituency for the purpose of electronic transmission of information regarding results of elections in the single member constituency. The connection is provided for by the political parties, political movements, coalitions and independent candidates at their own expense.

(2) Promptly upon the signing of the record on the result of elections in the single member constituency, the Czech Statistical Office shall send a written summary of the result of elections to the address of the authorized representative of each political party, political movement and coalition and to each independent candidate whose application was registered in such single member constituency, or shall deliver such information in the electronic form.

#### Section 73

#### **Ascertaining the Results of Elections in the Single Member Constituency**

(1) The center of the Czech Statistical Office located at the district office at the seat of the single member constituency shall accept the results from all constituencies falling within the territory of such single member constituency, which delivered to the authorized municipal office within the determined time limit records on the course and result of voting referred to in Section 73, and shall process the results achieved in the single member constituency.

(2) The Czech Statistical Office shall prepare in duplicate the record on the result of elections in the given single member constituency and shall promptly deliver it to the district office at the seat of the single member constituency.

(3) The record on result of elections in the single member constituency shall include

(a) the number of constituencies within the single member constituency and the number of constituency

commissions that have delivered voting results;

(b) the total number of persons in the single member constituency who were registered in the excerpts

from the permanent registers and the special registers;

(c) the total number of voters in the single member constituency to whom the official envelopes have been

issued;

(d) the number of submitted official envelopes for the single member constituency as a whole;

(e) the total number of valid votes given in the single member constituency all candidates;

(f) the ranking of candidates in accordance with the number of valid votes given to each of them and the

percentage thereof calculated as the portion of the total number of valid votes in the relevant single

member constituency; lots shall be drawn in the case of a tie;

(g) the name and surname of the elected candidate (Section 75) or the fact that none of the candidates has received the number of votes necessary for election.

(4) The record on the result of elections in the single member constituency shall be signed by

(a) the superintendent of the district office at the seat of the single member constituency;

(b) the employee of the district office at the seat of the single member constituency;

(c) the employee of the Czech Statistical Office.

(5) Upon signing both counterparts of the record on the result of elections in the single member constituency, the district office at the seat of the single member constituency shall promptly deliver one

counterpart thereof to the Czech Statistical Office and shall retain the other counterpart together with the other election documents.

(6) The Czech Statistical Office shall deliver to the National Elections Commission a summary of the results of elections for all single member constituencies.

Section 74

Repealed

Section 75

The candidate that has received the majority of valid cast votes shall be elected.

Section 76

(1) If none of the candidates received the number of votes necessary for election as set out in Section 75, the district office at the seat of the single member constituency shall ensure that the second round of elections is commenced on the sixth day after the close of voting in the first round.

(2) Only two candidates who placed as the first and the second in the first round shall run in the second round in each single member constituency in which the elections are held.

(3) Repeated elections shall be held if, before the second round, a candidate resigns, loses his right to vote, dies or his candidacy is withdrawn.

(4) Ballots shall be printed in accordance with the procedure specified in Section 37(1) to (3), but the ballots of the candidates who have passed to the second round shall be printed on a paper with different color. The district office at the seat of the single member constituency shall send the ballots via the district offices to mayors who shall ensure that the ballots are delivered to the constituency commission before the commencement of voting. Every voter shall receive the ballots at the polling station on the election days.

(5) The candidate that has received in the second round the majority of valid cast votes shall be elected. Lots shall be drawn in the case of a tie.

(6) The provisions of this Act applying to the elections into the Senate shall apply *mutatis mutandis* to the second round of the elections.

Section 77

Based on the report of the summary of the results of elections in all single member constituencies provided by the Czech Statistical Office in accordance with Section 73(6), the National Elections Commission shall proclaim and publish the overall results of the elections into the Senate.

Section 77a

(1) The activity of the constituency commission performed in connection with the elections to the Senate shall be terminated on the fifteenth day after the date when the National Elections Commission publishes the result of the elections to the Senate.

