

# **180/2014 Coll.**

## **ACT**

of 29 May 2014

### **on conditions for the exercise of the right to vote and on the amendment to certain acts**

Amendment: 239/2014 Coll.

Amendment: 180/2014 Coll.

Amendment: 356/2015 Coll.

Amendment: 180/2014 Coll.

Amendment: 160/2015 Coll. (indirect amendment), Act No. 125/2016 Coll.

Amendment: 69/2017 Coll.

Amendment: 130/2017 Coll., 131/2017 Coll.

Amendment: 165/2017 Coll.

Amendment: 177/2018 Coll., 344/2018 Coll.

The National Council of the Slovak Republic has passed the following act:

#### Section I

### **PART ONE**

## **GENERAL PROVISIONS**

#### Article 1 **Subject Matter**

This Act regulates the conditions for the exercise of the right to vote and organisation of elections to the National Council of the Slovak Republic, elections to the European Parliament, elections of the President of the Slovak Republic, plebiscite on the recall of the President of the Slovak Republic, elections to local government bodies and the way of performance of referendum called pursuant to Articles 93 to 99 of the Constitution of the Slovak Republic (hereinafter "elections").

#### Article 2

#### **Principles of the Right to Vote**

Elections take place based on the general, equal and direct right to vote by ballot.

#### Article 3

#### **Right to Vote**

Anyone, who will be aged 18 or over no later than on the date of elections pursuant to the conditions laid down in special parts (hereinafter the "voter"), has the right to vote.

#### Article 4

#### **Obstacles to the Right to Vote**

Obstacles to the right to vote include

- a) restriction on liberty in order to protect public health laid down by law,
- b) cancelled from 31 May 2017, \*)

c) cancelled from 31 May 2017.”)

Article 5  
**Right to be Elected**

The Act lays down the conditions of the right to be elected in special parts.

Article 6  
**Obstacles to the Right to be Elected**

The right to be elected is obstructed by

- a) serving a prison sentence,
- b) final conviction for an intentional crime unless the conviction has been expunged,
- c) deprivation of legal capacity.

Article 7  
**Constituencies**

Constituencies are laid down by the Act in special parts.

Article 8  
**Electoral Districts**

(1) For the hand-over of ballot papers and vote counting, the municipality mayor, town mayor, in the capital of the Slovak Republic Bratislava and in the city of Košice the mayor of city district (hereinafter the “municipality mayor”) creates electoral districts and determines polling stations within the period specified in the decision on the call of elections. In determining the polling station, the municipality mayor ensures that handicapped voters can access the polling station as easily as possible.

(2) The electoral district is created in such a way as to include normally 1,000 voters.

(3) Electoral districts are designated by serial numbers in continuous numerical series by Arabic numerals. In the capital of the Slovak Republic Bratislava and in the city of Košice, electoral districts are numbered in separate numerical series in each city district. Even if only one electoral district is created, it shall be designated by a serial number.

(4) A special electoral district (hereinafter the “special district”) is created and a polling station is determined at the Ministry of Interior of the Slovak Republic (hereinafter the “Ministry of Interior”) for the elections to the National Council of the Slovak Republic and for voting in a referendum by post by the voters without permanent residence in the territory of the Slovak Republic.

Article 9  
**Permanent Electoral Roll**

(1) The permanent electoral roll (hereinafter the “permanent electoral roll”) is prepared and kept by the municipality, in the capital of the Slovak Republic Bratislava and in the city of Košice by a city district (hereinafter the “municipality”). The municipality records voters with permanent residence in the municipality in the permanent electoral roll. A voter can be registered only in one permanent electoral roll.

(2) Voters are kept in the permanent electoral roll in alphabetical order according to

surnames.

(3) The permanent electoral roll contains the following voter's data:

- a) name and surname,
- b) personal ID number, for a foreigner without personal ID number the date of birth,
- c) nationality,
- d) municipality name, street name provided that the municipality is divided into streets, indication number, and street number of the house of permanent residence.

(4) The municipality shall delete a voter from the permanent electoral roll if he/she

- a) has registered for permanent residence in another municipality,
- b) has died or has been declared dead,
- c) has ended the permanent residence in the territory of the Slovak Republic.

(5) The municipality shall perform a change in the permanent electoral roll if the voter changes the name, surname or permanent residence in the municipality.

(6) The municipality continuously detects the facts representing the reason for changes in the permanent electoral roll. The municipality performs changes based on

- a) its own records,
- b) notices of public authorities,
- c) results of the objection procedure.

(7) The public authorities making decisions on the personal state of voters or keeping other records of voters within central government performance, shall be obliged to notify the respective municipality without undue delay of the acquisition and loss of nationality of the Slovak Republic, voter's death or that he/she has been declared dead, change of name or change of surname, of reaching the age of 18, deprivation of legal capacity and change of permanent residence, for foreigners of a change and end of permanent residence in the territory of the Slovak Republic and nationality.

(8) The permanent electoral roll must contain room for correction of errors and designation of the obstacle to the right to vote.

#### Article 10 **Objection Procedure**

(1) During the municipality's business hours, the voter may verify whether they are included in the permanent electoral roll, whether data on them are true and complete, and may ask for supplementation of the data or execution of corrections. The municipality shall be obliged to comply with the request or to notify the voter in writing of the reasons, for which it cannot comply with the request, within three days.

(2) If the municipality itself fails to eliminate the mistakes or deficiencies in the permanent electoral roll, the voter affected may submit a proposal for the issuance of a decision on making a correction or supplementation of the permanent electoral roll to an administrative court. The provisions of a special regulation shall apply to the proceeding. Based on the decision of the

administrative court, the change in the permanent electoral roll is made by the municipality; on the date of election, the change in the electoral roll in the electoral district (hereinafter the "electoral roll") is made by the District Electoral Commission.

#### Article 11 **Electoral Roll**

(1) The electoral roll for individual electoral district shall be prepared by the municipality from the permanent electoral roll; if the electoral roll for elections to the European Parliament is concerned, Article 75 shall also apply.

(2) The municipality shall hand over the electoral roll to the District Electoral Commission no later than one hour before the beginning of voting.

(3) On the date of election, the District Electoral Commission shall add to the electoral roll the voter, on whom it is laid down by the Act in special parts.

(4) Everyone entitled to become familiarised with the data in electoral rolls shall be obliged to keep such data confidential.

(5) The preparation of a special electoral roll is laid down by the Act in special parts.

#### Article 12 **General Provisions**

(1) Elections are managed by the State Commission for Elections and Control of Funding of Political Parties.

(2) County Electoral Commissions and District Electoral Commissions are established for elections; the establishment of additional electoral commissions is laid down by the act in special parts.

(3) For the purposes of this Act, the electoral bodies also include

- a) Ministry of Interior,
- b) Statistical Office of the Slovak Republic (hereinafter the "Statistical Office"),
- c) District Office,
- d) Self-Governing Region,
- e) municipality.

#### **State Commission for Elections and Control of Funding of Political Parties**

#### Article 13

(1) The State Commission for Elections and Control of Funding of Political Parties (hereinafter the "State Commission") as an independent body for the control of funding of political parties and political movements (hereinafter the "political party"), election management and determining of election results is established. The State Commission has 14 members. Ten members of the State Commission are delegated by the political parties, which obtained representation in the National Council of the Slovak Republic in the latest elections, proportionally to the number of the parliamentary mandates obtained. The number of members of the State Commission delegated by the political parties, which created the Government, must be equal to the number of members of the State Commission delegated by the other political parties

represented in the National Council of the Slovak Republic. This equality must be preserved for the entire term of office of the State Commission. President of the Constitutional Court of the Slovak Republic, President of the Supreme Court of the Slovak Republic, General Prosecutor, and President of the Supreme Audit Office of the Slovak Republic shall delegate one member of the State Commission each.

(2) Chairmen of the respective political parties, President of the Constitutional Court of the Slovak Republic, President of the Supreme Court of the Slovak Republic, General Prosecutor, and President of the Supreme Audit Office of the Slovak Republic shall notify the Speaker of the National Council of the Slovak Republic, no later than 60 days after the announcement of results of elections to the National Council of the Slovak Republic, of the name, surname, degree, date of birth, completed education, and address of permanent residence of the State Commission member; the notification shall be accompanied by the data of the State Commission member necessary to request an extract from the Criminal Record <sup>1)</sup> document on the education completed by the State Commission member. The Speaker of the National Council of the Slovak Republic shall issue to the members of the State Commission a certificate confirming that they are members of the State Commission within 15 days from the expiry of the period pursuant to the first sentence. The Chairman of the State Commission is elected by the National Council of the Slovak Republic in secret elections from all the Commission members.

(3) The term of office of the State Commission begins on the day of taking an oath pursuant to Article 18 (3) by the members of the State Commission and ends on the day of taking an oath by the members of a new State Commission. The oath is taken to the Speaker of the National Council of the Slovak Republic on the date of hand-over of the certificates of membership of the State Commission.

(4) The membership of the State Commission is a public function. A citizen of the Slovak Republic permanently residing in the territory of the Slovak Republic, who possesses integrity, is fully legally competent, has completed second-degree university education and reached the age of minimum 35 years, may become member of the State Commission. The same person may be member of the State Commission in maximum two consecutive terms of office.

(5) For the purposes of this Act, a person possessing integrity shall mean the person who was not lawfully sentenced for a criminal offence. Integrity shall be proved by an extract from the Criminal Record. To prove integrity, the citizen of the Slovak Republic shall provide data necessary to request an extract from the Criminal Record. <sup>1)</sup> The National Council of the Slovak Republic shall send the data pursuant to the third sentence without undue delay in electronic form via electronic communication to the General Prosecutor's Office of the Slovak Republic for the issuance of an extract from the Criminal Record.

(6) The function of a member of the State Commission shall cease to exist

- a) upon the expiry of the term of office,
- b) by resignation,
- c) if the member of the State Commission stops meeting the conditions for discharging the function pursuant to Paragraph 4 or pursuant to Article 14,
- d) due to a change of the proportion of political forces pursuant to Paragraph 1 based on the decision of the political party, which delegated them,
- e) based on the decision of the person that delegated them.

(7) If a place of a member of the State Commission is left vacant, a new member shall be appointed for the rest of the term of office. The new member shall be notified to the Speaker of the National Council of the Slovak Republic by the person delegating the member of the State

Commission, whose place was left vacant, no later than within seven days after the place has been left vacant; if there is a change of the proportion of political forces, the new member of the State Commission for the rest of the term of office shall be delegated by the political party holding the right according to the proportional representation. The Speaker of the National Council of the Slovak Republic shall issue the certificate of membership of the State Commission to the new member of the State Commission on the date of taking an oath.

(8) The function of a member of the State Commission is not discharged in a labour-law relation.

(9) The member of the State Commission shall be entitled to a lump-sum monthly reward for the discharge of the function amounting to 1.5 times the average nominal monthly wage of an employee in the economy of the Slovak Republic for the previous calendar year rounded up to the nearest Euro. The Chairman of the State Commission shall be entitled to a special extra pay amounting to 30 percent of the monthly reward. The member of the State Commission shall be entitled to the reimbursement of proved travel expenses connected with the discharge of the function and of subsistence expenses pursuant to a special regulation.

(10) The member of the State Commission takes part in health insurance, sickness insurance and pension insurance scheme in the same way as an employee in employment.

(11) The member of the State Commission shall be obliged to notify without undue delay all the facts preventing them from discharging their function to the person delegating them to the State Commission. At the same time, the member of the State Commission shall be obliged to hand over the certificate of membership of the State Commission to the Speaker of the National Council of the Slovak Republic.

(12) The details on the membership of the State Commission, end of function of a member of the State Commission, procedures of political parties in delegating members of the State Commission, and the rules of election of the Chairman of the State Commission shall be regulated by the statute of the State Commission approved by the National Council of the Slovak Republic.

#### Article 14

The function of a member of the State Commission is incompatible with the candidature for the post and with the post of

- a) President of the Slovak Republic,
- b) Member of the National Council of the Slovak Republic,
- c) Member of the European Parliament,
- d) Self-Governing Region Chairman,
- e) Member of the Self-Governing Region Council,
- f) Municipality mayor,
- g) Member of the Municipal Council.

#### Article 15

(1) The activity of the State Commission is managed by its Chairman. In the absence, the Chairman is substituted by a member of the State Commission authorised by them in writing. The member of the State Commission substituting the Chairman shall not be entitled to the special

extra pay pursuant to Article 13 (9) and he/she does not have the right pursuant to Paragraph 2 the last sentence.

(2) The State Commission makes decisions as a body. The State Commission is quorate if at least three quarters of its members are present at the session. The absolute majority of all its members is necessary for the validity of its decision. If the State Commission takes a vote whether the election silence has been violated, whether the pre-election ban on polling has been violated, on the registration of a list of candidates or exclusion of a candidate from the list of candidates, three quarters of votes of all members of the State Commission are necessary for resolution approval. In case of equality of votes, the vote of the Chairman of the State Commission shall be decisive.

(3) The details on the negotiation, on decision-making by the State Commission, and on the participation in its sessions are regulated by the rules of procedure approved by a three-quarters majority of all State Commission's members.

(4) As a special organisational unit, the State Commission Office (hereinafter the "Office") is established at the Ministry of Interior. The Office Head participates in State Commission sessions without the right to vote.

(5) The Ministry of Interior determines the Office structure after negotiating it with the State Commission. The termination or change of civil service of a civil servant at the Office and termination or change of employment of an employee performing public service work shall be negotiated in advance between the Ministry of Interior and the State Commission Chairman.

(6) Expenditures on the activity of the State Commission and Office are paid from the budget of the Ministry of Interior. The budget for the activity of the State Commission and Office shall be negotiated between the Ministry of Interior and the State Commission. The Ministry of Interior provides for the organisational, material and technical, and staffing conditions for the activity of the State Commission and Office.

(7) The Ministry of Interior

- a) fulfils the tasks of a professional and administrative unit of the State Commission in election matters,
- b) ensures the printing of ballot papers,
- c) issues samples of election forms and envelopes and provides for their execution,
- d) provides guidance to municipalities in creating electoral districts, preparing electoral rolls, equipping polling stations and safekeeping of election documents,
- e) determines the system of electronic communication between electoral bodies,
- f) provides municipalities and electoral bodies with methodical and information aids necessary for their activity,
- g) cooperates with the bodies of the European Commission in the matters of elections to the European Parliament,
- h) fulfils other tasks pursuant to special parts of this Act.

(8) Based on an agreement with the Ministry of Finance of the Slovak Republic, the Ministry of Interior shall regulate through a generally binding legal regulation

- a) the amount of remunerations for members and recording clerks of electoral commissions,

b) details on payment of remunerations for members and recording clerks of electoral commissions.

(9) For the preparation of processing and processing of election results, the Statistical Office creates for the State Commission: County Electoral Commissions, electoral commissions of Self-Governing Regions, Constituency Electoral Commissions and professional summarising units. The Statistical Office shall also create a professional summarising unit for Local Electoral Commissions if they determine voting results for more than 50 electoral districts.

(10) Member of the professional summarising unit of an electoral commission shall take the following oath: "I swear on my honour that I will perform my function assiduously and without prejudice while following the Constitution of the Slovak Republic and law."

(11) Professional summarising units of electoral commissions fulfil the tasks according to the programme and organisational support of election results processing and fulfil other tasks according to instructions from the respective electoral commission. Expenditures on the activity of a professional summarising unit shall be paid from the budget of the Statistical Office.

(12) The State Commission invites the Head of a professional summarising unit to its sessions always when the session agenda contains matters concerning the preparation of processing and processing of election results and readiness of professional summarising units of electoral commissions for the fulfilment of tasks pursuant to this Act.

(13) Based on an agreement with the Ministry of Interior, the Statistical Office shall issue the methodology for processing the voting results.

## Article 16

### (1) The State Commission

- a) reviews and registers the lists of candidates for elections to the National Council of the Slovak Republic and for elections to the European Parliament,
- b) supervises the readiness of lower-degree electoral commissions to fulfil the tasks hereunder,
- c) manages the professional summarising unit in fulfilling the tasks hereunder,
- d) checks the funding of political parties,
- e) checks election campaign funding and conduct,
- f) is a body of appeal against decisions of the Ministry of Interior issued pursuant to special regulations in the matters of funding of political parties and in the matters of election campaign,
- g) negotiates the allocation of broadcasting time in TV and radio broadcasting during the election campaign based on the proposal of the broadcaster,
- h) determines and publishes interim and total election results,
- i) prepares a record of election results,
- j) issues credentials to the candidates elected to the National Council of the Slovak Republic and to the European Parliament,
- k) announces the accession of a substitute for Member of the European Parliament,



- l) informs the Speaker of the National Council of the Slovak Republic on the accession of a substitute or a failure to exercise the mandate in the case laid down by the Act in special parts,
- m) provides guidance for voting results processing,
- n) hands over the election documents to the Ministry of Interior for safekeeping,
- o) fulfils other tasks pursuant to special parts of this Act and pursuant to special regulations.

(2) In fulfilling the tasks pursuant to this Act and special regulations, the State Commission cooperates with the Ministry of Interior and Statistical Office.

(3) The State Commission provides political parties and candidates with methodical assistance and consulting on the rules of funding of political parties and on the rules of election campaign funding.

(4) On demand, the State Commission shall provide a political party with a position on the rules of funding of political parties and on the rules of election campaign funding. On demand, the State Commission shall provide a candidate with a position on the rules of election campaign funding. The State Commission shall send the position on the request pursuant to the first sentence or the position on the request pursuant to the second sentence within 30 days, and at the time of election campaign, within 15 days from the delivery of the request; at the same time, it shall publish the position at the website of the Ministry of Interior.

#### (5) The Office

- a) fulfils the task of the State Commission's secretariat,
- b) checks the fulfilment of tasks of natural persons and legal persons resulting from the legal regulations regulating the funding of political parties, and the election campaign,
- c) fulfils the tasks laid down by special regulations,
- d) fulfils other tasks pursuant to instructions from the State Commission.

### Article 17

A candidate for Member of the National Council of the Slovak Republic, Member of the European Parliament, President of the Slovak Republic, Chairman of the Self-Governing Region, Member of the Self-Governing Region Council, municipality mayor, and Member of the Municipal Council must not be member of an electoral commission in the election they stand as a candidate in.

### Article 18

(1) A person, who has reached the age of 18, is legally competent, and is permanently residing in the territory of the Slovak Republic, can become member of an electoral commission.

(2) An electoral commission must have at least five members. The Act lays down the way of creation of electoral commissions in special parts.

(3) A member of an electoral commission takes up their position by signing the following oath: "I swear on my honour that I will perform my function assiduously and without prejudice while following the Constitution of the Slovak Republic and law."

(4) The electoral commission is quorate if an absolute majority of its members are present. The absolute majority of present members is necessary for the validity of a resolution. In

case of equality of votes, the proposal shall be considered refused. The electoral commission shall prepare a record of the course of negotiations.

(5) At its first session, the electoral commission shall determine its Chairman and Vice-Chairman from all the commission members by lot. The drawing of lots shall be managed by the recording clerk of the electoral commission.

#### Article 19

(1) The recording clerk of the electoral commission ensures organisational and administrative matters related to the preparation and course of electoral commission's negotiations, and fulfils the function of its professional advisor. He/she participates in the negotiations of the electoral commission. During the negotiations, he/she has an advisory vote. The costs of activity of the recording clerk of the electoral commission for the fulfilment of tasks pursuant to this Act shall be paid from the State Budget.

(2) The recording clerk of an electoral commission shall take the following oath: "I swear on my honour that I will perform my function assiduously and without prejudice while following the Constitution of the Slovak Republic and law."

(3) The recording clerk of the State Commission for elections shall be appointed by the Government of the Slovak Republic; the proposal is submitted by the Minister of Interior of the Slovak Republic after negotiating it with the State Commission. The recording clerk of the State Commission shall be entitled to a monthly reward amounting to the average nominal monthly wage of an employee in the economy of the Slovak Republic for the previous calendar year rounded up to the nearest Euro. The conditions for the activity of the recording clerk of the State Commission shall be created by the Ministry of Interior. The appointment and recall of the recording clerk of the County Electoral Commission, electoral commission of the Self-Governing Region, Constituency Electoral Commission, Local Electoral Commission, and City Electoral Commission is laid down by the Act in special parts.

(4) The recording clerk of the District Electoral Commission shall be appointed and recalled by the municipality mayor. The recording clerk of the District Electoral Commission created for the special district shall be appointed and recalled by the Chairman of the State Commission.

(5) The recording clerk of the electoral commission shall be appointed by the competent authority sufficiently in advance so that they can fulfil the tasks hereunder.

#### Article 20

##### **Call of Elections and Time of Elections**

(1) The decision on the call of elections is published in the Collection of Laws of the Slovak Republic.

(2) The decision on the call of elections shall include

- a) the date of election,
- b) the time limit for the creation of electoral districts and the determination of polling stations,
- c) the time limit for the creation of electoral commissions and for their first sessions,
- d) other facts laid down by the Act in special parts.

(3) Elections shall take place on one day on Saturday. Elections shall take place on the specified day from seven a.m. to ten p.m. If local conditions permit it, the municipality mayor can

determine the beginning of voting at an earlier time, however, maximum by two hours.

#### Article 21 **Informing the Voters**

(1) No later than within ten days after the call of elections, the municipality shall publish information on the conditions of the right to vote and right to be elected on the official notice board of the municipality and at its website, if established. The municipality shall also publish the information according to the first sentence pursuant to a special regulation in the language of the national minority. The sample information shall be provided to the municipality by the Ministry of Interior through the District Office, and the Ministry of Interior shall publish it at its website.

(2) For elections to the European Parliament, no later than within ten days after the call of elections to the European Parliament, the municipality shall send information on the conditions of the right to vote and right to be elected to the voters, who are citizens of other Member State of the European Union. The sample information shall be provided to the municipality by the Ministry of Interior. The Ministry of Interior shall publish the information pursuant to the first sentence in the Slovak language and in the English language at its website.

(3) No later than 25 days before the date of elections, the municipality shall deliver to each household a notice containing the time of elections, electoral district, polling station, a brief description of ballot paper modification, and the duty of the voter to prove their identity by an identity card before voting. The municipality shall also provide the information in the notice pursuant to a special regulation in the language of the national minority.

(4) Where detention and imprisonment take place (hereinafter the “penitentiary”), the penitentiary shall provide information on elections to the persons accused and convicted and it shall provably instruct them on the way of voting and on the right to vote pursuant to this Act in the conditions of the penitentiary. The penitentiary shall also instruct the persons accused and convicted on their right to ask in writing the municipality, in whose permanent electoral roll they are included, for the issuance and sending of a voter certificate, which is issued by the municipality pursuant to special parts of this Act. The form of application for that purpose shall be provided by the penitentiary.

#### Article 22 **Polling Station and its Equipment**

(1) The title “polling station” and the number of the electoral district shall be placed at the entrance to a polling station. The municipality shall also designate the polling station pursuant to a special regulation in the language of the national minority.

(2) The national flag of the Slovak Republic and the state coat of arms of the Slovak Republic shall be placed on the front wall in the polling station.

(3) There must be the following in the polling station: a ballot box, a portable ballot box, a box for unused or incorrectly modified ballot papers, the electoral roll and blank forms of electoral roll for adding voters, the sufficient number of ballot papers and non-transparent envelopes of equal size, quality and colour with the official seal of the municipality (hereinafter the “envelope”), and the sufficient number of forms of the record of the District Electoral Commission of voting process and results in the electoral district.

(4) Ballot papers designated as “sample” and information for voters on the way of voting must be displayed in the polling station or in front of the entrance to the polling station. In the municipality, the information according to the first sentence shall also be provided pursuant to a special regulation in the language of the national minority; if a referendum is concerned, the proposals, on which the referendum makes decision, shall also be provided in the language of the national minority. The text of proposals in the language of the national minority shall be provided

by the Ministry of Interior through District Offices; the Ministry of Interior shall also publish it at its website.

(5) The polling station must be equipped with polling booths and writing utensils for the modification of ballot papers. The number of polling booths shall be determined by the municipality taking into account the number of voters in the electoral district.

(6) The equipment of the polling station shall be provided by the municipality.

(7) There must be the following in the polling station established for the special electoral district: the national flag of the Slovak Republic and the state coat of arms of the Slovak Republic, a ballot box, a special electoral roll and the sufficient number of forms of the record of the District Electoral Commission of results of voting by post. The equipment of the polling station shall be provided by the Ministry of Interior.

### Article 23 **Voting Commencement**

Prior to the commencement of voting, the Chairman of the District Electoral Commission in the presence of Commission members shall check whether the polling station is equipped pursuant to Article 22 and whether the ballot box, portable ballot box, and the box for unused or incorrectly modified ballot papers are empty and he/she shall seal them. The Chairman of the District Electoral Commission shall declare voting commenced provided that no deficiencies of polling station equipment are found or after such deficiencies have been eliminated.

### **Voting Procedure**

#### Article 24

(1) The voters shall vote in the order, in which they appear in the polling station. Voters shall vote in person, no representation is possible.

(2) After entering the polling station, the voter proves their identity by the identity card or other official document containing the voter's photo and all the data included in the electoral roll unless otherwise laid down in a special part. The District Electoral Commission will ring the serial number of the voter in the electoral roll and issue the ballot paper and an envelope to the voter. The take-over of the ballot paper and envelope shall be confirmed by the voter in the electoral roll by their handwritten signature; if they cannot do it or if they refuse to sign the take-over of the ballot paper and envelope, the Chairman of the District Electoral Commission shall record this fact in the electoral roll. The District Electoral Commission shall take measures to protect personal data of the other voters included in the electoral roll while the voter is signing. If the voter fails to prove their identity till the end of voting, he/she will not be allowed to vote. This also applies to voting out of the polling station. If a person accused or convicted is concerned, their identity shall be proved by the card of convicted person or by the card of accused person or by witness of two members of the Court Guards and Prison Wardens Corps present in the room of the penitentiary, where the voting should take place.

(3) After taking over the ballot paper and envelope, the voter shall enter the polling booth in order to modify the ballot paper in the way laid down by the Act in special parts. The District Electoral Commission will not allow the voter, who fails to enter the special polling booth, to vote.

(4) On demand, the District Electoral Commission will provide other ballot papers to the voter for the incorrectly modified ones. The voter shall put the incorrectly modified ballot papers to the box for unused ballot papers.

(5) After leaving the polling booth, the voter casts a vote by putting the envelope to the ballot box before the District Electoral Commission.

The voter, who cannot modify the ballot paper because of a handicap or because they cannot read or write, and notifies the District Electoral Commission of this fact before voting, shall have the right to take with them to the polling booth other person capable of modifying the ballot paper according to their instructions and the Act and putting it into the envelope; no member of the District Electoral Commission can be such person. Before entering the polling booth, both persons shall be informed by a member of the District Electoral Commission of the voting procedure and of the body of the criminal offence of election and referendum preparation and process obstruction.

(7) For serious, in particular health-related reasons, the voter alone or through another person, may ask the municipality, and on the date of elections, the District Electoral Commission for voting out of the polling station, only in the territory of the electoral district, for which the District Electoral Commission has been established. In such case, the District Electoral Commission shall send two its members to the voter with a portable ballot box, ballot papers, envelope and with the list of voters, who applied for voting out of the polling station. The sent members of the District Electoral Commission shall ensure that the secrecy of voting is observed and that the voter signs the take-over of the ballot paper and envelope; if the voter cannot do it or if they refuse to sign the take-over of the ballot paper and envelope, the member of the District Electoral Commission shall record this fact in the list. The sent members of the District Electoral Commission shall take measures to protect personal data of the other voters included in the list while the voter is signing. The list of voters shall be attached to the electoral roll. The District Electoral Commission shall ring the serial number of the voter in the electoral roll immediately after the members of the Commission sent with the portable ballot box have returned to the polling station.

(8) If voting is to take place in the penitentiary, the penitentiary shall agree upon the time of voting to a portable ballot box with the respective District Electoral Commission.

(9) The voter, who due to a handicap is not able to put the envelope into the ballot box themselves, may ask other person to put the envelope into the ballot box, however, it must not be a member of the District Electoral Commission.

(10) The voter shall be obliged to put the unused or incorrectly modified ballot papers to a sealed box for unused or incorrectly modified ballot papers; in case of voting out of the polling station, the voter shall destroy the unused or incorrectly modified ballot papers before the members of the District Electoral Commission.

#### Article 25

If any circumstances occur, which make the commencement, continuation or end of voting impossible, the District Electoral Commission may shift the commencement of voting to a later hour or extend the time of voting. However, the total time of voting must not be reduced by this measure. The District Electoral Commission shall inform voters on such measure in the way usual at the place. If the voting is interrupted, the District Electoral Commission shall seal the unused ballot papers, envelopes, electoral roll, and the opening for putting the ballot papers in the ballot box and portable ballot box. After the resumption of voting, the Chairman of the District Electoral Commission shall verify the integrity of seals in the presence of the Commission members. The District Electoral Commission shall mention the circumstances, which made the commencement, continuation or end of voting impossible, as well as the integrity of seals, in the record of voting process and result in the electoral district.

#### Article 26

##### **Order in the Polling Station**

The Chairman of the District Electoral Commission, and in their absence, the Vice-Chairman of the District Electoral Commission, shall be responsible for the order in the

polling station. The instructions for keeping order in the polling station and for the dignified process of voting shall be binding on all persons present.

#### Article 27

#### **Presence in the Polling Station and Election Observation**

(1) Besides the members of the District Electoral Commission, its recording clerks, the members and recording clerks of higher-degree electoral commissions, members of their professional summarising units and voters, also the observers sent by international organisations have the right to be present in the polling station.

(2) The representative of an independent candidate has the right to be present in the polling station during the elections and counting of votes. The municipality shall be obliged to provide special room in the polling station for the representatives according to the first sentence and observers sent by international organisations. These persons can be excluded from the polling station only provided that the process of voting and vote counting is endangered.

(3) Other persons expressing interest in observing the process of election and vote counting have also the right to be present in the polling station. These persons can be excluded from the polling station only provided that the process of voting, vote counting is endangered or due to an insufficient capacity of the polling station.

#### Article 28

#### **End of Voting**

After the expiry of the time specified for voting only the voters present in or in front of the polling station may vote. Afterwards, the polling station will be closed and the Chairman of the District Electoral Commission will declare voting finished. He/he shall place the box for unused or incorrectly modified ballot papers to a special place so that manipulation with it is excluded.

#### Article 29

#### **Procedure after the End of Voting and the Assessment of Validity of Ballot Papers and Envelopes**

(1) After the end of voting, the Chairman of the District Electoral Commission shall have the unissued ballot papers and envelopes sealed and the ballot box opened. If the District Electoral Commission has also used the portable ballot box on demand, it shall mix the content of the boxes after they have been opened.

(2) The District Electoral Commission shall count the envelopes and compare their number with the records in the electoral roll. The envelopes, which do not have the particulars pursuant to Article 22 (3), and the ballot papers, which are not in the envelope, shall be excluded by the District Electoral Commission.

(3) Damage to a ballot paper or envelope shall not affect their validity. The obliteration and supplementation of the ballot paper shall not be taken into account.

(4) In case of any dispute, the final decision on the validity of the ballot paper and envelope shall be made by the District Electoral Commission.

#### Article 30

#### **Record of the District Electoral Commission**

(1) The District Electoral Commission shall prepare a written record of the voting process and results in the electoral district in two counterparts. The record of the voting process and results in the electoral district shall be signed by the Chairman and the other members of the District Electoral Commission.

(2) The District Electoral Commission may prepare the record pursuant to Paragraph 1 in the electronic form specified by the Statistical Office. For that purpose, the Statistical Office shall assign a unique identification code of the record to it. After the record has been prepared in electronic form, the Chairman and the other members of the District Electoral Commission shall sign two counterparts of printed record. Then the electronic version of the record shall be sent and one counterpart of the record printed and signed shall be delivered to the respective electoral commission.

(3) The particulars of the record of voting process and results in the electoral district are laid down in special parts of the Act.

If any of the members of the District Electoral Commission fails to sign the record of voting process and results in the electoral district, they can provide reasons for not signing it. A failure to sign the record of voting process and results in the electoral district shall not affect its validity.

#### Article 31

#### **Activity of the District Electoral Commission after Signing the Record**

(1) After signing both counterparts of the record of voting process and results in the electoral district, the Chairman of the District Electoral Commission shall announce the results of voting.

The District Electoral Commission hands over the election documents to the municipality for safekeeping.

#### Article 32

#### **Record of the County Electoral Commission**

(1) The County Electoral Commission shall prepare the record of voting results in two counterparts. The record of voting results shall be signed by the Chairman and the other members of the District Electoral Commission. If any of the members of the County Electoral Commission fails to sign the record, they can provide reasons for not signing it. A failure to sign the record of voting result shall not affect its validity.

(2) The particulars of the record of voting results are laid down in special parts of the Act.

#### Article 33

#### **Record of the State Commission and Publishing the Election Results**

(1) The State Commission shall prepare a record of election results in two counterparts. The record of election results shall be signed by the Chairman and the other members of the State Commission. If any of the members of the State Commission fails to sign the record of election results, they can provide reasons for not signing it. A failure to sign the record of election results shall not affect its validity.

(2) The State Commission shall publish the general election results after signing the record of election results; it can also publish interim election results. The State Commission shall publish the results according to the first sentence through professional summarising units at the website of the Statistical Office.

(3) The particulars of the record of election results are laid down in special parts of the Act.

#### Article 34

### **Material and Staffing Support of Electoral Commissions**

(1) The material means necessary for the activity of electoral commissions, and the persons for the organisational and technical preparation and performance of elections shall be provided to

- a) the State Commission by the Ministry of Interior,
- b) the County Electoral Commission by the District Office,
- c) the Constituency Electoral Commission and to the electoral commission of the Self-Governing Region by the Office of the Self-Governing Region,
- d) the District Electoral Commission and Local Electoral Commission by the municipality, in the city - to the City Electoral Commission by the city, in whose territory it has been established.

(2) The bodies pursuant to Paragraph 1 (a) to (c) shall ensure the placing of the professional summarising unit of the electoral commission.

#### Article 35

### **Cooperation of Public Authorities**

Public authorities shall be obliged to cooperate in implementing this Act.

#### Article 36

### **Titles of Members of Electoral Commissions**

(1) The rights and titles of members of electoral commissions and recording clerks of electoral commissions resulting from their employment or other similar labour relations must not be limited due to the discharge of their functions; they shall be entitled to time off with wage compensation or salary compensation amounting to their average earnings. A self-employed person shall be entitled to a compensation equal to a proportional part of the minimum wage of employees in employment remunerated by monthly wages. The discharge of the functions of electoral commission member and recording clerk means other act in general interest.

(2) The employer, who has paid the wage compensation or salary compensation pursuant to Paragraph 1, shall be entitled to the reimbursement of the paid wage compensation or salary compensation. The employer and the self-employed person shall file a claim pursuant to Paragraph 1

- a) with the competent district court if a member of the County Electoral Commission is concerned,
- b) with the competent Self-Governing Region Office if a member of the Constituency Electoral Commission or a member of the electoral commission of the Self-Governing Region is concerned,
- c) with the respective municipality if a member of the District Electoral Commission or Local Electoral Commission or City Electoral Commission is concerned.

(3) The compensation pursuant to Paragraph 1 shall be paid by the competent authority within 30 days after the claim has been filed.

(4) The member of the District Electoral Commission, member of the Local Electoral Commission, member of the City Electoral Commission and the recording clerk of the electoral commission shall be entitled to a reward for the day of election unless they are entitled to the compensation pursuant to Paragraph 1 on that day. The reward pursuant to the first sentence



shall be paid to the member of the electoral commission by the municipality. The reward to the recording clerk of the electoral commission shall be paid by the authority ensuring the activity of the respective electoral commission pursuant to Article 34.

#### Article 37

### **Settlement of the Election-Related Expenditures**

(1) The election-related expenditures shall be covered from the State Budget.

(2) The Ministry of Interior shall provide guidance to municipalities, Self-Governing Regions and District Offices in spending funds for the preparation, performance and determination of results of elections.

#### Article 38

### **Proceeding and Measures against Inactivity**

(1) The provisions of the general regulation on administrative proceeding shall not apply to the proceeding pursuant to this Act except for Articles 40 and 41.

(2) If the municipality fails to fulfil the tasks pursuant to this Act, the District Office Head shall ensure their fulfilment without undue delay using the funds allocated to the municipality for elections from the State Budget. For that purpose, the District Office Head shall be entitled to provide guidance to municipalities and impose tasks on them.

#### Article 39

### **Safekeeping of Election Documents**

(1) Electoral commissions shall hand over the election documents to municipalities, District Offices, Self-Governing Regions and Ministry of Interior for safekeeping. The Act lays down the hand-over of election documents in special parts. A protocol of hand-over of election documents shall be prepared; it shall include the lists of election documents handed over. The protocol shall be signed by the Chairmen of respective electoral commissions and the persons responsible for take-over.

(2) On the date of take-over of election documents pursuant to Paragraph 1, the election documents shall become part of the registry of the body taking them over for safekeeping and they shall be administered pursuant to its registry rules.

(3) A special regulation shall apply to disclosing the records of election results, the other election documents can be inspected only by courts and law enforcement authorities.

### **Delinquencies**

#### Article 40

A delinquency is committed by a person, who

- a) after the voting, fails to put the unused ballot papers to a specified box,
- b) fails to obey the instructions for keeping order in the polling station pursuant to Article 26,
- c) applies for registration in the electoral roll for elections to the European Parliament in other Member State of the European Union and also applies for registration in the electoral roll in the Slovak Republic,
- d) provides false data in the declaration on honour for the list of candidates.

#### Article 41

(1) For a delinquency pursuant to Article 40 (a) and (b), the District Court shall impose a penalty amounting to EUR 33, and for a delinquency pursuant to Article 40 (c) and (d) a penalty amounting to EUR 100.

(2) Delinquencies and discussing them shall be governed by the general regulation on delinquencies.

## **PART TWO**

### **ELECTIONS TO THE NATIONAL COUNCIL OF THE SLOVAK REPUBLIC**

#### Article 42

##### **Right to Vote**

Citizens of the Slovak Republic have the right to vote to the National Council of the Slovak Republic.

#### Article 43

##### **Right to be Elected**

A citizen of the Slovak Republic reaching the age of 21 no later than on the date of elections and permanently residing in the territory of the Slovak Republic may be elected Member of the National Council of the Slovak Republic (hereinafter the "Member of the National Council").

#### Article 44

##### **Constituency**

For elections to the National Council of the Slovak Republic, the territory of the Slovak Republic represents one constituency.

#### Article 45

##### **Special Electoral Roll**

(1) The special electoral roll shall be prepared and kept by the Ministry of Interior. The voters without permanent residence in the territory of the Slovak Republic are included in the special electoral roll.

(2) Voters are kept in the special electoral roll in alphabetical order according to surnames.

(3) The special electoral roll contains the following voter's data:

- a) name and surname,
- b) personal ID number, and if the personal ID number has not been assigned, the date of birth,
- c) address of residence abroad.

(4) The voter is included in the special electoral roll based on the application for voting by post. The application for voting by post can be filed in paper form or in electronic form.

(5) If the application for voting by post does not contain the data specified by law or if it is not accompanied by the specified enclosures, the Ministry of Interior shall take measures

ensuring that the applicant for voting by post supplements the missing data. If the applicant fails to deliver the data or specified enclosures 35 days before the date of elections at the latest, the Ministry of Interior shall not add them to the special electoral roll.

(6) The Ministry of Interior shall hand over the special electoral roll to the District Electoral Commission created for the special district in two counterparts on the date of elections.

#### Article 46 **Voter Certificate**

(1) On demand, the municipality shall issue a voter certificate to the voter who cannot vote in the electoral district, in whose electoral roll they are registered, and it shall delete the voter from the electoral roll with a note about the issuance of the voter certificate.

(2) The voter may apply for the issuance of the voter certificate in person no later than on the last business day before the election date during the municipality's office hours. The municipality shall issue the voter certificate without undue delay.

(3) The voter may apply for the issuance of the voter certificate in paper form so that the application for the issuance of the voter certificate is delivered to the municipality no later than within 15 business days before the date of elections. The application must contain data on the voter pursuant to Article 9 (3). It is possible to apply for the issuance of the voter certificate by proxy no later than on the last business day before the election date.

(4) The voter may apply for the issuance of the voter certificate in electronic form no later than within 15 business days before the date of elections. For these purposes, the municipality publishes the electronic address for the delivery of applications at its website. If the municipality has no website, it shall publish the electronic address for the delivery of applications on the official notice board of the municipality. The application must contain

a) data on the voter pursuant to Article 9 (3),

b) the correspondence address, to which the municipality will deliver the voter certificate.

(5) The municipality shall send the voter certificate to the voter's permanent address unless other correspondence address is provided in the application, no later than within three business days after the delivery of the application.

(6) If in the paper application or electronic application, the voter states that the voter certificate will be taken over by other person, the application must contain name, surname and identity card number of such person. The person shall be obliged to confirm the take-over of the voter certificate by signature.

(7) The forms of voter certificates shall be provided by the Ministry of Interior. The Ministry of Interior shall deliver voter certificates to municipalities through District Offices. The voter certificate also in the language of the national minority shall be delivered to municipalities by the District Office pursuant to a special regulation. The form of voter certificate must contain security features and a place for voter's data pursuant to Article 9 (3). The municipality shall attach the municipality's official seal to the voter certificate. Further, the voter certificate must contain place for the data on the name and surname of the person issuing it, their signature, date of issuance and place for the data on the elections.

(8) The municipality shall keep records of the issued voter certificates. The record-keeping shall contain the number of the voter certificate, data on the voter pursuant to Article 9 (3) and the date of issuance. The record-keeping shall include the application of the voter for the issuance of a voter certificate.

(9) The voter certificate authorises the voter to be registered in the electoral roll in any electoral district.

#### Article 47

### **County Electoral Commission**

(1) The political party or coalition, whose list of candidates has been registered, may delegate one member and one substitute for the County Electoral Commission. The political party or coalition shall deliver the notice of delegation of a member and substitute to the District Office Head within the time limit provided in the decision on the call of elections.

(2) The notice of delegation of a member and substitute shall contain

a) the name, surname and date of birth of the member, including the address for the delivery of papers,

b) the name, surname and date of birth of the substitute, including the address for the delivery of papers,

c) the signature of the person entitled to act for the political party and the seal of the political party; if a coalition is concerned, the name, surname, signature of the person entitled to act for each political party creating the coalition and its seal.

(3) The notice of delegation of a member and substitute can be delivered in paper form or in electronic form. The time limit for the delivery of the notice shall end upon the expiry of the last day of the time limit. The notices delivered after the expiry of such time limit shall not be taken into account.

(4) If the County Electoral Commission is not created in the way laid down in Paragraph 1 or if the number of its members decreases below five and there is no substitute, the missing members shall be appointed by the District Office Head.

(5) The first session of the County Electoral Commission shall take place within the time limit provided in the decision on the call of elections; the session shall be summoned by the District Office Head.

(6) The withdrawal of the list of candidates by the political party or coalition shall result in the loss of membership of the political party or coalition in the County Electoral Commission.

(7) The membership of the County Electoral Commission shall also cease to exist on the date of delivery of a written notice of recall of the member by the political party or coalition, which delegated them, or upon the delivery of a written notice of the member's resignation to the Chairman of the County Electoral Commission, who will call the substitute. The membership of the County Electoral Commission shall also cease to exist if the member fails to take an oath no later than ten days before the date of elections; this shall not apply to the substitute.

(8) The County Electoral Commission

a) supervises the readiness of District Electoral Commissions to fulfil the tasks hereunder,

b) negotiates information of the District Office on the organisational and technical preparation of elections,

c) negotiates information on the securing of the activity of its professional summarising unit,

d) supervises the processing of voting results,

e) prepares a record of voting results,

f) hands over the election documents to the District Office for safekeeping.

(9) The territory of the County Electoral Commission is identical with the territory of the District Office pursuant to a special regulation.

#### Article 48

### **Recording Clerk of the County Electoral Commission**

The recording clerk of the County Electoral Commission shall be appointed and recalled by the District Office Head.

#### Article 49

### **District Electoral Commission**

(1) The political party or coalition, whose list of candidates has been registered, may delegate one member and one substitute for the District Electoral Commission. The notice of delegation of a member and substitute shall be delivered by the political party or coalition to the municipality mayor within the time limit provided in the decision on the call of elections; the notice of delegation of a member and substitute to the District Electoral Commission created for the special district shall be delivered by the political party or coalition to the State Commission Chairman.

(2) The notice of delegation of a member and substitute shall contain

a) the name, surname and date of birth of the member, including the address for the delivery of papers,

b) the name, surname and date of birth of the substitute, including the address for the delivery of papers,

c) the signature of the person entitled to act for the political party and the seal of the political party; if a coalition is concerned, the name, surname, signature of the person entitled to act for each political party creating the coalition and its seal.

(3) The notice of delegation of a member and substitute can be delivered in paper form or in electronic form. The time limit for the delivery of the notice shall end upon the expiry of the last day of the time limit. The notices delivered after the expiry of such time limit shall not be taken into account.

(4) If the District Electoral Commission is not created pursuant to Paragraph 1 or if the number of its members decreases below five and there is no substitute, the missing members shall be appointed by the municipality mayor; the missing members of the District Electoral Commission created for the special district shall be appointed by the State Commission Chairman.

(5) The first session of the District Electoral Commission shall take place within the time limit provided in the decision on the call of elections; the session shall be summoned by the municipality mayor. The first session of the District Electoral Commission created for the special district shall be summoned by the Chairman of the State Commission.

(6) The withdrawal of the list of candidates by the political party or coalition shall result in the loss of membership of the political party or coalition in the District Electoral Commission.

(7) The membership of the District Electoral Commission shall also cease to exist on the date of delivery of a written notice of recall of the member by the political party or coalition, which

delegated them, or upon the delivery of a written notice of the member's resignation to the Chairman of the District Electoral Commission, who will call the substitute. The membership of the District Electoral Commission shall also cease to exist if the member fails to take an oath no later than ten days before the date of elections; this shall not apply to the substitute.