(2) The activity of the constituency commission having jurisdiction over an single member constituency in which a petition for invalidity of voting, for invalidity of elections or for invalidity of election of a candidate (Section 87) shall be terminated

(a) as of the date on which the court decision dismissing such petition comes into legal effect;

(b) on the fifteenth day after additional voting in the case that the court has upheld the petition and only the voting has been repeated within the scope of the election process;

(c) as of the date on which the court decision comes to legal effect if the court has upheld the petition and



the entire election process has been repeated.

Section 78

### **Certificate of Election**

Within one month after the publication of the results of the elections, the National Elections Commission shall issue a certificate of election to each candidate who has been elected as senator.

Section 79

### **Repeated Elections and Repeated Voting**

(1) Repeated elections are held if

(a) the candidate who has passed to the second round of elections resigns, dies or his candidacy is withdrawn;

(b) the petition for invalidity of elections (Section 87) is upheld by the court.

(2) Repeated voting is held if a petition for invalidity of voting (Section 87) is upheld by the court.

(3) The repeated elections referred to in paragraph 1 above shall be called by the President of the Republic, who shall determine their date in such manner that they are held not later than 90 days after the

occurrence of the prerequisite referred to in paragraph 1. The time limits specified in Section 80(2) hereof shall apply *mutatis mutandis* to the repeated elections.

(4) The repeated voting referred to in paragraph 2 above shall be called by the President of the Republic within 30 days after the date on which he has been notified through the Ministry of Interior of the court ruling.

(5) In the case of repeated elections, the district office at the seat of the single member constituency shall return to the political party, political movement, coalition or independent candidate the posted bond within 1 month after the date when the repeated elections have been called.

Section 80

### **By-elections**

(1) If a mandate of a senator becomes extinct during the election term due to any reasons, the President of the Republic shall call by-elections in the relevant single member constituency where such senator was elected, and shall determine their date in such manner that they are held not later than 90 days after the date on which the mandate of such senator became extinct.

(2) By-elections are governed by the provisions of this Act, but the time limits specified in Sections 1(3), 14c(c) and (d), 14e(3) and (7), 14g(1), 61(2)(e) and 62(6) shall be shortened by one third. The time limits specified in Sections 60(4) and 62(1), (3) and (6) shall be shortened by 20 days.

(3) By-elections shall not be held in the year immediately preceding the expiry of the office term of a senator.

(4) The senator elected in by-elections shall be elected solely for the rest of the office term that applied to the previously elected senator whose mandate has become extinct.

Division Four

### **Administrative and Technical Arrangements**

Section 81

Repealed

Section 82

### **Entitlements of Members of Election Commissions**

Members of the constituency commissions and the special constituency commissions are entitled to a special remuneration for the performance of tasks connected with their office. The entitlements of a member of the constituency commission and the special constituency commission for leave with wage compensation provided by his employer in connection with the performance of his tasks are regulated by applicable labor laws

(Note 12).

Section 83

#### **Entitlements of Candidates**

(1) Every candidate is entitled to a leave of absence without wage compensation to be provided by the person/entity with which he is employed or to which he has a similar relationship for the period

beginning with the day following the registration of the list of candidates or the application for registration until the day immediately preceding the elections. The activities performed by the candidate within such period are deemed to be other activities performed in common interest.

(2) The fact that a person is a candidate may not be detrimental to his labor law or similar relations. The leave of absence specified in the previous paragraph is considered as the time worked by such person.

Section 84

All expenses incurred by the state administration authorities, municipal offices, constituency commissions, special constituency commissions and diplomatic missions in connection with the elections into the Assembly of Deputies and all expenses incurred by the state administration authorities, municipal offices and constituency commissions in connection with the elections into the Senate are covered by the state budget.

Section 85

#### **Contribution towards Election Costs**

A contribution towards the election costs is provided solely for the results of elections into the Assembly of Deputies. Having reviewed the election of deputies, the Assembly of Deputies shall advise the Ministry of Finance of the number of valid votes given to each political party, political movement and coalition. Each political party, political movement and coalition that has received at least 1.5 percent of the total number of valid votes shall receive out of the state budget CZK 100 for each received vote.