(8) The District Electoral Commission

- a) ensures the correct process of voting,
- b) adds voters to the electoral roll on the date of election,
- c) counts votes and prepares a record of the voting process and results in the electoral district,
- d) hands over the election documents to the municipality for safekeeping.

(9) The District Electoral Commission established for the special district

- a) takes over the return envelopes from the Ministry of Interior,
- b) designates election by post in the special electoral roll,
- c) puts the envelopes into the ballot box,
- d) counts votes and prepares a record of the result of voting by post,
- e) hands over the election documents to the Ministry of Interior for safekeeping.

Article 50

**List of Candidates**

(1) List of candidates can be submitted by the political party registered pursuant to a special regulation. The political party submits the list of candidates through its authorised representative in paper as well as in electronic form no later than 90 days before the date of election to the recording clerk of the State Commission. The time limit for the submission of the list of candidates shall end upon the expiry of the last day of the time limit. The lists of candidates, which have not been delivered in the specified way, and the lists of candidates delivered after the expiry of the time limit shall not be taken into account.

(2) For the purpose of elections, political parties can create a coalition and submit a joint list of candidates pursuant to Paragraph 1. The political party, which is part of a coalition, cannot submit list of candidates independently.

(3) The list of candidates contains

- a) the name of the political party or names of the political parties creating a coalition,
- b) the nominal list of candidates containing names, surnames, degrees, dates of birth, employment of candidates at the time of submission of the list of candidates, addresses of permanent residence of candidates and the sequence in the list of candidates expressed by Arabic numerals for all candidates,
- c) the name, surname, position, signature of the person authorised to act on behalf of the political party and the seal of the political party; for a coalition, the name, surname, position, signature of the person entitled to act on behalf of each political party creating the coalition and the seal of each political party creating the coalition.

(4) The following shall be attached to the list of candidates

a) the statement of each candidate listed in the list of candidates, which must be confirmed by the handwritten signature of the candidate, that they agree with their candidature, that they do not stand as a candidate in other list of candidates and have no obstacles to the right to be elected,

b) the confirmation of payment of the election caution money amounting to EUR 17,000 (hereinafter the “caution money”),

c) the list of

1. members of the supreme body of the political party according to the registered statutes pursuant to a special regulation with the serial number, name and surname, address of permanent residence and date of birth of each member included in the list, in number equal to at least five times the number of members of the party's executive body, accompanied by the statement of each member included in the list confirmed by their handwritten signature confirming their membership of the supreme body of the political party according to the registered statutes; the authenticity of the signature must be officially certified, at the earliest on the date of publishing of the decision on the announcement of elections in the Collection of Laws of the Slovak Republic or

2. members of the political party in number equal to at least two times the number of candidates included in the list of candidates of the political party with the serial number, name and surname, address of permanent residence and date of birth of each member, accompanied by the statement of each member of the political party included in the list confirmed by their handwritten signature confirming their membership of the political party; the authenticity of the signature must be officially certified, at the earliest on the date of publishing of the decision on the announcement of elections in the Collection of Laws of the Slovak Republic,

d) the notice of determination of the authorised representative of the political party or coalition and their substitute including the name, surname and address, to which papers can be delivered; the acts of the authorised representative in electoral matters are binding on the political party or coalition; no candidate may act as the authorised representative of a political party or coalition or their substitute.

(5) The political party or coalition may list maximum 150 candidates in the list of candidates.

(6) The political party may provide its graphic image in the list of candidates; graphic images of the political parties creating a coalition may be provided in the list of candidates of the coalition.

(7) If a coalition is concerned, each political party creating a coalition shall attach the list pursuant to Paragraph 4 (c) of Point 1 or Point 2.

(8) The recording clerk of the State Commission determines whether the submitted lists of candidates contain the particulars pursuant to Paragraph 3 and whether they are accompanied by papers pursuant to Paragraph 4. If this is not the case, the recording clerk of the State Commission shall call upon the authorised representative of the political party or coalition to modify or supplement the list of candidates within a specified period. The recording clerk of the State Commission submits the lists of candidates to the State Commission for review and registration in its first session.

(9) Once the list of candidates has been submitted, it is not possible to add any other candidates or to change their order.

(10) The caution money is paid to an extra-budgetary account opened by the Ministry of Interior for that purpose; the number of the account shall be published by the Ministry at its website. The Ministry of Interior shall return the paid caution money within one month after the election results announcement to the political party or coalition, whose list of candidates was not

registered or to the political party or coalition that obtained at least two percent of the total number of the votes validly cast. The caution money, which is not returned, represents the State Budget income.

Article 51  
**Review of Lists of Candidates**

(1) The State Commission shall review the submitted lists of candidates no later than 80 days before the date of election. The State Commission shall review the lists of candidates through its professional summarising unit. The State Commission shall not review the list of candidates that is not accompanied by the confirmation of caution money payment.

(2) The State Commission shall delete from the list of candidates the candidate

a) who has an obstacle to the right to be elected pursuant to Article 6,

b) who does not meet the conditions listed in Article 43,

c) who failed to attach the statement pursuant to Article 50 (4) (a),

d) if the candidate is included in the lists of candidates of several political parties or coalitions, in the list of candidates not accompanied by the statement pursuant to Article 50 (4) (a); if the candidate has signed the statement for several lists of candidates, they shall be deleted from all the lists of candidates or

e) who is included in the list of candidates over the set number of candidates pursuant to Article 50 (5).

Article 52  
**Registration of Lists of Candidates**

(1) No later than 70 days before the date of election, the State Commission shall register the lists of candidates, which conform to this Act, as well as the lists of candidates modified pursuant to Article 51 (2). Registration of lists of candidates is the precondition for printing the ballot papers.

(2) Within the time limit pursuant to Paragraph 1, the State Commission shall refuse the registration of the list of candidates, which does not conform to this Act, the list of candidates, which is not accompanied by the list pursuant to Article 50 (4) (c) or if the list is not complete or if the list pursuant to Article 50 (4) (c) is not accompanied by the statement of each member of the political party included in it, as well as the list of candidates, which cannot be modified pursuant to Article 51 (2).

(3) The State Commission shall prepare a decision on the registration of the list of candidates, on the registration of the list of candidates with modifications or on the refusal of registration of the list of candidates without undue delay, the decision shall be signed by its Chairman, and the political parties and coalitions shall be called upon to take over the decision within 24 hours. If a political party or coalition fails to take over the decision within the specified period, the decision shall be considered taken over.

(4) Against the State Commission's decision on the registration of the list of candidates with modifications or on the refusal of registration of the list of candidates, the affected candidate political party or coalition may submit to an administrative court a proposal for the issuance of a decision on keeping the candidate in the list of candidates or a proposal for the issuance of a decision on the registration of the list of candidates.

(5) If the administrative court makes decision on keeping the candidate in the list of



candidates or on the registration of the list of candidates, the State Commission shall execute the decision of the administrative court within 24 hours from its delivery by designating the registration in the list of candidates.

(6) After the registration of lists of candidates, the State Commission shall hand over the nominal list of candidates by political parties and coalitions to the Ministry of Interior that will ensure its printing in the necessary quantity and delivers it to municipalities through District Offices no later than 40 days before the date of election. Municipalities shall ensure that no later than 25 days before the date of election, the nominal list of candidates is delivered to each household. The nominal list shall contain the number of the list of candidates determined by lot, the name of the political party or names of the political parties creating a coalition, the serial number, name and surname, degree, age, employment of the candidate according to the list of candidates and the municipality of his/her permanent residence. If the political party or political parties creating a coalition have provided their graphic image in the list of candidates, the graphic image shall also be provided in the nominal list of candidates. The list including the title page also in the language of the national minority shall be delivered to municipalities by the District Office pursuant to a special regulation. For purposes of voting by post, the Ministry of Interior shall publish the nominal list of candidates at its website no later than 40 days before the election date.

#### Article 53

#### **Numbering of Lists of Candidates**

Without undue delay after the registration of lists of candidates, the State Commission shall determine by lot the number to designate the list of candidates of each political party or coalition. The list of candidates registered by a decision of an administrative court shall be assigned by the State Commission a number following the highest number determined by lot. The numbers of lists of candidates determined by lot shall be published by the State Commission at the website of the Ministry of Interior.

#### Article 54

#### **Withdrawal of the List of Candidates, Abandonment and Revocation of the Candidature**

(1) No later than 48 hours before the beginning of the election, the political party or coalition may withdraw their list of candidates in writing through the authorised representative.

(2) No later than 48 hours before the beginning of the election, the candidate may abandon their candidature; the abandonment must be carried out in paper form and the signature must be officially attested. No later than 48 hours before the beginning of the election, the candidate may also be recalled through the authorised representative by the political party of coalition that nominated them.

(3) The withdrawal of the list of candidates by the political party or coalition, abandonment or revocation of the candidature must be delivered to the Chairman of the State Commission, who will ensure their publishing in the polling stations and at the website of the Ministry of Interior. The withdrawal of the list of candidates by the political party or coalition, abandonment or revocation of the candidature cannot be withdrawn.

(4) If the candidate abandoned or was recalled after the list of candidates had been registered, the data on them shall remain in the list of candidates, however, they shall not be taken into account in assigning mandates.

#### Article 55

#### **Ballot Papers**

(1) A ballot paper shall be produced for each political party and coalition, whose list of candidates has been registered.

(2) Based on the registered lists of candidates, the Ministry of Interior shall provide for the necessary number of ballot papers.

(3) The ballot paper shall contain the number of the list of candidates determined by lot, the date of election, the name of the political party or names of the political parties creating a coalition, the serial number, name and surname of the candidate, degree, age, employment of the candidate according to the list of candidates and the municipality of his/her permanent residence. The order of the candidates in the ballot paper must be identical with the order in the registered list of candidates. If the political party or political parties creating a coalition have provided their graphic image in the list of candidates, the graphic image shall also be provided in the ballot paper. The State Commission shall verify the correctness of the data provided in the ballot paper and it shall attach its official seal to the original of the ballot paper. The original of the ballot paper shall represent the background document for printing of ballot papers.

(4) Ballot papers must be printed in the same font type and size, in the paper of the same colour and quality and with the same dimensions.

(5) If the political party uses capital letters in its name, its name shall be provided in the ballot paper in the same way as the names of the other political parties.

(6) The Ministry of Interior shall deliver the ballot papers through District Offices to municipalities no later than 40 days before the date of election. Municipality mayors shall ensure that the ballot papers are delivered to District Electoral Commissions no later than on the date of election.

(7) The voter voting in the territory of the Slovak Republic shall receive the ballot papers in the polling station on the election date.

(8) If the list of candidates is withdrawn by the political party or coalition, if the political party or the political party, which is part of a coalition, is cancelled at the time after the registration of the list of candidates, the ballot papers of this political party or coalition shall not be printed, and if they have already been printed, the District Electoral Commissions shall ensure that they are not handed out in the polling stations; if they have already been handed out, they shall not be taken into account in counting the votes.

#### Article 56 **Call of Elections**

(1) Elections to the National Council of the Slovak Republic are announced by the Speaker of the National Council of the Slovak Republic no later than 110 days before the date of elections.

(2) If the Constitutional Court of the Slovak Republic declares the elections invalid or cancels the result of the elections, the Speaker of the National Council of the Slovak Republic shall announce elections to the National Council of the Slovak Republic within 30 days after the delivery of the ruling of the Constitutional Court of the Slovak Republic to the National Council of the Slovak Republic.

#### Article 57 **Election Procedure**

(1) The voter can vote in the territory of the Slovak Republic

- a) in the electoral district, in whose electoral roll the voter is registered or
- b) in any electoral district based on the voter certificate.

(2) The voter can vote out the territory of the Slovak Republic by post.

(3) Voting by post is permitted to

a) the voter, who does not have the permanent residence in the territory of the Slovak Republic and based on an application has been included in the special electoral roll,

b) the voter, who is permanently residing in the territory of the Slovak Republic, at the time of election is staying out of its territory and applies the municipality, in which they are permanently residing, for voting by post.

#### Article 58

#### **Voting Procedure**

(1) The District Electoral Commission shall add the voter, who appears in the polling station on the date of election with a voter certificate, in the electoral roll after the voter submits the identity card. The District Electoral Commission shall attach the voter certificate to the electoral roll and issue ballot papers and an empty envelope to the voter.

(2) The District Electoral Commission shall add the voter, who appears in the respective polling station according to the place of permanent residence on the date of election and is not included in the electoral roll, in the electoral roll based on the identity card. The District Electoral Commission shall issue ballot papers and an empty envelope to the voter.

(3) The District Electoral Commission shall add the voter, who appears in the respective polling station according to the place of permanent residence on the date of election with the decision of court pursuant to Article 10 (2), in the electoral roll after the voter submits the identity card. The District Electoral Commission shall issue ballot papers and an empty envelope to the voter.

(4) The voter puts one ballot paper into the envelope in the polling booth. The voter may designate the preferred candidates in the ballot paper put into the envelope by ringing the serial number of maximum four candidates provided in one ballot paper.

#### Article 59

#### **Voting by Post by a Voter not Permanently Residing in the Territory of the Slovak Republic**

(1) The voter not permanently residing in the territory of the Slovak Republic may apply for voting by post in writing or in electronic form. The application for voting by post must be delivered to the Ministry of Interior no later than 50 days before the date of election. The application delivered after the specified period shall not be taken into account.

(2) The application for voting by post must contain the following data on the candidate:

a) name and surname,

b) personal ID number, and if the personal ID number has not been assigned, the date of birth,

c) address of residence abroad.

(3) The voter shall attach the following to the application for voting by post

a) declaration on oath in the official state language that he/she is not permanently residing in the territory of the Slovak Republic,

b) a photo copy of the part of the travel document of the Slovak Republic with the voter's personal data or a photo copy of the certificate of citizenship of the Slovak Republic.

(4) No later than 35 days before the date of election, the Ministry of Interior shall send to the voter, who has applied for voting by post, to the address of residence abroad

- a) the envelope pursuant to Article 22 (3) equipped with official seal of the Ministry of Interior,
- b) ballot papers,
- c) return envelope,
- d) voting procedure instruction.

(5) The return envelope must be designated with the password "VOTING BY POST". It must contain the address of the seat of the Ministry of Interior as addressee and the voter's address as sender.

(6) The voter may designate the preferred candidates in the ballot paper by ringing the serial number of maximum four candidates provided in one ballot paper.

(7) The voter shall put the ballot paper into the envelope and the sealed envelope into the return envelope, which is sent. The postal charges are paid by the voter.

(8) The voting results shall include the votes in the ballot papers delivered to the Ministry of Interior no later than on the last business day before the date of election. The Ministry of Interior shall hand over the return envelopes to the District Electoral Commission established for the special district on the date of election.

(9) On the date of election, the District Electoral Commission established for the special district shall ring the serial numbers of the voters and designate voting by post in the special electoral roll. After opening the return envelopes and taking out the envelopes with the ballot papers, it shall put the envelopes into the ballot box.

(10) The provisions of Article 29 (2) to (4) and Articles 61 and 62 shall apply accordingly to the procedure in determining the voting results.

(11) The District Electoral Commission established for the special district prepares a record of results of voting by post by the voters not permanently residing in the territory of the Slovak Republic. The record shall be signed by the Chairman and the other members of the District Electoral Commission established for the special district. If any of the members of the District Electoral Commission established for the special district fails to sign the record, they can provide reasons for not signing it. A failure to sign the record of voting result shall not affect its validity.

(12) The District Electoral Commission established for the special district provides the following in the record of results of voting by post by the voters not permanently residing in the territory of the Slovak Republic

- a) the number of voters included in the special electoral roll,
- b) the number of voters who have sent a return envelope from abroad,
- c) the number of votes validly cast for each political party or coalition,
- d) the number of voters who utilised the right of preferential vote for candidates of a political party or coalition,
- e) the number of valid preferential votes cast for individual candidates by political parties or

coalitions.

(13) The District Electoral Commission established for the special district shall deliver one counterpart of the record of results of voting by post by the voters not permanently residing in the territory of the Slovak Republic to the State Commission.

(14) The District Electoral Commission established for the special district shall end its activity as instructed by the State Commission.

(15) The record of the District Electoral Commission established for the special district pursuant to Paragraph 12 is also the record of the County Electoral Commission.

#### Article 60

### **Voting by Post by a Voter Permanently Residing in the Territory of the Slovak Republic, who Stays out of its Territory at the Time of Election**

(1) The voter permanently residing in the territory of the Slovak Republic, who stays out of its territory at the time of election, may ask the municipality of permanent residence for voting by post in writing or in electronic form. The application must be delivered no later than 50 days before the date of election. The application delivered after the specified period shall not be taken into account.

(2) The application must contain the following data on the candidate:

- a) name and surname,
- b) personal ID number,
- c) address of permanent residence,
- d) address of residence abroad.

(3) No later than 35 days before the date of election, the municipality shall send to the voter to the address of residence abroad

- a) an envelope pursuant to Article 22 (3),
- b) ballot papers,
- c) return envelope,
- d) voting procedure instruction.

(4) The return envelope must be designated with the password "VOTING BY POST". It must contain the address of the seat of the Municipality Office of the municipality as addressee and the voter's address as sender.

(5) The voter may designate the preferred candidates in the ballot paper by ringing the serial number of maximum four candidates provided in one ballot paper.

(6) The voter shall put the ballot paper into the envelope and the sealed envelope into the return envelope, which is sent. The postal charges are paid by the voter.

(7) The voting results shall include the votes in the ballot papers delivered to the voter's municipality of permanent residence no later than on the last business day before the date of election.

(8) The return envelopes delivered within the time limit pursuant to Paragraph 7 shall be handed over by the municipality to the respective District Electoral Commission after the voting has been declared commenced.

(9) In the presence of a representative of the municipality, the District Electoral Commission shall ring the serial numbers of the voters and designate voting by post in the electoral roll. After opening the return envelopes and taking out the envelopes with the ballot papers, the representative of the municipality shall put these envelopes into the ballot box.

#### Article 61

### **Counting Votes in the District Electoral Commission**

After taking out the ballot papers from envelopes, the District Electoral Commission shall divide the ballot papers by political parties and coalitions. It counts the ballot papers cast for each political party and coalition, excludes the invalid ballot papers and determines the number of voters, who exercised the right of preferential vote for candidates of a political party or coalition. Further, the District Electoral Commission counts the preferential votes cast for individual candidates in the ballot papers. It provides the results in the record of the voting process and results in the electoral district.

#### Article 62

### **Assessment of Validity of Ballot Papers**

(1) If the envelope contains several ballot papers, all the ballot papers are invalid. The ballot papers, which are not in the prescribed form, and the ballot papers of political parties or coalition pursuant to Article 55 (8) are also invalid.

(2) If the voter designated preferential votes in the ballot paper for more than four candidates, the ballot paper shall be counted in favour of the political party or coalition, however, the preferential votes shall not be taken into account.

#### Article 63

### **Record of the District Electoral Commission**

(1) In the record of the voting process and results in the electoral district, the District Electoral Commission shall provide

- a) the time of voting beginning and end or its interruption,
- b) the number of voters included in the electoral roll,
- c) the number of voters that have participated in the voting,
- d) the number of voters that have handed over the envelope pursuant to Article 24,
- e) the number of voters who have sent a return envelope from abroad,
- f) the number of votes validly cast for each political party or coalition,
- g) the number of voters who utilised the right of preferential vote for candidates of a political party or coalition,
- h) the number of valid preferential votes cast for individual candidates by political parties or coalitions.

(2) The District Electoral Commission shall deliver one counterpart of the record of the voting process and results in the electoral district without undue delay to the County Electoral

Commission.

(3) The District Electoral Commission shall end its activity as instructed by the County Electoral Commission.

#### Article 64

### **Verification of Records by the County Electoral Commission**

The County Electoral Commission shall determine the election results based on the records of District Electoral Commissions of the voting process and results in the electoral district. In case of any doubts concerning the data included in the record of the voting process and results in the electoral district, the County Electoral Commission shall be entitled to request explanatory notes and other information from the District Electoral Commission; it shall correct obvious mistakes itself based on an agreement with the District Electoral Commission, otherwise it shall ask the District Electoral Commission to eliminate the found deficiencies. Members and recording clerks of electoral commissions, members of their professional summarising units, representatives of the political parties and coalitions standing as candidates, observers sent by international organisations, as well as other persons, whose presence has been approved by the County Electoral Commission, may be present during this activity.

#### Article 65

### **Record of the County Electoral Commission**

(1) In the record of the voting results, the County Electoral Commission shall provide

- a) the number of electoral districts and the number of District Electoral Commissions that have delivered the result of voting,
- b) the number of voters included in the electoral rolls,
- c) the number of voters that have participated in the voting,
- d) the number of voters that have handed over the envelope pursuant to Article 24,
- e) the number of voters who have sent a return envelope from abroad,
- f) the number of votes validly cast for each political party or coalition,
- g) the number of voters who utilised the right of preferential vote for candidates of a political party or coalition,
- h) the number of valid preferential votes cast for individual candidates by political parties or coalitions.

(2) The County Electoral Commission shall send the signed record of voting results in electronic form without undue delay to the State Commission and ensures the delivery of one counterpart of the record to the State Commission by post within three days. The County Electoral Commission shall end its activity as instructed by the State Commission. It shall handover the election documents to the District Office for safekeeping.

### **Conditions of Mandate Allocation**

#### Article 66

(1) The State Commission determines the number of votes validly cast in total for each political party and coalition.

(2) The State Commission further determines,

- a) which political parties obtained less than five percent of the total number of votes validly cast,
- b) which coalitions consisting of two or three political parties obtained less than seven percent of the total number of votes validly cast,
- c) which coalitions consisting of at least four political parties obtained less than ten percent of the total number of votes validly cast.

(3) The political parties or coalitions, which obtained more votes out of the total number of votes validly cast than provided in Paragraph 2, shall advance to the next determination of election results. The State Commission shall not take into account the votes validly cast to the political parties and coalitions pursuant to Paragraph 2.

#### Article 67

(1) If the State Commission finds out that pursuant to Article 66 no political party or coalition advances to the next determination of election results, it shall reduce

- a) the limit of five percent to the limit of four percent for a political party pursuant to Article 66 (2) (a),
- a) the limit of seven percent to the limit of six percent for a coalition pursuant to Article 66 (2) (b),
- c) the limit of ten percent to the limit of nine percent for a coalition pursuant to Article 66 (2) (c).

(2) The State Commission shall gradually decrease the percentage limit pursuant to Paragraph 1 so that at least two political parties or two coalitions, or at least one political party and one coalition advance to the next determination of election results.

#### Article 68

##### **Allocation of Mandates**

(1) The sum of votes validly cast for the advancing political parties or coalitions shall be divided by 151. The number resulting from the division and rounded to the nearest integer shall be the republic election number.

(2) The total number of valid votes obtained by a political party or coalition shall be divided by the republic election number, and the political party or coalition shall be allocated as many mandates how many times the republic election number is contained in the sum of valid votes obtained by this political party or coalition.