Division Five

#### **Court Review**

Section 86

Court protection under a special law (Note 13) against the decision to reject a list of candidates or the

application for registration, to delete a candidate on a list of candidate, and against the registration of a list of candidates or of an application may be sought, within 2 days after the delivery of such decision, by any

independent candidate, political party, political movement or coalition that has filed a list of candidates or an application for registration, or in the case of deletion of a candidate, also by such candidate.

Section 87

(1) Court protection under a special law (Note 14) by means of filing a petition for invalidity of election of a candidate may be sought by every citizen registered in the permanent register in the constituency in which such deputy has been elected, as well by every political party, political

movement or coalition whose list of candidates has been registered in the electoral region for the elections to the Assembly of Deputies (the .petitioner.). Such petition must be filed not later than 10 days after the publication of results of elections by the National Elections Commission.

(2) Court protection under a special law (Note 14) by means of filing a petition for invalidity of election of a candidate may be sought by every citizen registered in the permanent register in the constituency in which such senator has been elected, as well by every political party, political movement or coalition whose application for registration has been registered in the single member constituency for the elections to the Senate (the .petitioner.). Such petition must be filed not later than 10 days after the publication of results of elections by the National Elections Commission.

(3) A petition for invalidity of voting may be filed by the petitioner if he believes that the provisions of this Act have been breached in a manner that may have affected the voting results.

(4) A petition for invalidity of the elections may be filed by the petitioner if he believes that the provisions of this Act have been breached in a manner that may have affected the results of the elections.

(5) A petition for invalidity of election of a candidate may be filed by the petitioner if he believes that the provisions of this Act have been breached in a manner that may have affected the result of the election of such candidate.

Section 88

(1) The court having jurisdiction over the petitions referred to in Section 86 is the regional court having jurisdiction over the seat of the district office at the seat of the region or over the seat of the district

office at the seat of the single member constituency.

(2) The court having jurisdiction in respect of the petitions referred to in Section 87 is the Supreme Court.

Section 89

Repealed

## **PART TWO**

### **AMENDMENTS TO ACT No. 99/1963 Coll., THE CIVIL PROCEDURE CODE, AS AMENDED**

Section 90

Act No. 99/1963 Coll. (the Civil Procedure Code), 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 of the Czech National Council

No. 24/1993 Coll., Act No. 171/1993 Coll., Act No. 117/1994 Coll., Act No. 152//1994 Coll., Act No. 216/1994

Coll., Act No. 84/1995 Coll., Act No. 118/1995 Coll. and Act No. 160/1995 Coll. is hereby amended as follows:

1. Sections 200f and 200g, including their title, are hereby deleted.

2. Section 200j(1) and (4) reads as follows:

.(1) If the competent state administration authority does not remove the mistakes or deficiencies in

the permanent register or the special register of voters, a citizen affected thereby may file a petition with the

court having jurisdiction over the constituency, seeking correction or supplementation of such register.

(4) Proceedings in matters concerning mistakes or deficiencies in permanent or special voter registers shall be conducted by the competent district court..

3. New Sections 200m and 200n are hereby inserted after Section 200l, which read (including the title and Note 34d) as follows:

#### **.Proceedings Conducted in Election Matters**

##### **Section 200m**

(1) If an election body that is competent to issue a final decision under a special law (Note 34d) has decided (a) to reject a list of candidates running for elections to the Assembly of Deputies, the political party, political movement or election coalition that has submitted such list may file a petition with the court

seeking the registration of such list of candidates;

(b) to delete a candidate from a list of candidates running for elections to the Assembly of Deputies, the

political party, political movement or election coalition that has submitted such list may file a petition

with the court seeking a decision that such candidate may remain on the list;

(c) to reject an application for the registration for the elections into the Senate, the person/entity that has

filed such application may file a petition with the court seeking the registration of the applying candidate.

(2) The parties to the above proceedings are the petitioner and the relevant election body.

(3) The court shall not order verbal hearing and shall decide within three days.

(4) No recourse is admissible against the court decision.

##### **Section 200n**

(1) The court shall not order a verbal hearing and shall decide within ten days on a complaint against the issue of a certificate of election as a deputy or senator (Note 34).

(2) The parties to such proceeding are the petitioner, the deputy or senator whose certificate of election is contested by the complaint and the competent election body.

(3) No recourse is admissible against the court decision.

Note 34d): Act No. 247/1995 Coll. on the Elections to the Parliament of the Czech Republic and on the

Amendment of Certain Other Laws...

#### **PART THREE**

Repealed

Section 91

Repealed

#### **PART FOUR**

#### **JOINT, INTERIM AND FINAL PROVISIONS**

##### **Section 92**

(1) The Ministry of Interior shall determine by a decree:

(a) the procedure to be applied by the municipal offices, district offices and, in coordination with the

Ministry of Foreign Affairs, by the diplomatic missions with respect to the compilation and maintenance of special registers and making excerpts from them;

(b) the manner and procedure applied in the verification of eligibility of employees of the Capital City of

Prague placed in the Magistrature of the City of Prague and charged with the performance of tasks

relating to elections;

(c) in coordination with the Czech Statistical Office

1. the form of cooperation of state administration authorities with respect to the distribution of basic data from the lists of candidates and applications for registration for the purpose of compilation by the Czech Statistical Office of registers and lists of numbers of candidates and political parties, political movements and coalitions running for election, and with respect to the control of accuracy of information provided by the political parties, political movements and coalitions submitting lists of candidates and applications for registration, and with respect to the draw of numbers for the designation of ballots;

2. the procedure applied by the municipal offices, district offices at the seat of the region, district offices at the seat of the single member constituency and diplomatic missions in respect of the custody and safekeeping of ballots and other election documents;

3. a specimen of the list of candidates, application for registration, ballot, special voter register, certificate of election, specimens of printed forms used in the ascertainment and processing of voting results in the elections into the Parliament of the Czech Republic, specimens of other documents and the manner of arranging for the print of ballots;

(a) in coordination with the Ministry of Labor and Social Affairs and with the Ministry of Finance the

amount of special remuneration for the performance of tasks of a member of a constituency commission or an special constituency commission and the method of payment of such remuneration.

(2) The Ministry of Finance shall determine by a decree detailed conditions of the manner of posting and refund of the bond and of the payment and refund of contributions to cover election expenses.

(3) The Ministry of Foreign Affairs shall determine by a decree the diplomatic missions that shall receive ballots for the elections to the Assembly of Deputies and the diplomatic missions to which the ballots shall be sent by electronic transmission for printing or reproduction.

#### Section 93

Measures that were taken by the competent state authorities before the effective date of this Act for the

purpose of preparation for its implementation shall be deemed to have been taken after its effective date, unless they are in conflict with the law.

#### Section 94

The first elections to the Senate shall be held at all of the 81 single member constituencies listed in

Annex No. 3. Senators in constituencies no. 1, 4, 7, 10, 13, 16, 19, 22, 25, 28, 31, 34, 37, 40, 43, 46, 49, 52, 55, 58, 61, 64, 67, 70, 73, 76 and 79 shall be elected for two years, in constituencies no. 2, 5, 8, 11, 14, 17, 20, 23, 26, 29, 32, 35, 38, 41, 44, 47, 50, 53, 56, 59, 62, 65, 68, 71, 74, 77 and 80 for four years and in the remaining constituencies for six years.

#### Section 95

In the cases that the elections into the Assembly of Deputies and into the Senate are held on the same

days, the constituency commissions shall be common for both types of elections. In such case, the activities of the constituency commission may be terminated only after the conditions specified in Sections 52a and 77a have been met.