(3) If the number of mandates allocated in this way is higher by one than the number of mandates that should have been allocated, the redundant mandate shall be deducted from the number of mandates of the political party or coalition, which had the smallest division remainder. In case of equality of division remainders, the mandate shall be deducted from the number of mandates of the political party or coalition, which obtained a lower number of votes. In case of equality of the valid votes, the decision shall be made by lot.

(4) If all mandates have not been allocated in this way or if the political party or coalition has fewer candidates than the mandates to be allocated, the State Commission shall allocate the mandates gradually to the political parties or coalitions with the biggest division remainder. In case of equality of division remainders, the mandate shall be allocated to the political party or coalition, which obtained a higher number of votes. In case of equality of the votes, the decision



shall be made by lot.

(5) Within individual political parties or coalitions, the candidates shall receive the allocated mandates in the same order as the order used in the ballot paper. However, if the voters, who have cast a valid vote for the political party or coalition, have exercised the right of preferential vote, the mandate shall be allocated first to the candidate obtaining at least three percent of preferential votes out of the total number of votes validly cast for the political party or coalition. If more mandates are allocated to the political party or coalition and more candidates meet the condition pursuant to the previous sentence, the mandates shall be allocated in the order according to the highest number of preferential votes obtained. In case of equality of the preferential votes, the order in the ballot paper shall be decisive.

(6) The candidates, who are not allocated a mandate, shall become substitutes.

#### Article 69 **Election Results**

(1) The State Commission shall prepare a record of election results, in which it shall provide

- a) the number of County Electoral Commissions, which have sent the records,
- b) the number of electoral districts,
- c) the number of voters included in the electoral rolls,
- d) the number of voters that have participated in the voting,
- e) the number of voters that have handed over the envelope pursuant to Article 24,
- f) the number of voters who have sent a return envelope from abroad,
- g) the number of votes validly cast for each political party or coalition,
- h) the names and surnames of the candidates elected Members of the National Council, along with the data on the results on preferential votes, out of it the number of elected women and the number of elected men,
- i) the names and surnames of the candidates, who became substitutes, along with the data on the results of preferential votes.

(2) The State Commission shall hand over the record of election results to the National Council of the Slovak Republic.

(3) Once the elections have been verified by the National Council of the Slovak Republic, the Speaker of the National Council of the Slovak Republic shall notify the Ministry of Finance of the Slovak Republic of the data on the numbers of votes validly cast for individual political parties or coalitions.

#### Article 70 **Credentials**

The State Commission shall issue credentials to the candidates elected Members of the National Council.

Article 71  
**Accession of Substitutes**

(1) If during the electoral term, a mandate is left vacant, a substitute of the same political party or coalition shall fill the vacancy according to the order, in which they were provided in the list of candidates. However, if preferential votes have been applied in the ballot paper, the candidate with the highest number of preferential votes among the candidates, who obtained at least three percent of preferential votes, shall fill the vacancy.

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

(3) If the political party has been dissolved, the vacancy shall not be filled by any substitute and the mandate shall remain vacant until the end of the electoral term.

(4) If the mandate of a Member of the National Council is not applied, a substitute shall take over the mandate.

(5) The accession of the substitute shall be declared by the Speaker of the National Council of the Slovak Republic within 15 days after date, on which the mandate was left vacant or when the fact pursuant to Paragraph 4 comes into existence. The Speaker of the National Council of the Slovak Republic shall issue a certificate of becoming Member of the National Council to the substitute, showing the date, from which the substitute becomes Member of the National Council; the certificate of the substitute pursuant to Paragraph 4 shall also contain information that their mandate of Member of the National Council shall only last during the discharge of the function by the Member of the National Council, whose non-applied mandate the substitute takes over, or only during the imprisonment of the Member of the National Council, whose non-applied mandate the substitute takes over. After the expiry of the substitute's mandate, the substitute shall remain in the same list of candidates and in the original order.

## **PART THREE**

### **ELECTIONS TO THE EUROPEAN PARLIAMENT**

Article 72  
**Right to Vote**

(1) The citizen of the Slovak Republic permanently residing in the territory of the Slovak Republic and the citizen of other Member State of the European Union permanently residing in the territory of the Slovak Republic (hereinafter the "citizen of other Member State") has the right to vote in the elections to the European Parliament in the territory of the Slovak Republic.

(2) The citizen of the Slovak Republic, who is not permanently residing in the territory of the Slovak Republic or in the territory of other Member State of the European Union, has the right to vote in the elections to the European Parliament if they stay in the territory of the Slovak Republic on the date of elections.

(3) The citizen of other Member State, who has been deprived of their right to vote in the Member State of the European Union, of which he/she is a national, does not have the right to vote in the elections to the European Parliament in the territory of the Slovak Republic.

(4) It is possible to vote only in one Member State of the European Union in the same elections to the European Parliament.

Article 73  
**Right to be Elected**

(1) The following persons can be elected Members of the European Parliament

- a) a citizen of the Slovak Republic reaching the age of 21 no later than on the date of elections and permanently residing in the territory of the Slovak Republic,
- b) a citizen of other Member State reaching the age of 21 no later than on the date of elections, who has not been deprived of the right to be elected in the Member State of the European Union of which he or she is a national, and permanently residing in the territory of the Slovak Republic.

(2) It is possible to stand as a candidate in elections to the European Parliament only in one Member State of the European Union in the same elections.

(3) Members of the European Parliament are elected for a five-year term, which begins on the date of first session of the European Parliament after the elections.

Article 74  
**Constituency**

For elections to the European Parliament, the territory of the Slovak Republic represents one constituency.

Article 75  
**Registration of a Citizen of other Member State in the Electoral Roll**

(1) A citizen of other Member State shall be included in the electoral roll by the municipality, in which the citizen of other Member State is permanently residing, based on their application; the application must be submitted no later than 40 days before the date of elections otherwise the right to be included in the electoral roll will expire.

(2) In the application, the citizen of other Member State shall provide

- a) name and surname, née for women,
- b) personal ID number, and if the personal ID number has not been assigned, the date of birth,
- c) place of birth,
- d) sex.

(3) The citizen of other Member State shall attach a statement to the application containing

- a) their nationality and permanent residence address in the territory of the Slovak Republic,
- b) the last residence address in the Member State of the European Union he/she is a citizen of,
- c) the constituency of the Member State of the European Union he/she is a citizen of, in which he/she was registered in the electoral roll last time,
- d) that he/she will exercise their right to vote only in the territory of the Slovak Republic,
- e) that he/she has not been deprived of the right to vote in the Member State of the European Union he/she is a citizen of.

The sample application for the registration in the electoral roll shall be provided to the municipality by the Ministry of Interior through the District Office, and the Ministry of Interior shall publish it at its website.

(5) The municipality shall inform the applicant on the registration or non-registration in the electoral roll without undue delay. Article 10 shall apply to the objection procedure.

(6) The list of citizens of other Member State included in the electoral roll in the municipality with the data pursuant to Paragraphs 2 and 3 shall be sent by the municipality to the Ministry of Interior within three days after the expiry of the period pursuant to Paragraph 1; the Ministry of Interior shall deliver it to the respective Member State of the European Union. If the respective Member State of the European Union informs the Ministry of Interior that some of the persons listed in the delivered electoral roll and being its citizen does not have the right to vote in elections to the European Parliament, the Ministry of Interior shall notify it immediately to the municipality, in which the person is permanently residing.

(7) The Ministry of Interior shall verify the statement of a citizen of the Slovak Republic, who has applied for registration in the electoral roll in the territory of other Member State of the European Union, that he/she had not been deprived of the right to vote in the territory of the Slovak Republic, and it shall send the result of verification to the competent authority of the Member State of the European Union, in which the citizen of the Slovak Republic has applied for registration in the electoral roll, within five days from the delivery of the application.

(8) The Ministry of Interior shall immediately inform the municipality, in which the citizen of the Slovak Republic is permanently residing, on the registration of the citizen in the electoral roll of other Member State of the European Union. Based on the notice from the Ministry of Interior, the municipality of permanent residence shall delete the citizen of the Slovak Republic, who is included in the electoral roll of other Member State of the European Union, from its electoral roll.

(9) The municipality shall delete from the electoral roll pursuant to Paragraph 1 a citizen of other Member State of the European Union based on their application, which must be delivered to the municipality in paper form and must contain data pursuant to Paragraph 2.

#### Article 76 **Voter Certificate**

The provisions of Article 46 apply to voter certificate.

#### Article 77 **County Electoral Commission**

(1) The political party or coalition, whose list of candidates has been registered, may delegate one member and one substitute for the County Electoral Commission. The political party or coalition shall deliver the notice of delegation of a member and substitute to the District Office Head within the time limit provided in the decision on the call of elections.

(2) The notice of delegation of a member and substitute shall contain

a) the name, surname and date of birth of the member, including the address for the delivery of papers,

b) the name, surname and date of birth of the substitute, including the address for the delivery of papers,

c) the signature of the person entitled to act for the political party and the seal of the political party; if a coalition is concerned, the name, surname, signature of the person entitled to act for each political party creating the coalition and its seal.

(3) The notice of delegation of a member and substitute can be delivered in paper form or in electronic form. The time limit for the delivery of the notice shall end upon the expiry of the last day of the time limit. The notices delivered after the expiry of such time limit shall not be taken into account.

(4) If the County Electoral Commission is not created pursuant to Paragraph 1 or if the number of its members decreases below five and there is no substitute, the missing members shall be appointed by the District Office Head.

(5) The first session of the County Electoral Commission shall take place within the time limit provided in the decision on the call of elections; the session shall be summoned by the District Office Head.

(6) The withdrawal of the list of candidates by the political party or coalition shall result in the loss of membership of the political party or coalition in the County Electoral Commission.

(7) The membership of the County Electoral Commission shall also cease to exist on the date of delivery of a written notice of recall of the member by the political party or coalition, which delegated them, or upon the delivery of a written notice of the member's resignation to the Chairman of the County Electoral Commission, who will call the substitute. The membership of the County Electoral Commission shall also cease to exist if the member fails to take an oath no later than ten days before the date of elections; this shall not apply to the substitute.

(8) The County Electoral Commission

- a) supervises the readiness of District Electoral Commissions to fulfil the tasks hereunder,
- b) negotiates information of the District Office on the organisational and technical preparation of elections,
- c) negotiates information on the securing of the activity of its professional summarising unit,
- d) supervises the processing of voting results,
- e) prepares a record of voting results.

(9) The territory of the County Electoral Commission is identical with the territory of the District Office.

#### Article 78

### **Recording Clerk of the County Electoral Commission**

The recording clerk of the County Electoral Commission shall be appointed and recalled by the District Office Head.

#### Article 79

### **District Electoral Commission**

(1) The political party or coalition, whose list of candidates has been registered, may delegate one member and one substitute for the District Electoral Commission. The political party or coalition shall deliver the notice of delegation of a member and substitute to the municipality mayor within the time limit provided in the decision on the call of elections.

(2) The notice of delegation of a member and substitute shall contain

- a) the name, surname and date of birth of the member, including the address for the delivery of

papers,

b) the name, surname and date of birth of the substitute, including the address for the delivery of papers,

c) the signature of the person entitled to act for the political party and the seal of the political party; if a coalition is concerned, the name, surname, signature of the person entitled to act for each political party creating the coalition and its seal.

(3) The notice of delegation of a member and substitute can be delivered in paper form or in electronic form. The time limit for the delivery of the notice shall end upon the expiry of the last day of the time limit. The notices delivered after the expiry of such time limit shall not be taken into account.

(4) If the District Electoral Commission is not created pursuant to Paragraph 1 or if the number of its members decreases below five and there is no substitute, the missing members shall be appointed by the municipality mayor.

(5) The first session of the District Electoral Commission shall take place within the time limit provided in the decision on the call of elections; the session shall be summoned by the municipality mayor.

(6) The withdrawal of the list of candidates by the political party or coalition shall result in the loss of membership of the political party or coalition in the District Electoral Commission.

(7) The membership of the District Electoral Commission shall also cease to exist on the date of delivery of a written notice of recall of the member by the political party or coalition, which delegated them, or upon the delivery of a written notice of the member's resignation to the Chairman of the District Electoral Commission, who will call the substitute. The membership of the District Electoral Commission shall also cease to exist if the member fails to take an oath no later than ten days before the date of elections; this shall not apply to the substitute.

(8) The District Electoral Commission

a) ensures the correct process of voting,

b) adds voters to the electoral roll on the date of election,

c) counts votes and prepares a record of the voting process and results in the electoral district,

d) hands over the election documents to the municipality for safekeeping.

#### Article 80

#### **List of Candidates**

(1) List of candidates can be submitted by the political party registered pursuant to a special regulation. The political party submits the list of candidates through its authorised representative in paper as well as in electronic form no later than 90 days before the date of election to the recording clerk of the State Commission. The time limit for the submission of the list of candidates shall end upon the expiry of the last day of the time limit. The lists of candidates, which have not been delivered in the specified way, and the lists of candidates delivered after the expiry of the time limit shall not be taken into account.

(2) For the purpose of elections, political parties can create a coalition and submit a joint list of candidates pursuant to Paragraph 1. The political party, which is part of a coalition, cannot submit list of candidates independently.

(3) The list of candidates contains

- a) the name of the political party or names of the political parties creating a coalition,
- b) the nominal list of candidates containing the name, surname, degree, date of birth, employment of the candidate at the time of submission of the list of candidates,
- c) address of permanent residence of the candidate and the order in the list of candidates expressed by an Arabic numeral for all candidates,
- d) the name, surname, position, signature of the person authorised to act on behalf of the political party and the seal of the political party; if a coalition is concerned, the name, surname, position, signature of the person entitled to act on behalf of each political party creating the coalition and the seal of each political party creating the coalition.

(4) The following shall be attached to the list of candidates

- a) confirmation of payment of caution money amounting to EUR 1,700,
- b) the list of
  1. members of the supreme body of the political party according to the registered statutes pursuant to a special regulation with the serial number, name and surname, address of permanent residence and date of birth of each member included in the list, in number equal to at least five times the number of members of the party's executive body, accompanied by the statement of each member included in the list confirmed by their handwritten signature confirming their membership of the supreme body of the political party according to the registered statutes; the authenticity of the signature must be officially certified, at the earliest on the date of publishing of the decision on the announcement of elections in the Collection of Laws of the Slovak Republic or
  2. members of the political party in number equal to at least two times the number of candidates included in the list of candidates of the political party with the serial number, name and surname, address of permanent residence and date of birth of each member, accompanied by the statement of each member of the political party included in the list confirmed by their handwritten signature confirming their membership of the political party; the authenticity of the signature must be officially certified, at the earliest on the date of publishing of the decision on the announcement of elections in the Collection of Laws of the Slovak Republic,
- c) the notice of determination of the authorised representative of the political party or coalition and their substitute including the name, surname and address, to which papers can be delivered; the acts of the authorised representative in electoral matters are binding on the political party or coalition; no candidate may act as the authorised representative of a political party or coalition or their substitute,
- d) the statement of each candidate listed in the list of candidates, which must be confirmed by the handwritten signature of the candidate, in which
  1. the citizen of the Slovak Republic provides their name, surname, degree, date and place of birth, address of permanent residence, that they agree with their candidature, that they do not candidate in other list of candidates in the territory of the Slovak Republic or other Member State of the European Union and have no obstacles to the right to vote,
  2. the citizen of other Member State provides their name or names, surname, date and place of birth, nationality and address of permanent residence in the territory of the Slovak Republic, the last address of residence in the Member State of the European Union, he/she is a citizen of, the constituency in the Member State of the European Union, he/she is a citizen of, in which he/she was last time included in the electoral roll, that he/she agrees with standing as a candidate, that he/she does not stand as a candidate in other list of candidates in the territory of the Slovak Republic or other Member State of the European Union, that he/she has no obstacles to the right to vote and has not been deprived of the right to be elected in elections in the Member State of

the European Union of which he or she is a national.

(5) The political party or coalition may provide maximum as many candidates in the list of candidates as the number of Members of the European Parliament to be elected for the Slovak Republic to the European Parliament.

(6) The political party may provide its graphic image in the list of candidates; graphic images of the political parties creating a coalition may be provided in the list of candidates of the coalition.

(7) If a coalition is concerned, each political party creating a coalition shall attach the list pursuant to Paragraph 4 (b) of Point 1 or Point 2.

(8) The recording clerk of the State Commission determines whether the submitted lists of candidates contain the particulars pursuant to Paragraph 3 and whether they are accompanied by papers pursuant to Paragraph 4. If this is not the case, the recording clerk of the State Commission shall call upon the authorised representative of the political party or coalition to modify or supplement the list of candidates within a specified period. The recording clerk of the State Commission submits the lists of candidates to the State Commission for review and registration in its first session.

(9) Once the list of candidates has been submitted, it is not possible to add any other candidates or to change their order.

(10) If the political party or coalition provide a citizen of other Member State as a candidate in their list of candidates, the State Commission shall notify it to the Ministry of Interior without undue delay. The Ministry of Interior shall immediately send to the other Member State of the European Union information on the candidature of its citizen in the territory of the Slovak Republic with the application for verification of the citizen's statement that he/she has not been deprived of the right to be elected in elections of the Member State of the European Union of which he or she is a national.

(11) The Ministry of Interior shall verify the statement of a citizen of the Slovak Republic, who stands as a candidate in the territory of other Member State of the European Union, that he/she has not been deprived of the right to be elected in the territory of the Slovak Republic, and it shall send the result of verification to the Member State of the European Union, in which the citizen of the Slovak Republic stands as a candidate, within five days from the delivery of the application.

(12) The caution money is paid to an extra-budgetary account opened by the Ministry of Interior for that purpose; the number of the account shall be published by the Ministry at its website. The Ministry of Interior shall return the paid caution money within one month after the election results announcement to the political party or coalition, whose list of candidates was not registered or to the political party or coalition that obtained at least two percent of the total number of the votes validly cast. The caution money, which is not returned, represents the State Budget income.

#### Article 81

#### **Review of Lists of Candidates**

(1) The State Commission shall review the submitted lists of candidates no later than 80 days before the date of election. The State Commission shall review the lists of candidates through its professional summarising unit. The State Commission shall not review the list of candidates that is not accompanied by the confirmation of caution money payment.

(2) The State Commission shall delete from the list of candidates the candidate



- a) who has an obstacle to the right to be elected pursuant to Article 6,
- b) who does not meet the conditions listed in Article 73,
- c) whose statement pursuant to Article 80 (4) (d) is not attached to the list of candidates,
- d) whose statement pursuant to Article 80 (4) (d) Point 2 is in conflict with the result of verification pursuant to Article 80 (10),
- e) if the candidate is included in the lists of candidates of several political parties or coalitions, in the list of candidates not accompanied by the statement pursuant to Article 80 (4) (d); if the candidate has signed the statement for several lists of candidates, they shall be deleted from all the lists of candidates,
- f) who is included in the list of candidates in other Member State of the European Union or
- g) who is included in the list of candidates over the set number of candidates pursuant to Article 80 (5).

#### Article 82

#### **Registration of Lists of Candidates**

(1) No later than 70 days before the date of election, the State Commission shall register the lists of candidates, which conform to this Act, as well as the lists of candidates modified pursuant to Article 81 (2). Registration of lists of candidates is the precondition for printing the ballot papers.

(2) Within the time limit pursuant to Paragraph 1, the State Commission shall refuse the registration of the list of candidates, which does not conform to this Act, the list of candidates, which is not accompanied by the list pursuant to Article 80 (4) (b) or if the list is not complete or if the list pursuant to Article 80 (4) (b) is not accompanied by the statement of each member of the political party included in it, as well as the list of candidates, which cannot be modified pursuant to Article 81 (2).

(3) The State Commission shall prepare a decision on the registration of the list of candidates, on the registration of the list of candidates with modifications or on the refusal of registration of the list of candidates without undue delay, the decision shall be signed by its Chairman, and the political parties and coalitions shall be called upon to take over the decision within 24 hours. If a political party or coalition fails to take over the decision within the specified period, the decision shall be considered taken over.

(4) Against the State Commission's decision on the registration of the list of candidates with modifications pursuant to Article 81 (2) or on the refusal of registration of the list of candidates, the affected candidate political party or coalition may submit to an administrative court a proposal for the issuance of a decision on keeping the candidate in the list of candidates or a proposal for the issuance of a decision on the registration of the list of candidates.

(5) If the administrative court makes decision on keeping the candidate in the list of candidates or on the registration of the list of candidates, the State Commission shall execute the decision of the administrative court within 24 hours from its delivery by designating the registration in the list of candidates.

(6) After the registration of lists of candidates, the State Commission shall hand over the nominal list of candidates by political parties and coalitions to the Ministry of Interior that will ensure its printing in the necessary quantity and delivers it to municipalities through District Offices no later than 40 days before the date of election. The list including the title page also in the language of the national minority shall be delivered to municipalities by the District Office

pursuant to a special regulation. Municipalities shall ensure that no later than 25 days before the date of election, the nominal list of candidates is delivered to each household. The nominal list shall contain the number of the list of candidates determined by lot, the name of the political party or names of the political parties creating a coalition, the serial number, name and surname, degree, age, employment of the candidate according to the list of candidates and the municipality of his/her permanent residence. If the political party or political parties creating a coalition have provided their graphic image in the list of candidates, the graphic image shall also be provided in the nominal list of candidates.

(7) The Ministry of Interior fulfils the tasks of a communication centre for mutual exchange of information with other Member States of the European Union.

(8) The list of citizens of other Member State of the European Union provided in registered lists of candidates with the data pursuant to Article 75 (2) and (3) (a) to (d) shall be delivered by the Ministry of Interior to the respective Member State of the European Union no later than 30 days before the date of election.

(9) The list of citizens of the Slovak Republic standing as candidates in other Member State of the European Union shall be immediately submitted by the Ministry of Interior to the State Commission based on a notice from the competent authority of other Member State of the European Union.

(10) If the State Commission finds out that the candidate provided in the registered list of candidates stands as a candidate also in other Member State of the European Union, it shall immediately ensure the publishing of this fact in polling stations and at the website of the Ministry of Interior. The data on the candidate shall remain in the ballot paper but he/she shall not be taken into account during the allocation of mandates.

(11) If the State Commission finds out, based on the verification results provided by other Member State of the European Union, that the citizen of other Member State of the European Union provided in the registered list of candidates has been deprived of the right to be elected in the Member State of the European Union, he/she is a citizen of, it shall immediately ensure the publishing of this fact in polling stations and at the website of the Ministry of Interior. The data on the candidate shall remain in the ballot paper but he/she shall not be taken into account during the allocation of mandates.

#### Article 83

### **Numbering of Lists of Candidates**

Without undue delay after the registration of lists of candidates, the State Commission shall determine by lot the number to designate the list of candidates of each political party or coalition. The list of candidates registered by a decision of an administrative court shall be assigned by the State Commission a number following the highest number determined by lot. The numbers of lists of candidates determined by lot shall be published by the State Commission at the website of the Ministry of Interior.

#### Article 84

### **Withdrawal of the List of Candidates, Abandonment and Revocation of the Candidature**

(1) No later than 48 hours before the beginning of the election, the political party or coalition may withdraw their list of candidates in writing through the authorised representative.

(2) No later than 48 hours before the beginning of the election, the candidate may abandon their candidature; the abandonment must be carried out in paper form and the signature must be officially attested. No later than 48 hours before the beginning of the election, the candidate may also be recalled through the authorised representative by the political party of coalition that nominated them.

(3) The withdrawal of the list of candidates by the political party or coalition, abandonment or revocation of the candidature must be delivered to the Chairman of the State Commission, who will ensure their publishing in the polling stations and at the website of the Ministry of Interior. The withdrawal of the list of candidates by the political party or coalition, abandonment or revocation of the candidature cannot be withdrawn.

(4) If the candidate abandoned or was recalled after the list of candidates had been registered, the data on them shall remain in the list of candidates, however, they shall not be taken into account in assigning mandates.

#### Article 85 **Ballot Papers**

(1) A ballot paper shall be produced for each political party and coalition, whose list of candidates has been registered.

(2) Based on the registered lists of candidates, the Ministry of Interior shall provide for the necessary number of ballot papers.

(3) The ballot paper shall contain the number of the list of candidates determined by lot, the date of election, the name of the political party or names of the political parties creating a coalition, the serial number, name and surname of the candidate, degree, age, employment of the candidate according to the list of candidates and the municipality of his/her permanent residence. The order of the candidates in the ballot paper must be identical with the order in the registered list of candidates. If the political party or political parties creating a coalition have provided their graphic image in the list of candidates, the graphic image shall also be provided in the ballot paper. The State Commission shall verify the correctness of the data provided in the ballot paper and it shall attach its official seal to the original of the ballot paper. The original of the ballot paper shall represent the background document for printing of ballot papers.

(4) Ballot papers must be printed in the same font type and size, in the paper of the same colour and quality and with the same dimensions.

(5) If the political party uses capital letters in its name, its name shall be provided in the ballot paper in the same way as the names of the other political parties.

(6) The Ministry of Interior shall deliver the ballot papers through District Offices to municipalities no later than 40 days before the date of election. Municipality mayors shall ensure that the ballot papers are delivered to District Electoral Commissions no later than on the date of election.

(7) The voter shall receive the ballot papers in the polling station on the date of election.

(8) If the list of candidates is withdrawn by the political party or coalition, if the political party or the political party, which is part of a coalition, is cancelled at the time after the registration of the list of candidates, the ballot papers of this political party or coalition shall not be printed, and if they have already been printed, the District Electoral Commissions shall ensure that they are not handed out in the polling stations; if they have already been handed out, they shall not be taken into account in counting the votes.

#### Article 86 **Call of Elections**

(1) Elections to the European Parliament are announced by the Speaker of the National Council of the Slovak Republic based on the decision of the Council of the European Union no later than 110 days before the date of elections. The announcement shall contain the number of

Members of the European Parliament, who are to be elected to the European Parliament in the territory of the Slovak Republic.

(2) If the Constitutional Court of the Slovak Republic declares the elections invalid or cancels the result of the elections, the Speaker of the National Council of the Slovak Republic shall announce elections to the European Parliament within 30 days after the delivery of the ruling of the Constitutional Court of the Slovak Republic to the National Council of the Slovak Republic.

#### Article 87 **Voting Procedure**

(1) The District Electoral Commission shall add the voter, who appears in the polling station on the date of election with a voter certificate, in the electoral roll after the voter submits the identity card or residence card of European Union citizen. The District Electoral Commission shall attach the voter certificate to the electoral roll and issue ballot papers and an empty envelope to the voter.

(2) The District Electoral Commission shall add the voter, who appears in the respective polling station according to the place of permanent residence on the date of election and is not included in the electoral roll, in the electoral roll based on the identity card or residence card of European Union citizen. The District Electoral Commission shall issue ballot papers and an empty envelope to the voter.

(3) The District Electoral Commission shall add the voter, who appears in the respective polling station according to the place of permanent residence on the date of election with the decision of court pursuant to Article 10 (2), in the electoral roll after the voter submits the identity card or residence card of European Union citizen. The District Electoral Commission shall issue ballot papers and an empty envelope to the voter.

(4) On demand, the District Electoral Commission will provide other ballot papers to the voter for the incorrectly modified ones. The voter shall put the incorrectly modified ballot papers to the box for unused or incorrectly modified ballot papers.

(5) The citizen of the Slovak Republic, who reached the age of 18 no later than on the date of election, is not permanently residing in the territory of the Slovak Republic or in the territory of other Member State of the European Union, and on the date of election appears in the polling station, shall be added to the electoral roll by the District Electoral Commission after they submit a Slovak travel document and a declaration on honour about the permanent residence abroad; a sample declaration on honour shall be published by the Ministry of Interior at its website. The District Electoral Commission shall register the inclusion in the electoral roll in their Slovak travel document. The District Electoral Commission shall issue ballot papers and an empty envelope to the voter.

(6) The voter puts one ballot paper into the envelope in the polling booth. The voter may designate the preferred candidates in the ballot paper put into the envelope by ringing the serial number of maximum two candidates provided in one ballot paper.

#### Article 88 **Counting Votes in the District Electoral Commission**

After taking out the ballot papers from envelopes, the District Electoral Commission shall divide the ballot papers by political parties and coalitions. It counts the ballot papers cast for each political party and coalition, excludes the invalid ballot papers and determines the number of voters, who exercised the right of preferential vote for candidates of a political party or coalition. Then the District Electoral Commission counts the preferential votes cast for individual candidates in the ballot papers. It provides the results in the record of the voting process and results in the electoral district.

Article 89

**Assessment of Validity of Ballot Papers**

(1) If the envelope contains several ballot papers, all the ballot papers are invalid. The ballot papers, which are not in the prescribed form, and the ballot papers of political parties or coalition pursuant to Article 85 (8) are also invalid.

(2) If the voter designated preferential votes in the ballot paper for more than two candidates, the ballot paper shall be counted in favour of the political party or coalition, however, the preferential votes shall not be taken into account.

Article 90

**Record of the District Electoral Commission**

(1) In the record of the voting process and results in the electoral district, the District Electoral Commission shall provide

- a) the time of voting beginning and end or its interruption,
- b) the number of voters included in the electoral roll,
- c) the number of voters that have participated in the voting,
- d) the number of voters that have handed over the envelope,
- e) the number of votes validly cast for each political party or coalition,
- f) the number of voters who utilised the right of preferential vote for candidates of a political party or coalition,
- g) the number of valid preferential votes cast for individual candidates by political parties or coalitions.

(2) The District Electoral Commission shall deliver one counterpart of the record of the voting process and results in the electoral district without undue delay to the County Electoral Commission. The District Electoral Commission shall end its activity as instructed by the County Electoral Commission.

Article 91

**Verification of Records by the County Electoral Commission**

The County Electoral Commission shall determine the election results based on the records of District Electoral Commissions of the voting process and results in the electoral district. In case of any doubts concerning the data included in the record of the voting process and results in the electoral district, the County Electoral Commission shall be entitled to request explanatory notes and other information from the District Electoral Commission; it shall correct obvious mistakes itself based on an agreement with the District Electoral Commission, otherwise it shall ask the District Electoral Commission to eliminate the found deficiencies. Members and recording clerks of electoral commissions, members of their professional summarising units, representatives of the political parties and coalitions standing as candidates, observers sent by international organisations, as well as other persons, whose presence has been approved by the County Electoral Commission, may be present during this activity.

Article 92  
**Record of the County Electoral Commission**

- (1) In the record of the voting results, the County Electoral Commission shall provide
- a) the number of electoral districts and the number of District Electoral Commissions that have delivered the result of voting,
  - b) the number of voters included in the electoral rolls,
  - c) the number of voters that have participated in the voting,
  - d) the number of voters that have handed over the envelope,
  - e) the number of votes validly cast for each political party or coalition,
  - f) the number of voters who utilised the right of preferential vote for candidates of a political party or coalition,
  - g) the number of valid preferential votes cast for individual candidates by political parties or coalitions.

(2) The County Electoral Commission shall send the signed record of election results in electronic form without undue delay to the State Commission and ensures the delivery of one counterpart of the record to the State Commission by post within three days. The County Electoral Commission shall end its activity as instructed by the State Commission. It shall handover the election documents to the District Office for safekeeping.

Article 93  
**Conditions of Mandate Allocation**

(1) The State Commission determines the number of votes validly cast in total for each political party and coalition.

(2) The State Commission shall further determine, which political party or coalition has obtained at least five percent of the total number of votes validly cast. During further determination of election results, the State Commission shall not take into account the votes validly cast for the political parties and coalitions obtaining less than five percent of valid votes.

Article 93a

(1) If the State Commission finds out that pursuant to Article 93 no political party or coalition advances to the next determination of election results, it shall reduce the limit of five percent pursuant to Article 93 (2) to the limit of four percent.

(2) The State Commission shall gradually decrease the percentage limit pursuant to Paragraph 1 so that at least two political parties or two coalitions, or at least one political party and one coalition advance to the next determination of election results.

Article 94  
**Allocation of Mandates**

(1) The sum of votes validly cast for the political parties or coalitions advancing to next counting shall be divided by the number of mandates pursuant to Article 86 (1) increased by one. The number resulting from the division and rounded to the nearest integer shall be the republic election number.

(2) The total number of valid votes obtained by a political party or coalition shall be divided by the republic election number, and the political party or coalition shall be allocated as many mandates how many times the republic election number is contained in the sum of valid votes obtained by this political party or coalition.

(3) If the number of mandates allocated in this way is higher by one than the number of mandates that should have been allocated, the redundant mandate shall be deducted from the number of mandates of the political party or coalition, which had the smallest division remainder. In case of equality of division remainders, the mandate shall be deducted from the number of mandates of the political party or coalition, which obtained a lower number of votes. In case of equality of the valid votes, the decision shall be made by lot.

(4) If not all mandates have been allocated in this way or if the political party or coalition has fewer candidates than the mandates to be allocated, the State Commission shall allocate the mandates gradually to the political parties or coalitions with the biggest division remainder. In case of equality of division remainders, the mandate shall be allocated to the political party or coalition, which obtained a higher number of votes. In case of equality of the valid votes, the decision shall be made by lot.

(5) Within individual political parties or coalitions, the candidates shall receive the allocated mandates in the same order as the order used in the ballot paper. However, if the voters, who have cast a valid vote for the political party or coalition, have exercised the right of preferential vote, the mandate shall be allocated first to the candidate obtaining at least three percent of preferential votes out of the total number of votes validly cast for the political party or coalition. If more mandates are allocated to the political party or coalition and more candidates meet the condition pursuant to the previous sentence, the mandates shall be allocated in the order according to the highest number of preferential votes obtained. In case of equality of the preferential votes, the order in the ballot paper shall be decisive.

(6) The candidates, who are not allocated a mandate, shall become substitutes.

Article 95  
**Record of the State Commission**

(1) In the record of election results, the State Commission shall provide

- a) the number of County Electoral Commissions, which have sent the records,
- b) the number of electoral districts,
- c) the number of voters included in the electoral rolls,
- d) the number of voters that have participated in the voting,
- e) the number of voters that have handed over the envelope,
- f) the number of votes validly cast for each political party or coalition,
- g) the names and surnames of the candidates elected Members of the European Parliament, out of it the number of elected women and the number of elected men, along with the data on the results of preferential votes,
- h) the names and surnames of the candidates, who became substitutes, along with the data on the results of preferential votes.

(2) The State Commission shall publish the total election results only after the end of elections in the Member State of the European Union, whose voters cast votes as the last voters.

(3) The State Commission shall hand over the record of election results to the Speaker of the National Council of the Slovak Republic, who will hand over the results of the elections taking place in the territory of the Slovak Republic to the European Parliament.

Article 96  
**Credentials**

The State Commission shall issue credentials to the candidates elected Members of the European Parliament.

Article 97  
**Accession of Substitutes**

(1) If during the electoral term, a mandate is left vacant in the European Parliament, a substitute of the same political party or coalition shall fill the vacancy according to the order, in which they were provided in the list of candidates. If preferential votes have been applied in the ballot paper, the vacancy shall be filled by the candidate, who has obtained the necessary number of preferential votes pursuant to Article 94 (5).

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

(3) If the political party has been dissolved, the vacancy shall not be filled by any substitute and the mandate shall remain vacant until the end of the electoral term.

(4) The State Commission shall announce the accession of the substitute within 15 days from the delivery of notice of the European Parliament on a vacant mandate to the National Council of the Slovak Republic. It shall hand over a certificate to the substitute showing the date, on which the substitute became Member of the European Parliament. The State Commission shall announce the accession of the substitute to the National Council of the Slovak Republic without undue delay.

(5) The National Council of the Slovak Republic shall inform the European Parliament on the accession of the substitute within 15 days from the delivery of notice of the State Commission.

## **PART FOUR**

### **ELECTION OF THE PRESIDENT OF THE SLOVAK REPUBLIC**

Article 98  
**Right to Vote**

The citizen of the Slovak Republic, who has the right to vote in the elections to the National Council of the Slovak Republic, has the right to elect the President of the Slovak Republic (hereinafter the "President").

Article 99  
**Voter Certificate**

The provisions of Article 46 apply to voter certificate.



Article 100  
**County Electoral Commission**

(1) The political party or coalition represented in the National Council of the Slovak Republic, and a petitions committee may delegate one member and one substitute for the County Electoral Commission. The political party, coalition or petitions committee shall deliver the notice of delegation of a member and substitute to the District Office Head within the time limit provided in the decision on the call of elections.

(2) The notice of delegation of a member and substitute shall contain

a) the name, surname and date of birth of the member, including the address for the delivery of papers,

b) the name, surname and date of birth of the substitute, including the address for the delivery of papers,

c) name, surname and signature of the person

1. authorised to act on behalf of the political party and the seal of the political party,

2. authorised to act on behalf of each political party creating a coalition and its seal, if a coalition is concerned,

3. appointed to be in contact with a central government authority, if a petitions committee is concerned.

(3) The notice of delegation of a member and substitute can be delivered in paper form or in electronic form. The time limit for the delivery of the notice shall end upon the expiry of the last day of the time limit. The notices delivered after the expiry of such time limit shall not be taken into account.

(4) If the County Electoral Commission is not created in the way laid down in Paragraph 1 or if the number of its members decreases below five and there is no substitute, the missing members shall be appointed by the District Office Head.

(5) The first session of the County Electoral Commission shall take place within the time limit provided in the decision on the call of elections; the session shall be summoned by the District Office Head.

(6) The membership of the County Electoral Commission shall cease to exist on the date of delivery of a written notice of recall of the member by the political party, coalition or petitions committee, which delegated them, or upon the delivery of a written notice of the member's resignation to the Chairman of the County Electoral Commission, who will call the substitute. The membership of the County Electoral Commission shall also cease to exist if the member fails to take an oath no later than ten days before the date of elections; this shall not apply to the substitute.

(7) The County Electoral Commission

a) supervises the readiness of District Electoral Commissions to fulfil the tasks hereunder,

b) negotiates information of the District Office on the organisational and technical preparation of elections,

c) negotiates information on the securing of the activity of its professional summarising unit,

d) supervises the processing of voting results,

e) prepares a record of voting results,

f) hands over the election documents to the District Office for safekeeping.

(8) The territory of the County Electoral Commission is identical with the territory of the District Office pursuant to a special regulation.

#### Article 101

### **Recording Clerk of the County Electoral Commission**

The recording clerk of the County Electoral Commission shall be appointed and recalled by the District Office Head.

#### Article 102

### **District Electoral Commission**

(1) The political party or coalition represented in the National Council of the Slovak Republic, and a petitions committee may delegate one member and one substitute for the District Electoral Commission. The political party, coalition or petitions committee shall deliver the notice of delegation of a member and substitute to the municipality mayor within the time limit provided in the decision on the call of elections.

(2) The notice of delegation of a member and substitute shall contain

a) the name, surname and date of birth of the member, including the address for the delivery of papers,

b) the name, surname and date of birth of the substitute, including the address for the delivery of papers,

c) name, surname and signature of the person

1. authorised to act on behalf of the political party and the seal of the political party,

2. authorised to act on behalf of each political party creating a coalition and its seal, if a coalition is concerned,

3. appointed to be in contact with a central government authority, if a petitions committee is concerned.

(3) The notice of delegation of a member and substitute can be delivered in paper form or in electronic form. The time limit for the delivery of the notice shall end upon the expiry of the last day of the time limit. The notices delivered after the expiry of such time limit shall not be taken into account.

(4) If the District Electoral Commission is not created in the way laid down in Paragraph 1 or if the number of its members decreases below five and there is no substitute, the missing members shall be appointed by the municipality mayor.

(5) The first session of the District Electoral Commission shall take place within the time limit provided in the decision on the call of elections; the session shall be summoned by the municipality mayor.

(6) The membership of the District Electoral Commission shall cease to exist on the date of delivery of a written notice of recall of the member by the political party, coalition or petitions committee, which delegated them, or upon the delivery of a written notice of the member's resignation to the Chairman of the District Electoral Commission, who will call the substitute. The membership of the District Electoral Commission shall also cease to exist if the member fails to take an oath no later than ten days before the date of elections; this shall not apply to the substitute.

(7) The District Electoral Commission

- a) ensures the correct process of voting,
- b) adds voters to the electoral roll on the date of election,
- c) counts votes and prepares a record of the voting process and results in the electoral district,
- d) hands over the election documents to the municipality for safekeeping.

Article 103

**Proposal for Candidate**

(1) The proposal for a candidate shall contain

- a) name, surname and degree of the candidate,
- b) date of birth,
- c) employment of the candidate at the time of proposal submission,
- d) address of permanent residence of the candidate,
- e) the statement of the candidate listed in the list of candidates, which must be confirmed by the handwritten signature of the candidate, that they agree with their candidature and meet the conditions for their election as President.

(2) The petition must also contain the name, surname and date of birth of the voter, address of permanent residence, which means the name of municipality, street name if the municipality is divided into streets, house number, and the signature of the voter.

(3) Within seven days from the delivery of the proposal for candidate, the Speaker of the National Council of the Slovak Republic shall review the proposal, whether it contains data as provided by law; for a petition, whether it contains the particulars pursuant to Paragraph 1 and 2, and whether it is obvious from each petition sheet that it is a petition for a certain candidate. If the proposal meets the set conditions, the Speaker of the National Council of the Slovak Republic shall accept the proposal otherwise he/she shall refuse it. The Speaker of the National Council of the Slovak Republic shall publish a notice of acceptance of the proposal at the website of the National Council of the Slovak Republic and deliver it to the candidate for President to the address provided, otherwise to the address of his/her permanent residence. Within 24 hours from the refusal of the proposal, the Speaker of the National Council of the Slovak Republic shall deliver a notice of refusal of the proposal to the candidate for President to the address provided, otherwise to the address of his/her permanent residence, and at the same time, he/she shall publish it at the website of the National Council of the Slovak Republic; if the candidate for President fails to take over the notice or he/she is not present at the address provided or at the address of permanent residence, the time of publishing at the website of the National Council of the Slovak Republic shall be considered the time of delivery.

(4) Within 24 hours from the acceptance of the proposal for candidate, the Speaker of the National Council of the Slovak Republic shall notify the State Commission of the candidate's name, surname, degree, age, employment and permanent residence address.

(5) The candidate may submit against the refusal of the proposal for candidate a proposal for the issuance of a decision on the acceptance of their proposal for candidate to an administrative court.

(6) If the administrative court makes decision on the acceptance of the proposal for

candidate, the Speaker of the National Council of the Slovak Republic shall notify the facts pursuant to Paragraph 4 to the State Commission within 24 hours from the delivery of the decision.

#### Article 104

#### **Abandonment of the Candidature**

(1) The candidate for President may abandon the candidature in writing. The candidate shall deliver the statement of abandonment of the candidature no later than 48 hours before the commencement of the first round of elections to the Speaker of the National Council of the Slovak Republic. The Speaker of the National Council of the Slovak Republic shall immediately notify this fact to the State Commission, which will ensure the publishing of abandonment of the candidature in polling stations and at the website of the Ministry of Interior. Abandonment of the candidature cannot be withdrawn.

(2) If the candidate for President abandons the candidature after the ballot papers have been produced, the data on the candidate shall remain in the ballot paper.

#### Article 105

#### **Ballot Paper**

(1) The ballot paper shall be produced as a single ballot paper for all the candidates, whose proposals for candidate have been accepted. The ballot paper shall contain the date of election, candidates in alphabetical order including the serial numbers, candidate's name, surname, degree, age, employment pursuant to the proposal for candidate and the municipality of their permanent residence. The candidates are listed in the ballot paper in alphabetical order by surnames.

(2) The Ministry of Interior shall provide for the necessary number of ballot papers.

(3) The State Commission shall verify the correctness of the data provided in the ballot paper and it shall attach its official seal to the original of the ballot paper. The original of the ballot paper shall represent the background document for printing of ballot papers.

(4) Ballot papers must be printed in the same font type and size, in the paper of the same colour and quality and with the same dimensions.

(5) The Ministry of Interior delivers ballot papers to municipalities through District Offices. Municipalities shall ensure that the ballot papers are delivered to District Electoral Commissions no later than on the date of election.

(6) The voter shall receive the ballot paper in the polling station on the date of election.

#### Article 106

#### **Call of Elections**

(1) Elections of the President are announced by the Speaker of the National Council of the Slovak Republic no later than 55 days before the date of elections.

(2) If the Constitutional Court of the Slovak Republic declares the elections invalid, the Speaker of the National Council of the Slovak Republic shall announce elections of the President within 30 days after the delivery of the ruling of the Constitutional Court of the Slovak Republic to the Speaker of the National Council of the Slovak Republic.

Article 107  
**Voting Procedure**

(1) The District Electoral Commission shall add the voter, who appears in the polling station on the date of election with a voter certificate, in the electoral roll after the voter submits the identity card. The District Electoral Commission shall attach the voter certificate to the electoral roll and issue the ballot paper and an empty envelope to the voter.

(2) The District Electoral Commission shall add the voter, who appears in the respective polling station according to the place of permanent residence on the date of election and is not included in the electoral roll, in the electoral roll based on the identity card. The District Electoral Commission shall issue the ballot paper and an empty envelope to the voter.

(3) The District Electoral Commission shall add the voter, who appears in the respective polling station according to the place of permanent residence on the date of election with the decision of court pursuant to Article 10 (2), in the electoral roll after the voter submits the identity card. The District Electoral Commission shall issue the ballot paper and an empty envelope to the voter.

(4) The citizen of the Slovak Republic, who reached the age of 18 no later than on the date of election, is not permanently residing in the territory of the Slovak Republic, and on the date of election appears in the polling station, shall be added to the electoral roll by the District Electoral Commission after they submit a Slovak travel document and a declaration on honour about the permanent residence abroad; a sample declaration on honour shall be published by the Ministry of Interior at its website. The District Electoral Commission shall record the inclusion into the electoral roll in their Slovak travel document, and it shall attach the declaration on oath about the permanent residence abroad to the electoral roll. The District Electoral Commission shall issue the ballot paper and an empty envelope to the voter.

(5) The voter puts the ballot paper into the envelope in the polling booth. The voter shall ring the serial number of only one candidate in the ballot paper.