Section 96

Repealed

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Section 97

(1) As of January 1 of the year in which the elections to the Senate shall be held, the Czech Statistical Office shall advise the district offices at the seat of the single member constituency where the elections shall be held of the number of inhabitants of such constituency within the territory of the Czech Republic.

(2) The procedures specified in the Act shall not be subject to the provisions of the Administrative

Procedure Code, except for the procedure specified in Section 16(5) and (7).

Section 97a

#### **Time Limits**

(1) The decisive date for the commencement of a time limit is not included in such time limit. This does not apply to a time limit determined by hours.

(2) Time limits determined by hours end by the expiry of the hour that is, as to its designation, identical with the hour of the occurrence of the fact triggering the commencement of the time limit.

(3) A time limit determined by days is complied with if the relevant act is made with the competent authority until 4:00 p.m. of the last day of such time limit.

(4) Time limits may not be extended and their missing may not be waived.

(5) Time limits applying to elections performed abroad shall be determined in accordance with the local time of the seat of the diplomatic mission.

Section 97b

(1) The tasks of a superintendent of a district office determined herein shall be performed in his absence by his deputy.

(2) If the mayor and his deputy do not perform the tasks stipulated herein or if no mayor or deputy mayor have been elected, the tasks specified herein shall be performed in such municipality even after the stipulated time limit by the superintendent of the district office, who holds, while performing such tasks, the position of an election body.

Section 97c

(1) Every diplomatic mission shall check as of January 31 of each year whether the laws of the state where the diplomatic mission has its seat allow the citizens of the Czech Republic to vote to the Assembly of Deputies, or whether a special permission is necessary to organize such voting at the diplomatic mission. In such case, the diplomatic mission shall apply for such permission.

(2) If the Czech citizens are not allowed to vote to the Assembly of Deputies at the diplomatic mission because the laws of the state where the diplomatic mission has its seat does not permit such voting, or if the applicable permission has not been issued, each voter registered in the special register shall receive from the diplomatic mission a voter pass and shall be advised of the closest special constituency where voting is allowed. Section 98

#### **Repealing Provisions**

Act of the Czech National Council No. 54/1990 Coll. on the Elections to the Czech National Council,

as amended by the Legislative Decree of the Presidium of the Czech National Council No. 221/1990 Coll., Act of the Czech National Council No. 435/1991 Coll., Act of the Czech National Council No. 94/1992 Coll. and Act No. 117/1994 Coll. is hereby repealed.

Section 99

**Effective Date of the Act**

This Act shall come into effect as of January 1, 1996.

**Annex No. 1 to Act No. 247/1995 Coll.**

Superseded by Finding of the Constitutional Court No. 64/2001 Coll.

**Annex No. 2 to Act No. 247/1995 Coll.**

**Maximum Numbers of Candidates on Lists of Candidates Electoral region no. Name Seat**

**Maximum number of candidates on candidate list**

- 1 Capital City of Prague Prague 36
- 2 Středočeský Prague 34
- 3 Jihočeský České Budějovice 22
- 4 Plzeňský Plzeň 20
- 5 Karlovarský Karlovy Vary 14
- 6 Ústecký Ústí nad Labem 26
- 7 Liberecký Liberec 17
- 8 Královéhradecký Hradec Králové 20
- 9 Pardubický Pardubice 19
- 10 Vysočina Jihlava 20
- 11 Jihomoravský Brno 34
- 12 Olomoucký Olomouc 23
- 13 Zlínský Zlín 22
- 14 Moravskoslezský Ostrava 36

**Annex No. 3 to Act No. 247/1995 Coll.**

**List of Single Member Constituencies for Senate Elections and Their Seats**

**Single Member Constituency No. 1 Seat: Karlovy Vary**

the northern part of the district of Karlovy Vary demarcated in the south by the municipalities of Bečov nad

Teplou, Chodov, Krásné Údolí, Útvina, Bochov, .

.....  
**End notes:**

1) Sections 5(2)(b) and 9(4)(a) of Act No. 20/1966 Coll. on the Care for Health of the People, as amended

by Act of the Czech National Council No. 548/1991 Coll.