Article 108  
**Counting Votes in the District Electoral Commission**

After taking the ballot papers out of the envelopes, the District Electoral Commission shall exclude invalid ballot papers and determine the number of votes validly cast for individual candidates. It provides the results in the record of the voting process and results in the electoral district.

Article 109  
**Assessment of Validity of Ballot Papers**

If a ballot paper is not modified in the specified way, it shall be invalid. If the envelope contains several ballot papers, all the ballot papers are invalid. The ballot papers, which are not in the prescribed form, shall also be invalid.

Article 110  
**Record of the District Electoral Commission**

(1) In the record of the voting process and results in the electoral district, the District Electoral Commission shall provide

- a) the time of voting beginning and end or its interruption,
- b) the number of voters included in the electoral roll,

- c) the number of voters that have participated in the voting,
- d) the number of voters that have handed over the envelope,
- e) the number of votes validly cast for all candidates,
- f) the number of votes validly cast for individual candidates,
- g) the number of votes for the candidate, who could not be elected any more and the candidate, who has waived the right to stand as a candidate.

(2) The District Electoral Commission shall deliver one counterpart of the record of the voting process and results in the electoral district without undue delay to the County Electoral Commission. The District Electoral Commission shall end its activity as instructed by the County Electoral Commission.

#### Article 111

### **Verification of Records by the County Electoral Commission**

The County Electoral Commission shall determine the election results based on the records of District Electoral Commissions of the voting process and results in the electoral district. In case of any doubts concerning the data included in the record of the voting process and results in the electoral district, the County Electoral Commission shall be entitled to request explanatory notes and other information from the District Electoral Commission; it shall correct obvious mistakes itself based on an agreement with the District Electoral Commission, otherwise it shall ask the District Electoral Commission to eliminate the found deficiencies. Members and recording clerks of electoral commissions, members of their professional summarising units, observers sent by international organisations, as well as other persons, whose presence has been approved by the County Electoral Commission, may be present during this activity.

#### Article 112

### **Record of the County Electoral Commission**

(1) In the record of the voting results, the County Electoral Commission shall provide

- a) the number of electoral districts and the number of District Electoral Commissions that have delivered the result of voting,
- b) the number of voters included in the electoral rolls,
- c) the number of voters that have participated in the voting,
- d) the number of voters that have handed over the envelope,
- e) the number of votes validly cast for all candidates,
- f) the number of votes validly cast for individual candidates,
- g) the number of votes for the candidate, who could not be elected any more and the candidate, who has waived the right to stand as a candidate.

(2) The County Electoral Commission shall send the signed record of voting results in electronic form without undue delay to the State Commission and ensures the delivery of one counterpart of the record to the State Commission by post within three days. The County Electoral Commission shall end its activity as instructed by the State Commission. It shall handover the election documents to the District Office for safekeeping.

Article 113  
**Record of the State Commission**

- (1) In the record of election results, the State Commission shall provide
- a) the number of County Electoral Commissions, which have sent the records,
  - b) the number of electoral districts,
  - a) the number of District Electoral Commissions, which have delivered the record,
  - d) the number of voters included in the electoral rolls,
  - e) the number of votes validly cast for all candidates,
  - f) the number of votes for the candidate, who could not be elected anymore and the candidate, who has waived the right to stand as a candidate,
  - g) the order of the candidates according to the obtained number of votes validly cast,
  - h) the name, surname and degree of the candidate elected President or the fact that none of the candidates has obtained the necessary number of votes validly cast.

(2) The State Commission shall hand over the record to the National Council of the Slovak Republic.

Article 114  
**Announcement of Election Results**

The announcement of election results must contain

- a) the name, surname and degree of the candidate elected President, and the names, surnames and degrees of other candidates showing the number of valid votes obtained by them or
- b) the statement that with respect to election results, the second round of elections will take place, data on the name, surname and degree of the candidates advancing to the second round, and the order of other candidates along with the number of valid votes obtained.

Article 115  
**Second Round of Elections**

(1) If none of the candidates obtains an absolute majority of valid votes of voters, the second round of elections shall take place within 14 days. The second round of elections and the date of elections are announced by the Speaker of the National Council of the Slovak Republic.

(2) The second round of elections shall follow Article 99, Article 104, Article 105, Articles 107 to 113, and Article 114 (a) accordingly.

(3) The municipalities shall inform voters on the time and place of the second round of elections in the way usual at the place.

(4) After the announcement of results of the first round of elections, the candidate for President may abandon the candidature in writing.

## **PART FIVE**

### **PLEBISCITE ON THE RECALL OF PRESIDENT**

#### **Article 116 Right to Vote**

Citizens of the Slovak Republic have the right to vote in plebiscite on the recall of President (hereinafter the "plebiscite").

#### **Article 117 Voter Certificate**

The provisions of Article 46 apply to voter certificate.

#### **Article 118 County Electoral Commission**

(1) The political party or coalition, which is represented in the National Council of the Slovak Republic, may delegate one member and one substitute for the County Electoral Commission. The political party or coalition shall deliver the notice of delegation of a member and substitute to the District Office Head within the time limit provided in the decision on the call of elections.

(2) The notice of delegation of a member and substitute shall contain

- a) the name, surname and date of birth of the member, including the address for the delivery of papers,
- b) the name, surname and date of birth of the substitute, including the address for the delivery of papers,
- c) name, surname and signature of the person
  1. authorised to act on behalf of the political party and the seal of the political party,
  2. authorised to act on behalf of each political party creating a coalition and its seal, if a coalition is concerned.

(3) The notice of delegation of a member and substitute can be delivered in paper form or in electronic form. The time limit for the delivery of the notice shall end upon the expiry of the last day of the time limit. The notices delivered after the expiry of such time limit shall not be taken into account.

(4) If the County Electoral Commission is not created in the way laid down in Paragraph 1 or if the number of its members decreases below five and there is no substitute, the missing members shall be appointed by the District Office Head.

(5) The first session of the County Electoral Commission shall take place within the time limit provided in the decision on the call of elections; the session shall be summoned by the District Office Head.

(6) The membership of the County Electoral Commission shall cease to exist on the date of delivery of a written notice of recall of the member by the political party or coalition, which delegated them, or upon the delivery of a written notice of the member's resignation to the Chairman of the County Electoral Commission, who will call the substitute. The membership of the County Electoral Commission shall cease to exist if the member fails to take an oath no later than ten days before the date of elections; this shall not apply to the substitute.



(7) The County Electoral Commission

- a) supervises the readiness of District Electoral Commissions to fulfil the tasks hereunder,
- b) negotiates information of the District Office on the organisational and technical preparation of the plebiscite,
- c) negotiates information on the securing of the activity of its professional summarising unit,
- d) supervises the processing of voting results,
- e) prepares a record of voting results,
- f) hands over the plebiscite documents to the District Office.

(8) The territory of the County Electoral Commission is identical with the territory of the District Office pursuant to a special regulation.

Article 119

**Recording Clerk of the County Electoral Commission**

The recording clerk of the County Electoral Commission shall be appointed and recalled by the District Office Head.

Article 120

**District Electoral Commission**

(1) The political party or coalition, which is represented in the National Council of the Slovak Republic, may delegate one member and one substitute for the District Electoral Commission. The political party or coalition shall deliver the notice of delegation of a member and substitute to the municipality mayor within the time limit provided in the decision on the call of elections.

(2) The notice of delegation of a member and substitute shall contain

- a) the name, surname and date of birth of the member, including the address for the delivery of papers,
- b) the name, surname and date of birth of the substitute, including the address for the delivery of papers,
- c) name, surname and signature of the person
  1. authorised to act on behalf of the political party and the seal of the political party,
  2. authorised to act on behalf of each political party creating a coalition and its seal, if a coalition is concerned.

(3) The notice of delegation of a member and substitute can be delivered in paper form or in electronic form. The time limit for the delivery of the notice shall end upon the expiry of the last day of the time limit. The notices delivered after the expiry of such time limit shall not be taken into account.

(4) If the District Electoral Commission is not created in the way laid down in Paragraph 1 or if the number of its members decreases below five and there is no substitute, the missing members shall be appointed by the municipality mayor.

(5) The first session of the District Electoral Commission shall take place within the time

limit provided in the decision on the call of elections; the session shall be summoned by the municipality mayor.

(6) The membership of the District Electoral Commission shall cease to exist on the date of delivery of a written notice of recall of the member by the political party or coalition, which delegated them, or upon the delivery of a written notice of the member's resignation to the Chairman of the District Electoral Commission, who will call the substitute. The membership of the District Electoral Commission shall also cease to exist if the member fails to take an oath no later than ten days before the date of elections; this shall not apply to the substitute.

(7) The District Electoral Commission

- a) ensures the correct process of voting,
- b) adds voters to the electoral roll on the date of election,
- c) counts votes and prepares a record of the voting process and results in the electoral district,
- d) hands over the plebiscite documents to the municipality for safekeeping.

#### Article 121 **Call of Plebiscite**

Plebiscite is announced by the Speaker of the National Council of the Slovak Republic.

#### Article 122 **Ballot Paper**

(1) The ballot paper must contain the date of plebiscite and the question: "Are you for the recall of the President of the Slovak Republic from post?" The answer "yes" and the answer "no" is provided at the question.

(2) The Ministry of Interior shall provide for the necessary number of ballot papers.

(3) The State Commission shall attach its official seal to the original of the ballot paper. The original of the ballot paper shall represent the background document for printing of ballot papers.

(4) Ballot papers must be printed in the same font type and size, in the paper of the same colour and quality and with the same dimensions.

(5) The Ministry of Interior delivers ballot papers to municipalities through District Offices. Municipalities shall ensure that the ballot papers are delivered to District Electoral Commissions no later than on the date of election.

(6) The voter shall receive the ballot paper in the polling station on the date of plebiscite.

#### Article 123 **Voting Procedure**

(1) The District Electoral Commission shall add the voter, who appears in the polling station on the date of plebiscite with a voter certificate, in the electoral roll after the voter submits the identity card. The District Electoral Commission shall attach the voter certificate to the electoral roll and issue the ballot paper and an empty envelope to the voter.

(2) The District Electoral Commission shall add the voter, who appears in the respective polling station according to the place of permanent residence on the date of plebiscite and is not

included in the electoral roll, in the electoral roll based on the identity card. The District Electoral Commission shall issue the ballot paper and an empty envelope to the voter.

(3) The District Electoral Commission shall add the voter, who appears in the respective polling station according to the place of permanent residence on the date of plebiscite with the decision of court pursuant to Article 10 (2), in the electoral roll after the voter submits the identity card. The District Electoral Commission shall issue the ballot paper and an empty envelope to the voter.

(4) The citizen of the Slovak Republic, who reached the age of 18 no later than on the date of plebiscite, is not permanently residing in the territory of the Slovak Republic, and on the date of plebiscite appears in the polling station, shall be added to the electoral roll by the District Electoral Commission after they submit a Slovak travel document and a declaration on honour about the permanent residence abroad; a sample declaration on honour shall be published by the Ministry of Interior at its website. The District Electoral Commission shall record the inclusion into the electoral roll in their Slovak travel document, and it shall attach the declaration on oath about the permanent residence abroad to the electoral roll. The District Electoral Commission shall issue the ballot paper and an empty envelope to the voter.

(5) The voter puts the ballot paper into the envelope in the polling booth. They shall ring the answer "yes" or "no" in the ballot paper put into the envelope.

#### Article 124

### **Counting Votes in the District Electoral Commission**

After taking the ballot papers out of the envelopes, the District Electoral Commission shall exclude invalid ballot papers and determine the number of votes "yes" and the number of votes "no". It provides the results in the record of the voting process and results in the electoral district.

#### Article 125

### **Assessment of Validity of Ballot Papers**

If a ballot paper is not modified in the specified way, it shall be invalid. If the envelope contains several ballot papers, all the ballot papers are invalid. The ballot papers, which are not in the prescribed form, shall also be invalid.

#### Article 126

### **Record of the District Electoral Commission**

(1) In the record of the voting process and results in the electoral district, the District Electoral Commission shall provide

- a) the time of voting beginning and end or its interruption,
- b) the number of voters included in the electoral roll,
- c) the number of voters that have participated in the voting,
- d) the number of envelopes cast,
- e) the number of ballot papers cast,
- f) the number of ballot papers validly cast,
- g) the number of votes "yes" and the number of votes "no".

(2) The District Electoral Commission shall deliver one counterpart of the record of the

voting process and results in the electoral district without undue delay to the County Electoral Commission. The District Electoral Commission shall end its activity as instructed by the County Electoral Commission. It shall hand over the documents from the plebiscite to the municipality for safekeeping.

#### Article 127

### **Verification of Records by the County Electoral Commission**

The County Electoral Commission shall determine the voting results based on the records of District Electoral Commissions of the voting process and results in the electoral district. In case of any doubts concerning the data included in the record, the Local Electoral Commission shall be entitled to request explanatory notes and other information from the District Electoral Commission; it shall correct obvious mistakes itself based on an agreement with the District Electoral Commission, otherwise it shall ask the District Electoral Commission to eliminate the found deficiencies. Members and recording clerks of electoral commissions, members of their professional summarising units, observers sent by international organisations, as well as other persons, whose presence has been approved by the County Electoral Commission, may be present during this activity.

#### Article 128

### **Record of the County Electoral Commission**

(1) In the record of the voting results, the County Electoral Commission shall provide

- a) the number of electoral districts and the number of District Electoral Commissions that have delivered the result of voting,
- b) the number of voters included in the electoral rolls,
- c) the number of voters that have participated in the voting,
- d) the number of envelopes cast,
- e) the number of ballot papers cast,
- f) the number of ballot papers validly cast,
- g) the number of votes "yes" and the number of votes "no".

(2) The County Electoral Commission shall send the signed record of voting results in electronic form without undue delay to the State Commission and ensures the delivery of one counterpart of the record to the State Commission by post within three days. The County Electoral Commission shall end its activity as instructed by the State Commission. It shall hand over the documents from the plebiscite to the District Office for safekeeping.

#### Article 129

### **Record of the State Commission**

(1) In the record of the plebiscite results, the State Commission shall provide

- a) the number of County Electoral Commissions, which have sent the records,
- b) the number of electoral districts,
- c) the number of voters included in the electoral rolls,
- d) the number of voters that have participated in the voting,

- e) the number of envelopes cast,
- f) the number of ballot papers cast,
- g) the number of ballot papers validly cast,
- h) the number of votes "yes" and the number of votes "no".

(2) The State Commission shall hand over the record to the National Council of the Slovak Republic.

Article 130  
**Announcement of Plebiscite Results**

The announcement of plebiscite results must contain

- a) the date of plebiscite,
- b) the number of voters included in the electoral rolls,
- c) the number of voters that have participated in the voting,
- d) the number of voters, who answered the question "yes",
- e) the number of voters, who answered the question "no",
- f) the statement that the President has been recalled or that the President has not been recalled.

## **PART SIX**

### **ELECTIONS TO SELF-GOVERNING REGION BODIES**

Article 131  
**Right to Vote**

Citizens of the Slovak Republic and aliens permanently residing in the municipality belonging to the territory of the Self-Governing Region or in the military district, which for purposes of elections to Self-Governing Region bodies belongs to the territory of the Self-Governing Region (hereinafter the "resident of the Self-Governing Region") have the right to elect to Self-Governing Region bodies.

**Right to be Elected**

Article 132

The resident of the Self-Governing Region permanently residing in the municipality or military district belonging to the territory of the constituency, in which he/she stands as a candidate, who will reach the age of 18 on the date of election at the latest, may be elected member of the council of the Self-Governing Region (herein after the "council").

Article 133

The resident of the Self-Governing Region, who will reach the age of 25 on the date of election at the latest, may be elected Self-Governing Region Chairman.

Article 134  
**Constituencies**

(1) Single-mandate constituencies or multi-mandate constituencies shall be created for elections of council members in each Self-Governing Region, in which council members shall be elected proportionally to the number of residents in the Self-Governing Region.

(2) The constituencies, numbers of council members and seats of Constituency Electoral Commissions shall be determined and published by the council within the time limit provided in the decision on the call of elections.

(3) The Self-Governing Region shall immediately send to the recording clerk of the State Commission and to the municipalities belonging to the territory of the Self-Governing Region, the list of constituencies, numbers of council members to be elected, the list of municipalities belonging to individual constituencies and the list of seats of Constituency Electoral Commissions. It shall also publish such information at its website.

(4) Each Self-Governing Region represents one single-mandate constituency for elections of Self-Governing Region Chairman.

Article 135  
**Electoral Commission of the Self-Governing Region**

(1) The political party or coalition, which submits a list of candidates for elections to the council in at least one third of constituencies of the Self-Governing Region, may delegate one member and one substitute for the electoral commission of the Self-Governing Region. The political party or coalition shall deliver the notice of delegation of a member and substitute to the Self-Governing Region Chairman within the time limit provided in the decision on the call of elections.

(2) The notice of delegation of a member and substitute shall contain

a) the name, surname and date of birth of the member, including the address for the delivery of papers,

b) the name, surname and date of birth of the substitute, including the address for the delivery of papers,

c) name, surname and signature of the person

1. authorised to act on behalf of the political party and the seal of the political party,

2. authorised to act on behalf of each political party creating a coalition and its seal, if a coalition is concerned.

(3) The notice of delegation of a member and substitute can be delivered in paper form or in electronic form. The time limit for the delivery of the notice shall end upon the expiry of the last day of the time limit. The notices delivered after the expiry of such time limit shall not be taken into account.

(4) If the electoral commission of the Self-Governing Region is not created in the way laid down in Paragraph 1 or if the number of its members decreases below five and there is no substitute, the missing members shall be appointed by the Self-Governing Region Chairman.

(5) The first session of the electoral commission of the Self-Governing Region shall take place within the time limit provided in the decision on the call of elections; the session shall be summoned by the Self-Governing Region Chairman.

(6) The recording clerk of the electoral commission of the Self-Governing Region shall be

appointed and recalled by the Self-Governing Region Chairman.

(7) The withdrawal of the list of candidates submitted for elections to the council by the political party or coalition shall result in the loss of membership of the political party or coalition in the electoral commission of the Self-Governing Region.

(8) The membership of the electoral commission of the Self-Governing Region shall also cease to exist on the date of delivery of a written notice of recall of the member by the political party or coalition, which delegated them, or upon the delivery of a written notice of the member's resignation to the Chairman of the electoral commission of the Self-Governing Region, who will call the substitute. The membership of the electoral commission of the Self-Governing Region shall also cease to exist if the member fails to take an oath no later than ten days before the date of elections; this shall not apply to the substitute.

(9) The electoral commission of the Self-Governing Region is established for the whole electoral term.

(10) The electoral commission of the Self-Governing Region

- a) reviews the lists of candidates and makes decisions on the registration of candidates,
- b) supervises the readiness of Constituency Electoral Commissions and District Electoral Commissions to fulfil the tasks hereunder,
- c) negotiates information of the Self-Governing Region Office on the organisational and technical preparation of elections,
- d) negotiates information on the securing of the activity of its professional summarising unit,
- e) supervises the processing of voting results,
- f) prepares a record of election results,
- g) publishes the results of elections in the Self-Governing Region,
- h) issues credentials to the elected candidates,
- i) hands over the election documents to the Self-Governing Region for safekeeping.

#### Article 136

#### **Constituency Electoral Commission**

(1) The political party or coalition, which submits a list of candidates for elections to the council in a constituency, may delegate one member and one substitute for the Constituency Electoral Commission. The political party or coalition shall deliver the notice of delegation of a member and substitute to the Self-Governing Region Chairman within the time limit provided in the decision on the call of elections.

(2) The notice of delegation of a member and substitute shall contain

- a) the name, surname and date of birth of the member, including the address for the delivery of papers,
- b) the name, surname and date of birth of the substitute, including the address for the delivery of papers,
- c) name, surname and signature of the person

1. authorised to act on behalf of the political party and the seal of the political party,
2. authorised to act on behalf of each political party creating a coalition and its seal, if a coalition is concerned.

(3) The notice of delegation of a member and substitute can be delivered in paper form or in electronic form. The time limit for the delivery of the notice shall end upon the expiry of the last day of the time limit. The notices delivered after the expiry of such time limit shall not be taken into account.

(4) If the Constituency Electoral Commission is not created in the way laid down in Paragraph 1 or if the number of its members decreases below five and there is no substitute, the missing members shall be appointed by the Self-Governing Region Chairman.

(5) The first session of the Constituency Electoral Commission shall take place within the time limit provided in the decision on the call of elections; the session shall be summoned by the Self-Governing Region Chairman.

(6) The withdrawal of the list of candidates submitted for elections to the council by the political party or coalition shall result in the loss of membership of the political party or coalition in the Constituency Electoral Commission.

(7) The membership of the Constituency Electoral Commission shall also cease to exist on the date of delivery of a written notice of recall of the member by the political party or coalition, which delegated them, or upon the delivery of a written notice of the member's resignation to the Chairman of the Constituency Electoral Commission, who will call the substitute. The membership of the Constituency Electoral Commission shall also cease to exist if the member fails to take an oath no later than ten days before the date of elections; this shall not apply to the substitute.

(8) The Constituency Electoral Commission is established for the whole electoral term.

(9) The Constituency Electoral Commission

- a) supervises the readiness of District Electoral Commissions to fulfil the tasks hereunder,
- b) negotiates information of the Self-Governing Region Office on the organisational and technical preparation of elections,
- c) negotiates information on the securing of the activity of its professional summarising unit,
- d) supervises the processing of voting results,
- e) prepares a record of election results in the constituency,
- f) publishes election results in the constituency,
- g) hands over the election documents to the Self-Governing Region for safekeeping.

(10) The territory of the Constituency Electoral Commission is identical with the constituency.

#### Article 137

#### **Recording Clerk of the Constituency Electoral Commission**

The recording clerk of the Constituency Electoral Commission shall be appointed and recalled by the Self-Governing Region Chairman.



Article 138  
**District Electoral Commission**

(1) The political party or coalition, which submits a list of candidates for elections to the council in a constituency, which includes the electoral district, may delegate one member and one substitute for the District Electoral Commission. The political party or coalition shall deliver the notice of delegation of a member and substitute to the municipality mayor within the time limit provided in the decision on the call of elections.

(2) The notice of delegation of a member and substitute shall contain

a) the name, surname and date of birth of the member, including the address for the delivery of papers,

b) the name, surname and date of birth of the substitute, including the address for the delivery of papers,

c) name, surname and signature of the person

1. authorised to act on behalf of the political party and the seal of the political party,

2. authorised to act on behalf of each political party creating a coalition and its seal, if a coalition is concerned.

(3) The notice of delegation of a member and substitute can be delivered in paper form or in electronic form. The time limit for the delivery of the notice shall end upon the expiry of the last day of the time limit. The notices delivered after the expiry of such time limit shall not be taken into account.

(4) If the District Electoral Commission is not created in the way laid down in Paragraph 1 or if the number of its members decreases below five and there is no substitute, the missing members shall be appointed by the municipality mayor.

(5) The first session of the District Electoral Commission shall take place within the time limit provided in the decision on the call of elections; the session shall be summoned by the municipality mayor.

(6) The withdrawal of the list of candidates submitted for elections to the council by the political party or coalition shall result in the loss of membership of the political party or coalition in the District Electoral Commission.