2) Sections 10 and 855 of the Civil Code.

3) Section 8 of Act No. 152/1994 Coll. on Elections to Municipal Assemblies and on the Amendments to Certain Other Laws.

4) Sections 10 and 11 of Act No. 152/1994 Coll.

5) Act No. 133/2000 Coll. on Population Register and Birth Identification Numbers and on the Amendment to Certain Other Laws (Population Register Act)

5a) Section 4 of Act No. 293/1993 Coll. on Detention.

Section 5 of Act No. 169/1999 Coll. on Imprisonment and on the Amendment to Certain Related Laws.

5b) Section 64 of Act No. 128/2000 Coll. on Municipalities (the Municipal System).

Decree No. 349/2000 Coll. on Determination of Seats and Administrative Jurisdiction of Authorized

Municipal Offices, as amended by Decree No. 437/2000 Coll.

5c) Act No. 130/2000 Coll. on Elections to Regional Assemblies and on the Amendment of Certain Laws.

5d) Section 12(1)(1) of Act No. 2/1969 Coll. on the Establishment of Ministries and Other Central State

Administration Authorities of the Czech Republic, as amended by Act No. 130/2000 Coll.

5e) Section 6(3)(k) of Act No. 2/1969 Coll., as amended by Act No. 204/2000 Coll.

5f) Act No. 89/1995 Coll. on State Statistical Service, as amended.

5g) Section 117(3) of Act No. 128/2000 Coll., as amended by Act No. 273/2001 Coll.

5h) Act No. 200/1990 Coll. on Transgressions, as amended.

5i) Section 15(2)(a) of Act No. 468/1991 Coll. on the Operation of Radio and Television Broadcasting, as

amended by Act No. 301/1995 Coll.

6) Act of the Czech National Council No. 3/1993 Coll. on State Symbols of the Czech Republic.

7) Section 20 of Act No. 40/1993 Coll. on Gaining and Losing the Citizenship of the Czech Republic.

7a) Section 5(1)(a) to (d) of Act No. 329/1999 Coll. on Travel Documents and on the Amendment of Act

No. 283/1991 Coll. on the Police of the Czech Republic, as amended (the Traveling Documents Act).

7b) Act No. 328/1999 Coll. on Identity Cards

8) Article 16(1) of the Constitution of the Czech Republic.

8a) Constitutional Act No. 347/1997 Coll. on Formation of Higher-level Territorial Self-government

Divisions and on the Amendment of the Constitutional Act of the Czech National Council No. 1/1993

Coll. on the Constitution of the Czech Republic, as amended by Constitutional Act No. 176/2001 Coll.

9) Act No. 424/1991 Coll. on Association in Political Parties and Political Movements, as amended

(amended and restated as Act No. 118/1994 Coll.)

10) Section 200m of Act No. 99/1963 Coll., the Civil Procedure Code, as amended.

11) Article 16(2) of the Constitution of the Czech Republic.

12) Decree of the Federal Ministry of Labor and Social Affairs No. 18/1991 Coll. on Other Acts Taken in

Common Interest. Section 17 of Government Regulation No. 108/1994 Coll. Implementing the Labor

Code and Certain Other Laws.

13) Section 200m of the Civil Procedure Code.

14) Section 200n of the Civil Procedure Code.

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**Notes:**



**Wording of Article II of Act No. 204/2000 Coll.**

Article II

**Transitory Provisions**

1. Measures that were taken by the administrative authorities and electoral bodies before the effective date of this Act for the purpose of preparation for its implementation shall be deemed to have been taken after its effective date, unless they are in conflict with the law.
2. Elections called before the effective date of this Act shall be governed by the existing laws and regulations.
3. If the elections to the Parliament of the Czech Republic are held within less than 4 months after the effective date of this Act, Section 14(2) shall not apply and the control of voting and counting of votes by the constituency commission under Section 21a may be performed by the employees of the district offices authorized to perform activities related to the elections.