(7) The membership of the District Electoral Commission shall also cease to exist on the date of delivery of a written notice of recall of the member by the political party or coalition, which delegated them, or upon the delivery of a written notice of the member's resignation to the Chairman of the District Electoral Commission, who will call the substitute. The membership of the District Electoral Commission shall also cease to exist if the member fails to take an oath no later than ten days before the date of elections; this shall not apply to the substitute.

(8) The District Electoral Commission

a) ensures the correct process of voting,

b) adds voters to the electoral roll on the date of election,

c) counts votes and prepares a record of the voting process and results in the electoral district,

d) hands over the election documents to the municipality for safekeeping.

(9) The District Electoral Commission is established for the whole electoral term.

Article 139

**List of Candidates for Elections to the Council**

(1) List of candidates can be submitted by the political party registered pursuant to a special regulation, and an independent candidate. The political party submits the list of candidates both in paper form and in electronic form through its authorised representative, and the independent candidate in person no later than 60 days before the date of election to the recording clerk of the electoral commission of the Self-Governing Region. The time limit for the submission of the list of candidates shall end upon the expiry of the last day of the time limit. The lists of candidates, which have not been delivered in the specified way, and the lists of candidates delivered after the expiry of the time limit shall not be taken into account.

(2) For the purpose of elections, political parties can create a coalition and submit a joint list of candidates pursuant to Paragraph 1.

(3) If members of the council are elected in two or more constituencies, the political party or coalition can submit the list of candidates in each constituency. If a political party submits the list of candidates in one constituency independently, it must not submit the list of candidates in another constituency for elections to the same council within a coalition; if a political party submits the list of candidates within a coalition, it can submit the list of candidates in another constituency for elections to the same council only within the same coalition.

(4) The list of candidates of a political party or coalition shall contain

a) the name of the political party or names of the political parties creating a coalition and the number of the constituency,

b) the nominal list of candidates containing names, surnames, degrees, dates of birth, employment of candidates at the time of submission of the list of candidates, addresses of permanent residence of candidates and the sequence in the list of candidates expressed by Arabic numerals for all candidates,

c) the name, surname, position, signature of the person authorised to act on behalf of the political party and the seal of the political party; for a coalition, the name, surname, position, signature of the person entitled to act on behalf of each political party creating the coalition and the seal of each political party creating the coalition.

(5) The following must be attached to the list of candidates of a political party or coalition

a) the statement of each candidate listed in the list of candidates, which must be confirmed by the handwritten signature of the candidate, that they agree with their candidature, that they do not stand as a candidate in other list of candidates and have no obstacles to the right to be elected,

b) the notice of determination of the authorised representative of the political party or coalition and their substitute including the name, surname and address, to which papers can be delivered; the acts of the authorised representative in electoral matters are binding on the political party or coalition; no candidate or recording clerk of the electoral commission of the Self-Governing Region may act as the authorised representative of a political party or coalition or their substitute.

(6) In the list of candidates, the political party may include maximum as many candidates as the number of council members to be elected in the respective constituency.

(7) The list of candidates of an independent candidate shall contain the number of the constituency, name, surname, degree, date of birth, employment of the candidate at the time of submission of the list of candidates, address of permanent residence of the candidate and candidate's handwritten signature.

(8) The list of candidates of an independent candidate must be accompanied by the statement of the candidate, which must be confirmed by the handwritten signature of the candidate, that they agree with their candidature, that they do not stand as a candidate in other list of candidates and have no obstacles to the right to be elected.

(9) The list of candidates of each independent candidate shall include a separate document signed by the voters supporting his/her candidature and permanently residing in the municipality or military district belonging to the territory of the constituency, in which he/she stands as a candidate (hereinafter the "separate document"), the number of signatures is 400. When signing the separate document, each voter shall provide their name, surname, date of birth, permanent residence, which means the name of municipality, street name, if the municipality is divided to streets, and house number. Each sheet of the separate document shall contain the name, surname, degree, date of birth and permanent residence address of the candidate. One separate document can support only one candidate.

(10) The candidate for council member must be permanently residing in the municipality or military district belonging to the territory of the constituency, in which he/she stands as a candidate.

(11) The candidate for elections to the same council may stand as a candidate only in one constituency.

(12) The candidate for council member may also stand as a candidate for Self-Governing Region Chairman.

(13) The recording clerk of the electoral commission of the Self-Governing Region determines whether the submitted lists of candidates contain the particulars pursuant to Paragraphs 4 and 7 and whether they are accompanied by papers pursuant to Paragraphs 5, 8 and 9. If this is not the case, the recording clerk shall call upon the authorised representative of the political party or coalition, or the independent candidate to modify or supplement the list of candidates within the time limit specified by them.

(14) Once the list of candidates has been submitted, it is not possible to add any other candidates or to change their order.

(15) The recording clerk of the electoral commission of the Self-Governing Region submits the lists of candidates to the electoral commission of the Self-Governing Region for review and registration of candidates in its first session.

(16) The recording clerk of the electoral commission of the Self-Governing Region shall send without undue delay, through the Self-Governing Region Office, after the expiry of the time limit pursuant to Paragraph 1 to each municipality belonging to the territory of the Self-Governing Region, the list of political parties and coalitions, which submitted the list of candidates for elections to the council in individual constituencies.

#### Article 140

### **Registration of Candidates for Elections to the Council**

(1) The electoral commission of the Self-Governing Region shall review the submitted lists of candidates. The electoral commission of the Self-Governing Region shall review the lists of candidates through its professional summarising unit.

(2) The electoral commission of the Self-Governing Region shall not register the candidate

a) who does not meet the conditions listed in Article 132,

- b) who has an obstacle to the right to be elected pursuant to Article 6,
- c) who failed to attach to the list of candidates the statement pursuant to Article 139 (5) (a) or Paragraph 8,
- d) if the candidate is included in the lists of candidates of several political parties or coalitions, in the list of candidates not accompanied by the statement pursuant to Article 139 (5) (a) or Paragraph 8; if the candidate has signed the statement for several lists of candidates, they shall be deleted from all the lists of candidates,
- e) who is included in the list of candidates over the determined number of candidates,
- f) who failed to attach to the list of candidates the separate document pursuant to Article 139 (9) or whose separate document is incomplete.

(3) The electoral commission of the Self-Governing Region shall register the candidates no later than 45 days before the date of election and designate the registration of the candidates in the list of candidates. Registration of candidates is the precondition for printing the ballot papers.

(4) The electoral commission of the Self-Governing Region shall immediately prepare a decision on the registration or non-registration of candidates, which will be signed by its Chairman, and it shall call upon the political parties, coalitions, and independent candidates to take over the decision within 24 hours. If a political party or coalition or an independent candidate fail to take over the decision within the specified period, the decision shall be considered taken over.

(5) Against the decision of the electoral commission of the Self-Governing Region on non-registration of a candidate, the affected political party or coalition or the affected independent candidate may submit to an administrative court a proposal for the issuance of a decision on the registration of the candidate.

(6) If the administrative court makes decision on the registration of the candidate, the electoral commission of the Self-Governing Region shall execute the decision of the administrative court within 24 hours from its delivery by designating the registration in the list of candidates.

#### Article 141

#### **List of Registered Candidates for Elections to the Council**

(1) The list of registered candidates shall contain the serial number, name and surname, degree, age, employment of the candidate pursuant to the list of candidates, municipality of permanent residence of the candidate and the name of the political party or names of the political parties creating a coalition, which proposed the candidate, or information that the candidate is independent, the number of the constituency and the number of council members to be elected in the constituency. The candidates are listed in the list in alphabetical order by surnames.

(2) The electoral commission of the Self-Governing Region shall send the list of registered candidates by constituencies to the State Commission and each municipality belonging to the territory of the Self-Governing Region no later than 35 days before the date of elections. The electoral commission of the Self-Governing Region shall provide for the necessary number of copies of the list through the Self-Governing Region.

(3) The municipality shall publish the list of registered candidates no later than 25 days before the date of elections in the way usual at the place.

#### Article 142

### **Withdrawal of the List of Candidates, Abandonment and Revocation of the Candidature for Elections to the Council**

(1) No later than 48 hours before the beginning of the election, the political party or coalition may withdraw their list of candidates in writing through the authorised representative.

(2) No later than 48 hours before the beginning of the election, the candidate may abandon their candidature; the abandonment must be carried out in paper form and the signature must be officially attested. No later than 48 hours before the beginning of the election, the candidate may also be recalled through the authorised representative by the political party of coalition that nominated them.

(3) The withdrawal of the list of candidates by the political party or coalition, abandonment or revocation of the candidature must be delivered to the Chairman of the electoral commission of the Self-Governing Region, who will ensure their publishing in the polling stations. The withdrawal of the list of candidates by the political party or coalition, abandonment or revocation of the candidature cannot be withdrawn.

(4) If the candidate abandons or is revoked after the registration of candidates or if the political party has been dissolved, or if the political party creating a coalition has been dissolved after the registration of candidates, the data on the candidate shall remain in the ballot paper but he/she shall not be taken into account in allocating mandates.

#### Article 143

### **Ballot Papers for Elections to the Council**

(1) A ballot paper for elections to the council common for all the registered candidates shall be executed for each constituency. All the registered candidates must be listed on one side of the ballot paper. The electoral commission of the Self-Governing Region shall verify the correctness of the data provided in the ballot paper and it shall attach its official seal to the original of the ballot paper. The original of the ballot paper shall represent the background document for printing of ballot papers.

(2) The necessary number of ballot papers pursuant to Paragraph 1 shall be provided for by electoral commission of the Self-Governing Region through the Ministry of Interior.

(3) The ballot paper shall contain the date of elections, candidates in alphabetical order, each of them with the serial number, name and surname, degree, age, employment of the candidate according to the list of candidates, the municipality of permanent residence and name of the political party or names of the political parties creating a coalition that proposed the candidate or information that the candidate is independent. The candidates must be listed in the ballot paper in alphabetical order by surnames. The ballot paper must contain the number of the constituency and the number of members of the council to be elected in the constituency.

(4) If the political party uses capital letters in its name, its name shall be provided in the ballot paper in the same way as the names of the other political parties.

(5) The Ministry of Interior shall deliver the ballot papers through District Offices to municipalities, which will ensure that no later than on the date of elections the ballot papers are delivered to District Electoral Commissions.

(6) The voter shall receive the ballot papers in the polling station on the date of election.

### **List of Candidates for Elections of Self-Governing Region Chairman**

(1) List of candidates can be submitted by the political party registered pursuant to a special regulation, and an independent candidate. The political party submits the list of candidates both in paper form and in electronic form through its authorised representative, and the independent candidate in person no later than 60 days before the date of election to the recording clerk of the electoral commission of the Self-Governing Region. The time limit for the submission of the list of candidates shall end upon the expiry of the last day of the time limit. The lists of candidates, which have not been delivered in the specified way, and the lists of candidates delivered after the expiry of the time limit shall not be taken into account.

(2) For the purpose of elections, political parties can create a coalition and submit a joint list of candidates pursuant to Paragraph 1. If a political party submits the list of candidates independently, for elections of Self-Governing Region Chairman it cannot submit the list of candidates within a coalition.

(3) The list of candidates of a political party or coalition shall contain

- a) the name of the political party or names of the political parties creating a coalition,
- b) the name, surname, degree, date of birth, employment of the candidate at the time of submission of the list of candidates, address of permanent residence of the candidate,
- c) the name, surname, position, signature of the person authorised to act on behalf of the political party and the seal of the political party; for a coalition, the name, surname, position, signature of the person entitled to act on behalf of each political party creating the coalition and the seal of each political party creating the coalition.

(4) The following must be attached to the list of candidates of a political party or coalition

- a) the statement of the candidate, which must be confirmed by the handwritten signature of the candidate, that they agree with their candidature, that they do not stand as a candidate in other list of candidates and have no obstacles to the right to be elected,
- b) the notice of determination of the authorised representative of the political party or coalition and their substitute including the name, surname and address, to which papers can be delivered; the acts of the authorised representative in electoral matters are binding on the political party or coalition; no candidate or recording clerk of the electoral commission of the Self-Governing Region may act as the authorised representative of a political party or coalition or their substitute.

(5) The political party or coalition may provide only one candidate in the list of candidates.

(6) The list of candidates of an independent candidate shall contain the name, surname, degree, date of birth, employment of the candidate at the time of submission of the list of candidates, address of permanent residence of the candidate and candidate's handwritten signature.

(7) The list of candidates of an independent candidate must be accompanied by the statement of the candidate, which must be confirmed by the handwritten signature of the candidate, that they agree with their candidature, that they do not stand as a candidate in other list of candidates and have no obstacles to the right to be elected.

(8) The list of candidates of each independent candidate shall be accompanied by a separate document signed by the Self-Governing Region voters supporting their candidature containing 1,000 signatures. When signing the separate document, each voter shall provide their name, surname, date of birth, permanent residence, which means the name of municipality,

street name, if the municipality is divided to streets, and house number. Each sheet of the separate document shall contain the name, surname, degree, date of birth and permanent residence address of the candidate. One separate document can support only one candidate.

(9) The candidate for Self-Governing Region Chairman must be permanently residing in the municipality or military district belonging to the territory of the Self-Governing Region, in which he/she stands as a candidate.

(10) The candidate for Self-Governing Region Chairman may also stand as a candidate for council member.

(11) The recording clerk of the electoral commission of the Self-Governing Region determines whether the submitted lists of candidates contain the particulars pursuant to Paragraphs 3 and 6 and whether they are accompanied by papers pursuant to Paragraphs 4, 7 and 8. If this is not the case, the recording clerk shall call upon the authorised representative of the political party or coalition, or the independent candidate to modify or supplement the list of candidates within the time limit specified by them.

(12) The recording clerk of the electoral commission of the Self-Governing Region submits the lists of candidates to the electoral commission of the Self-Governing Region for review and registration in its first session.

#### Article 145

#### **Registration of Candidates for Elections of Self-Governing Region Chairman**

(1) The electoral commission of the Self-Governing Region shall review the submitted lists of candidates. The electoral commission of the Self-Governing Region shall review the lists of candidates through its professional summarising unit.

(2) The electoral commission of the Self-Governing Region shall not register the candidate

a) who has an obstacle to the right to be elected pursuant to Article 6,

b) who does not meet the conditions listed in Article 133,

c) who failed to attach to the list of candidates the statement pursuant to Article 144 (4) (a) or Paragraph 7,

d) if the candidate is included in the lists of candidates of several political parties or coalitions, in the list of candidates not accompanied by the statement pursuant to Article 144 (4) (a) or Paragraph 7; if the candidate has signed the statement for several lists of candidates, they shall be deleted from all the lists of candidates,

e) who failed to attach to the list of candidates the separate document pursuant to Article 144 (8) or whose separate document is incomplete.

(3) The electoral commission of the Self-Governing Region shall register the candidates no later than 45 days before the date of election and designate the registration of the candidates in the list of candidates. Registration of candidates is the precondition for printing the ballot papers.

(4) The electoral commission of the Self-Governing Region shall immediately prepare a decision on the registration or non-registration of candidates, which will be signed by its Chairman, and it shall call upon the political parties, coalitions, and independent candidates to take over the decision within 24 hours. If a political party or coalition or an independent candidate fail to take over the decision within the specified period, the decision shall be considered taken

over.

(5) Against the decision of the electoral commission of the Self-Governing Region on non-registration of a candidate, the affected political party or coalition or the affected independent candidate may submit to an administrative court a proposal for the issuance of a decision on the registration of the candidate.

(6) If the administrative court makes decision on the registration of the candidate, the electoral commission of the Self-Governing Region shall execute the decision of the administrative court within 24 hours from its delivery by designating the registration in the list of candidates.

#### Article 146

### **List of Registered of Candidates for Elections of Self-Governing Region Chairman**

(1) The list of registered candidates shall contain the serial number, name and surname, degree, age, employment of the candidate pursuant to the list of candidates, municipality of permanent residence of the candidate and the name of the political party or names of the political parties creating a coalition, which proposed the candidate, or information that the candidate is independent. The candidates are listed in the list in alphabetical order by surnames.

(2) The electoral commission of the Self-Governing Region shall send the list of registered candidates to the State Commission and each municipality belonging to the territory of the Self-Governing Region no later than 35 days before the date of elections. The electoral commission of the Self-Governing Region shall provide for the necessary number of copies of the list through the Self-Governing Region.

(3) The municipality shall publish the list of registered candidates no later than 25 days before the date of elections in the way usual at the place.

#### Article 147

### **Withdrawal of the List of Candidates, Abandonment and Revocation of the Candidature for Elections of Self-Governing Region Chairman**

The provision of Article 142 shall apply accordingly to elections of Self-Governing Region Chairman.

#### Article 148

### **Ballot Papers for Elections of Self-Governing Region Chairman**

(1) One ballot paper for elections of Self-Governing Region Chairman common for all the registered candidates shall be executed. All the registered candidates shall be listed on one side of the ballot paper. The electoral commission of the Self-Governing Region shall verify the correctness of the data provided in the ballot paper and it shall attach its official seal to the original of the ballot paper. The original of the ballot paper shall represent the background document for printing of ballot papers.

(2) The necessary number of ballot papers pursuant to Paragraph 1 shall be provided for by electoral commission of the Self-Governing Region through the Ministry of Interior.

(3) The ballot paper shall contain the date of elections, candidates in alphabetical order, each of them with the serial number, name and surname, academic degree, age, employment according to the list of candidates, the municipality of permanent residence and name of the political party or names of the political parties creating a coalition that proposed the candidate or information that the candidate is independent. The candidates must be listed in the ballot paper in alphabetical order by surnames.



(4) The provisions of Article 143 (4) to (6) shall apply accordingly to elections of Self-Governing Region Chairman.

#### Article 149 **Call of Elections**

(1) Elections to Self-Governing Region bodies shall be announced by the Speaker of the National Council of the Slovak Republic no later than 110 days before the date of elections.

(2) Elections to Self-Governing Region bodies shall take place on the last 14 days of their electoral term.

(3) The Speaker of the National Council of the Slovak Republic shall announce elections to Self-Governing Region bodies also if

a) elections pursuant to this Act have not been carried out in any Self-Governing Region for any reason,

b) the Constitutional Court has declared elections invalid or cancelled the election result,

c) the candidates for Self-Governing Region Chairman have obtained equal number of votes in elections,

d) the mandate of a council member has expired and there is no substitute for this place, or if the mandate of the Self-Governing Region Chairman has expired.

(4) If the fact pursuant to Paragraph 3 (a) occurs, the Speaker of the National Council of the Slovak Republic shall announce elections within 30 days from the publishing of election results by the State Commission.

(5) The application for calling elections to Self-Governing Region bodies pursuant to Paragraph 3 (d) shall be submitted by the Self-Governing Region to the Ministry of Interior.

(6) The time limits for election execution pursuant to Paragraph 3 shall be attached to the decision of the Speaker of the National Council of the Slovak Republic on calling elections.

(7) Elections to Self-Governing Region bodies pursuant to Paragraph 3 shall not take place in the last 6 months of their electoral term.

#### Article 150 **Voting Procedure**

(1) The District Electoral Commission shall add the voter, who appears in the respective polling station according to the place of permanent residence on the date of election and is not included in the electoral roll, in the electoral roll based on the identity card or residence card for an alien. The District Electoral Commission shall issue ballot papers and an empty envelope to the voter.

(2) The District Electoral Commission shall add the voter, who appears in the respective polling station according to the place of permanent residence on the date of election with the decision of court pursuant to Article 10 (2), in the electoral roll after the voter submits the identity card or residence card for an alien. The District Electoral Commission shall issue ballot papers and an empty envelope to the voter.

(3) In the polling booth, the voter shall put into the envelope one ballot paper for elections to the council and one ballot paper for elections of Self-Governing Region Chairman. The voter shall ring the serial numbers of candidates, which they vote in favour of, in the ballot paper for

elections to the council. The voter can ring the serial numbers of maximum such number of candidates, as is the number of council members to be elected in the respective constituency. The voter shall ring the serial number of the candidate, which they vote in favour of, in the ballot paper for elections of Self-Governing Region Chairman.

#### Article 151

### **Counting Votes in the District Electoral Commission**

After taking out the ballot papers from envelopes, the District Electoral Commission shall divide the ballot papers separately for elections to the council and separately for elections of Self-Governing Region Chairman. Afterwards, it shall determine the number of votes validly cast for individual candidates for elections to the council and separately for elections of Self-Governing Region Chairman. It provides the results in the record of the voting process and results in the electoral district.

#### Article 152

### **Assessment of Validity of Ballot Papers**

(1) If the voter designates by ringing none of the candidates or designates by ringing more candidates than is the number of council members to be elected in the constituency, or if the voter rings none of the candidates for elections of Self-Governing Region Chairman or rings more than one candidate for elections of Self-Governing Region Chairman, the ballot paper shall be invalid.

(2) If the envelope contains several ballot papers for elections of council members, all the ballot papers are invalid. If the envelope contains several ballot papers for elections of Self-Governing Region Chairman, all the ballot papers are invalid. The ballot papers, which are not in the prescribed form, shall also be invalid.

#### Article 153

### **Record of the District Electoral Commission**

(1) In the record of the voting process and results in the electoral district, the District Electoral Commission shall provide

- a) the time of voting beginning and end or its interruption,
- b) the number of voters included in the electoral roll,
- c) the number of voters that have participated in the voting,
- d) the number of voters that have handed over the envelope,
- e) the number of votes validly cast for individual candidates for members of the council,
- f) the number of votes validly cast for individual candidates for Self-Governing Region Chairman.

(2) The District Electoral Commission shall deliver one counterpart of the record of the voting process and results in the electoral district without undue delay to the Constituency Electoral Commission. The District Electoral Commission shall end its activity as instructed by the Constituency Electoral Commission.

#### Article 154

### **Determination of Election Results in the Constituency Electoral Commission**

The Constituency Electoral Commission shall determine the election results based on the records of District Electoral Commissions of the voting process and results in the electoral district.

In case of any doubts concerning the data included in the record, the Local Electoral Commission shall be entitled to request explanatory notes and other information from the District Electoral Commission; it shall correct obvious mistakes itself based on an agreement with the District Electoral Commission, otherwise it shall ask the District Electoral Commission to eliminate the found deficiencies. Members and recording clerks of electoral commissions, members of their professional summarising units, observers sent by international organisations, as well as other persons, whose presence has been approved by the Constituency Electoral Commission, may be present during this activity.

#### Article 155

### **Record of the Constituency Electoral Commission**

(1) The Constituency Electoral Commission shall prepare the record of the election results in the constituency in two counterparts. The record of election results in the constituency shall be signed by the Chairman and the other members of the Constituency Electoral Commission. If any of the members of the Constituency Electoral Commission fails to sign the record, they can provide reasons for not signing it. A failure to sign the record of election results in the constituency shall not affect its validity.

(2) In the record of the election results in the constituency, the Constituency Electoral Commission shall provide

- a) the number of electoral districts and the number of District Electoral Commissions that have delivered the result of voting,
- b) the number of voters included in the electoral rolls,
- c) the number of voters that have participated in the voting,
- d) the number of voters that have handed over the envelope,
- e) the number of votes validly cast for individual candidates for members of the council,
- f) the names and surnames of the candidates elected members of the council, the name of the political party or names of the political parties creating the coalition, which proposed them, or information that the candidates are independent,
- g) the names and surnames of the substitutes, the name of the political party or names of the political parties creating the coalition, which proposed them, or information that the candidates are independent,
- f) the number of votes validly cast for individual candidates for Self-Governing Region Chairman,

(3) The Constituency Electoral Commission shall deliver the record of the election results in the constituency without undue delay to the electoral commission of the Self-Governing Region. The Constituency Electoral Commission shall end its activity as instructed by the electoral commission of the Self-Governing Region. The Constituency Electoral Commission hands over the election documents to the Self-Governing Region for safekeeping.

#### Article 156

### **Record of the Electoral Commission of the Self-Governing Region**

(1) The electoral commission of the Self-Governing Region shall prepare a record of election results in two counterparts. The record of election results shall be signed by the Chairman and the other members of the electoral commission of the Self-Governing Region. If any of the members of the electoral commission of the Self-Governing Region fails to sign the record, they can provide reasons for not signing it. A failure to sign the record of election results

shall not affect its validity.

(2) In the record of election results, the electoral commission of the Self-Governing Region shall provide

- a) the number of constituencies and the number of Constituency Electoral Commissions,
- b) the number of voters included in the electoral rolls,
- c) the number of voters that have participated in the voting,
- d) the number of voters that have handed over the envelope,
- e) the number of votes validly cast for individual candidates for members of the council,
- f) the names and surnames of the candidates elected members of the council by constituencies, out of it the number of elected women and the number of elected men, the name of the political party or names of the political parties creating the coalition, which proposed them, or information that the candidates are independent,
- g) the names and surnames of the substitutes by constituencies, the name of the political party or names of the political parties creating the coalition, or information that the candidates are independent,
- h) the number of votes validly cast for each candidate for Self-Governing Region Chairman,
- i) the name and surname of the elected Self-Governing Region Chairman, the name of the political party or names of the political parties creating the coalition, which proposed them, or information that the candidate is independent.

(3) The electoral commission of the Self-Governing Region shall send the signed record of election results in electronic form without undue delay to the State Commission and ensure the delivery of one counterpart of the record to the State Commission by post within three days. The electoral commission of the Self-Governing Region shall end its activity as instructed by the State Commission. It shall hand over the election documents to the Self-Governing Region for safekeeping.

#### Article 157 **Election Results**

(1) The candidates, who received the most valid votes in the constituency, are elected members of the council.

(2) If several candidates from the same political party or coalition receive an equal number of valid votes in the constituency, the candidate in the order provided in the list of candidates of the respective political party or coalition is elected council member.

(3) If several candidates from several political parties or coalitions or independent candidates receive an equal number of valid votes in the constituency, the Constituency Electoral Commission shall determine the council member by lot.

(4) The candidate, who received the most valid votes, is elected Self-Governing Region Chairman.

Article 158

**Publishing the Election Results**

(1) The electoral commission of the Self-Governing Region shall publish the results of elections of council members and the results of elections of Self-Governing Region Chairman in the way usual at the place. At the same time, it shall publish the election results at the website of the Self-Governing Region.

(2) The Self-Governing Region shall send the results of elections of council members and the results of elections of Self-Governing Region Chairman to the municipalities belonging to the territory of the Self-Governing Region. The municipality shall publish the election results in the way usual at the place.

Article 159

**Credentials**

The electoral commission of the Self-Governing Region shall issue credentials to the candidates elected council members and to the candidate elected Self-Governing Region Chairman.

Article 160

**Substitutes**

(1) If the mandate of a council member expires, the vacancy shall be filled by the substitute - the candidate who received the most valid votes in the constituency, in which the mandate expired. In case of equality of votes, Article 157 (2) and (3) shall be followed accordingly.

(2) The accession of the substitute shall be announced by the Self-Governing Region Chairman on the official notice board of the Self-Governing Region within 15 days after the mandate expired; the Self-Governing Region Chairman shall hand over the credentials to the new council member. The credentials shall be signed by the Self-Governing Region Chairman.

Article 161

**Record of the State Commission**

In the record of the election results, the State Commission shall provide

- a) the number of electoral commissions of Self-Governing Regions, which have delivered the record of election results,
- b) the number of voters included in the electoral rolls,
- c) the number of voters that have participated in the voting,
- d) the number of voters that have handed over the envelope,
- e) the number of members of councils elected by political parties, coalitions, and independent candidates, out of it the number of elected women and the number of elected men,
- f) the number of Self-Governing Regions, in which the council has been elected,
- g) the number of Self-Governing Region Chairmen elected by political parties, coalitions, and independent candidates.

Article 162  
**Repealed from 31 March 2017**

## **PART SEVEN**

# **ELECTIONS TO BODIES OF LOCAL GOVERNMENT OF MUNICIPALITIES**

Article 163  
**Right to Vote**

The resident of a municipality permanently residing in the municipality has the right to vote to bodies of local government of the municipality.

### **Right to be Elected**

Article 164

A resident of a municipality permanently residing in the municipality, in which he/she stands as a candidate, who will reach the age of 18 on the date of elections at the latest, may be elected municipal council member in the capital of the Slovak Republic Bratislava and local council member in the city of Košice (hereinafter the "municipal council").

Article 165

A resident of a municipality permanently residing in the municipality, who will reach the age of 25 on the date of elections at the latest, may be elected municipality mayor. \*\*)

Article 166  
**Constituencies**

(1) For elections of members of municipal councils, multi-mandate constituencies shall be created in each municipality, in which members of municipal council are elected proportionally to the number of municipality residents, however, maximum 12 members of municipal council in one constituency; in the cities divided into city districts, also single-mandate constituencies can be created provided that only one member of municipal council falls on the number of city district residents.

(2) In the municipality, where 12 or fewer members of municipal council are to be elected, one constituency can be created.

(3) The constituencies and the number of members of municipal council in the constituencies shall be determined and published by the municipal council within the time limit provided in the decision on the call of elections.

(4) Each municipality represents one single-mandate constituency for elections of municipality mayor.

Article 167  
**County Electoral Commission**

(1) The political party or coalition, which submits a list of candidates for elections to municipal council in at least one third of municipalities belonging to the territory of the County Electoral Commission, may delegate one member and one substitute for the County Electoral Commission. The political party and coalition shall deliver the notice of delegation of a member and substitute to the District Office Head within the time limit provided in the decision on the call

of elections.

(2) The notice of delegation of a member and substitute shall contain

- a) the name, surname and date of birth of the member, including the address for the delivery of papers,
- b) the name, surname and date of birth of the substitute, including the address for the delivery of papers,
- c) name, surname and signature of the person
  - 1. authorised to act on behalf of the political party and the seal of the political party,
  - 2. authorised to act on behalf of each political party creating a coalition and its seal, if a coalition is concerned.

(3) The notice of delegation of a member and substitute can be delivered in paper form or in electronic form. The time limit for the delivery of the notice shall end upon the expiry of the last day of the time limit. The notices delivered after the expiry of such time limit shall not be taken into account.

(4) If the County Electoral Commission is not created in the way laid down in Paragraph 1 or if the number of its members decreases below five and there is no substitute, the missing members shall be appointed by the District Office Head.

(5) The first session of the County Electoral Commission shall take place within the time limit provided in the decision on the call of elections; the session shall be summoned by the District Office Head.

(6) The withdrawal of the list of candidates by the political party or coalition shall result in the loss of membership of the political party or coalition in the County Electoral Commission.

(7) The membership of the County Electoral Commission shall also cease to exist on the date of delivery of a written notice of recall of the member by the political party or coalition, which delegated them, or upon the delivery of a written notice of the member's resignation to the Chairman of the County Electoral Commission, who will call the substitute. The membership of the County Electoral Commission shall also cease to exist if the member fails to take an oath no later than ten days before the date of elections; this shall not apply to the substitute.

(8) The County Electoral Commission

- a) supervises the readiness of Local Electoral Commissions and District Electoral Commissions to fulfil the tasks hereunder,
- b) negotiates information of the District Office on the organisational and technical preparation of elections,
- c) negotiates information on the securing of the activity of its professional summarising unit,
- d) supervises the processing of voting results,
- e) prepares a record of election results,
- f) hands over the election documents to the District Office for safekeeping.

(9) The County Electoral Commission is established for the whole electoral term.

(10) The territory of the County Electoral Commission is identical with the territory of the

District Office pursuant to a special regulation.

Article 168

**Recording Clerk of the County Electoral Commission**

The recording clerk of the County Electoral Commission shall be appointed and recalled by the District Office Head.

Article 169

**Local Electoral Commission and City Electoral Commission**

(1) The political party or coalition, which submits a list of candidates for elections to municipal council, may delegate one member and one substitute for the Local Electoral Commission and in the cities for the City Electoral Commission (hereinafter the "Local Electoral Commission"). The political party or coalition shall deliver the notice of delegation of a member and substitute to the municipality mayor within the time limit provided in the decision on the call of elections.

(2) The notice of delegation of a member and substitute shall contain

- a) the name, surname and date of birth of the member, including the address for the delivery of papers,
- b) the name, surname and date of birth of the substitute, including the address for the delivery of papers,
- c) name, surname and signature of the person
  1. authorised to act on behalf of the political party and the seal of the political party,
  2. authorised to act on behalf of each political party creating a coalition and its seal, if a coalition is concerned.

(3) The notice of delegation of a member and substitute can be delivered in paper form or in electronic form. The time limit for the delivery of the notice shall end upon the expiry of the last day of the time limit. The notices delivered after the expiry of such time limit shall not be taken into account.

(4) If the Local Electoral Commission is not created in the way laid down in Paragraph 1 or if the number of its members decreases below five and there is no substitute, the missing members shall be appointed by the municipality mayor.

(5) The first session of the Local Electoral Commission shall take place within the time limit provided in the decision on the call of elections; the session shall be summoned by the municipality mayor.

(6) The recording clerk of the Local Electoral Commission shall be appointed and recalled by the municipality mayor.

(7) The withdrawal of the list of candidates submitted for elections to municipal council by the political party or coalition shall result in the loss of membership of the political party or coalition in the Local Electoral Commission.

(8) The membership of the Local Electoral Commission shall also cease to exist on the date of delivery of a written notice of recall of the member by the political party or coalition, which delegated them, or upon the delivery of a written notice of the member's resignation to the Chairman of the Local Electoral Commission, who will call the substitute. The membership of the Local Electoral Commission shall also cease to exist if the member fails to take an oath no later than ten days before the date of elections; this shall not apply to the substitute.



(9) The Local Electoral Commission is established for the whole electoral term.

(10) The Local Electoral Commission

- a) reviews the lists of candidates and makes decisions on the registration of candidates,
- b) supervises the readiness of District Electoral Commissions to fulfil the tasks hereunder,
- c) prepares the record of election results in the constituency and the record of election results in the municipality,
- d) publishes election results in the municipality,
- e) issues credentials to the elected candidates,
- f) hands over the election documents to the municipality for safekeeping.

#### Article 170

#### **District Electoral Commission**

(1) The political party or coalition, which submits a list of candidates for elections to municipal council, may delegate one member and one substitute for the District Electoral Commission. The political party or coalition shall deliver the notice of delegation of a member and substitute to the municipality mayor within the time limit provided in the decision on the call of elections.

(2) The notice of delegation of a member and substitute shall contain

- a) the name, surname and date of birth of the member, including the address for the delivery of papers,
- b) the name, surname and date of birth of the substitute, including the address for the delivery of papers,
- c) name, surname and signature of the person
  1. authorised to act on behalf of the political party and the seal of the political party,
  2. authorised to act on behalf of each political party creating a coalition and its seal, if a coalition is concerned.

(3) The notice of delegation of a member and substitute can be delivered in paper form or in electronic form. The time limit for the delivery of the notice shall end upon the expiry of the last day of the time limit. The notices delivered after the expiry of such time limit shall not be taken into account.

(4) If the District Electoral Commission is not created in the way laid down in Paragraph 1 or if the number of its members decreases below five and there is no substitute, the missing members shall be appointed by the municipality mayor.

(5) The first session of the District Electoral Commission shall take place within the time limit provided in the decision on the call of elections; the session shall be summoned by the municipality mayor.

(6) The withdrawal of the list of candidates by the political party or coalition shall result in

the loss of membership of the political party or coalition in the District Electoral Commission.

(7) The membership of the District Electoral Commission shall also cease to exist on the date of delivery of a written notice of recall of the member by the political party or coalition, which delegated them, or upon the delivery of a written notice of the member's resignation to the Chairman of the District Electoral Commission, who will call the substitute. The membership of the District Electoral Commission shall also cease to exist if the member fails to take an oath no later than ten days before the date of elections; this shall not apply to the substitute.

(8) The District Electoral Commission

- a) ensures the correct process of voting,
- b) adds voters to the electoral roll on the date of election,
- c) counts votes and prepares a record of the voting process and results in the electoral district,
- d) hands over the election documents to the municipality for safekeeping.

(9) In the municipality, where only one electoral district is created, no District Electoral Commission shall be created; its tasks shall be fulfilled by the Local Electoral Commission; the recording clerk of the Local Electoral Commission shall also fulfil the tasks of recording clerk of the District Electoral Commission.

(10) The District Electoral Commission is established for the whole electoral term.

#### Article 171

#### **List of Candidates for Elections to Municipal Council**

(1) List of candidates can be submitted by the political party registered pursuant to a special regulation, and an independent candidate. The political party shall deliver the list of candidates in paper form through its authorised representative, and the independent candidate in person no later than 60 days before the date of election to the recording clerk of the Local Electoral Commission. The time limit for the submission of the list of candidates shall end upon the expiry of the last day of the time limit. The lists of candidates, which have not been delivered in the specified way, and the lists of candidates delivered after the expiry of the time limit shall not be taken into account.

(2) For the purpose of elections, political parties can create a coalition and submit a joint list of candidates pursuant to Paragraph 1.

(3) If members of municipal council are elected in two or more constituencies, the political party or coalition can submit the list of candidates in each constituency. If a political party submits the list of candidates in one constituency independently, it must not submit the list of candidates in another constituency for elections to the same municipal council within a coalition; if a political party submits the list of candidates within a coalition, it can submit the list of candidates in another constituency for elections to the same municipal council only within the same coalition.

(4) The list of candidates of a political party or coalition shall contain

- a) the name of the political party or names of the political parties creating a coalition, the number of the constituency,
- b) the nominal list of candidates containing names, surnames, degrees, dates of birth, employment of candidates at the time of submission of the list of candidates, addresses of permanent residence of candidates and the sequence in the list of candidates expressed by Arabic numerals for all candidates,

c) the name, surname, position, signature of the person authorised to act on behalf of the political party and the seal of the political party; if a coalition is concerned, the name, surname, position, signature of the person entitled to act on behalf of each political party creating the coalition and the seal of each political party creating the coalition.

(5) The following must be attached to the list of candidates of a political party or coalition

a) the statement of each candidate listed in the list of candidates, which must be confirmed by the handwritten signature of the candidate, that they agree with their candidature, that they do not stand as a candidate in other list of candidates and have no obstacles to the right to be elected,

b) the notice of determination of the authorised representative of the political party or coalition and their substitute including the name, surname and the address, to which papers can be delivered; the acts of the authorised representative in electoral matters are binding on the political party or coalition; no candidate or recording clerk of the Local Electoral Commission may act as the authorised representative of a political party or coalition or their substitute.

(6) In the list of candidates, the political party may include maximum as many candidates as the number of municipal council members to be elected in the respective constituency.

(7) The list of candidates of an independent candidate shall contain the number of the constituency, name, surname, degree, date of birth, employment of the candidate at the time of submission of the list of candidates, address of permanent residence of the candidate and candidate's handwritten signature.

(8) The list of candidates of an independent candidate must be accompanied by the statement of the candidate, which must be confirmed by the handwritten signature of the candidate, that they agree with their candidature, that they do not stand as a candidate in other list of candidates and have no obstacles to the right to be elected.

(9) The list of candidates of each independent candidate shall include a document signed by the voters supporting his/her candidature and permanently residing in the municipality, in which he/she stands as a candidate (hereinafter the "signature document"). When signing the signature document, each voter shall provide their name, surname, date of birth, permanent residence, which means the name of municipality, street name, if the municipality is divided to streets, and house number. Each sheet of the signature document shall contain the name, surname, degree, date of birth and permanent residence address of the candidate. One signature document can support only one candidate. The necessary number of signatures is provided in Annex No. 1. The number of municipality residents as at the date of call of elections shall be published by the municipality in the way usual at the place no later than 85 days before the date of elections.

(10) The candidate for member of municipal council must be permanently residing in the municipality, in which he/she stands as a candidate.

(11) The candidate for elections to the same municipal council may stand as a candidate only in one constituency.

(12) The candidate for municipal council member may also stand as a candidate for municipality mayor.

(13) The recording clerk of the Local Electoral Commission determines whether the submitted lists of candidates contain the particulars pursuant to Paragraphs 4 and 7 and whether they are accompanied by papers pursuant to Paragraphs 5, 8 and 9. If this is not the case, the recording clerk shall call upon the authorised representative of the political party or coalition, or the independent candidate to modify or supplement the list of candidates within the time limit

specified by them.

(14) Once the list of candidates has been submitted, it is not possible to add any other candidates or to change their order.

The recording clerk of the Local Electoral Commission submits the lists of candidates to the Local Electoral Commission for review and registration in its first session.

#### Article 172

#### **Registration of Candidates for Elections to Municipal Council**

(1) The Local Electoral Commission shall review the submitted lists of candidates and it shall not register the candidate

a) who has an obstacle to the right to be elected pursuant to Article 6,

b) who does not meet the condition listed in Article 164,

c) who failed to attach to the list of candidates the statement pursuant to Article 171 (5) (a) or Paragraph 8,

d) if the candidate is included in the lists of candidates of several political parties or coalitions, in the list of candidates not accompanied by the statement pursuant to Article 171 (5) (a) or Paragraph 8; if the candidate has signed the statement for several lists of candidates, they shall be deleted from all the lists of candidates,

e) who is included in the list of candidates over the determined number of candidates,

f) who failed to attach to the list of candidates the signature document pursuant to Article 171 (9) or whose signature document is incomplete.

(2) The Local Electoral Commission shall register the candidates no later than 45 days before the date of election and designate the registration of the candidates in the list of candidates. Registration of candidates is the precondition for printing the ballot papers.

(3) The Local Electoral Commission shall immediately prepare a decision on the registration or non-registration of candidates, which will be signed by its Chairman, and it shall call upon the political parties, coalitions, and independent candidates to take over the decision within 24 hours. If a political party or coalition or an independent candidate fail to take over the decision within the specified period, the decision shall be considered taken over.

(4) Against the decision of the Local Electoral Commission on non-registration of a candidate, the affected political party or coalition or the affected independent candidate may submit to an administrative court a proposal for the issuance of a decision on the registration of the candidate.

(5) If the administrative court makes decision on the registration of the candidate, the Local Electoral Commission shall execute the decision of the administrative court within 24 hours from its delivery by designating the registration in the list of candidates.

#### Article 173

#### **List of Registered Candidates for Elections to Municipal Council**

(1) The list of registered candidates shall contain the serial number, name and surname, degree, age, employment of the candidate pursuant to the list of candidates, and the name of the political party or names of the political parties creating a coalition, which proposed the candidate, or information that the candidate is independent, the number of the constituency and the number

of municipal council members to be elected in the constituency. The candidates are listed in the list in alphabetical order by surnames.

(2) The municipality shall publish the list of registered candidates no later than 25 days before the date of elections in the way usual at the place.

#### Article 174

### **Withdrawal of the List of Candidates, Abandonment and Revocation of the Candidature for Elections to Municipal Council**

(1) No later than 48 hours before the beginning of the election, the political party or coalition may withdraw their list of candidates in writing through the authorised representative.

(2) No later than 48 hours before the beginning of the election, the candidate may abandon their candidature; the abandonment must be carried out in paper form and the signature must be officially attested. No later than 48 hours before the beginning of the election, the candidate may also be recalled through the authorised representative by the political party of coalition that nominated them.

(3) The withdrawal of the list of candidates by the political party or coalition, abandonment or revocation of the candidature must be delivered to the Chairman of the Local Electoral Commission, who will ensure their publishing in the polling stations. The withdrawal of the list of candidates by the political party or coalition, abandonment or revocation of the candidature cannot be withdrawn.

(4) If the candidate abandons or is revoked after the registration of candidates or if the political party has been dissolved, or if the political party creating a coalition has been dissolved after the registration of candidates, the data on the candidate shall remain in the ballot paper but he/she shall not be taken into account in allocating mandates.

#### Article 175

### **Ballot Papers for Elections to Municipal Council**

(1) A ballot paper for elections to municipal council common for all the registered candidates shall be executed for each constituency. All the registered candidates must be listed on one side of the ballot paper. The Local Electoral Commission shall verify the correctness of the data provided in the ballot paper and it shall attach municipality's official seal to the original of the ballot paper. The original of the ballot paper shall represent the background document for printing of ballot papers.

(2) The necessary number of ballot papers pursuant to Paragraph 1 shall be provided for by the Local Electoral Commission through the District Office.

(3) The ballot paper shall contain the date of elections, candidates in alphabetical order, each of them with the serial number, name and surname, degree, age, employment of the candidate according to the list of candidates, and name of the political party or names of the political parties creating a coalition that proposed the candidate or information that the candidate is independent. The candidates must be listed in the ballot paper in alphabetical order by surnames. The ballot paper must contain the number of the constituency and the number of members of the municipal council to be elected in the constituency.

(4) If the political party uses capital letters in its name, its name shall be provided in the ballot paper in the same way as the names of the other political parties.

(5) The District Office shall deliver the ballot papers to municipalities, which will ensure that no later than on the date of elections the ballot papers are delivered to District Electoral Commissions.

(6) The voter shall receive the ballot papers in the polling station on the date of election.

#### Article 176

### **List of Candidates for Elections of Municipality Mayor**

(1) List of candidates can be submitted by the political party registered pursuant to a special regulation, and an independent candidate. The political party shall deliver the list of candidates in paper form through its authorised representative, and the independent candidate in person no later than 60 days before the date of election to the recording clerk of the Local Electoral Commission. The time limit for the submission of the list of candidates shall end upon the expiry of the last day of the time limit. The lists of candidates, which have not been delivered in the specified way, and the lists of candidates delivered after the expiry of the time limit shall not be taken into account.

(2) For the purpose of elections, political parties can create a coalition and submit a joint list of candidates pursuant to Paragraph 1. If a political party submits the list of candidates independently, for elections of municipality mayor it cannot submit the list of candidates within a coalition.

(3) The list of candidates of a political party or coalition shall contain

- a) the name of the political party or names of the political parties creating a coalition,
- b) the name, surname, degree, date of birth, employment of the candidate at the time of submission of the list of candidates, and address of permanent residence of the candidate,
- c) the name, surname, position, signature of the person authorised to act on behalf of the political party and the seal of the political party; if a coalition is concerned, the name, surname, position, signature of the person entitled to act on behalf of each political party creating the coalition and the seal of each political party creating the coalition.

(4) The following must be attached to the list of candidates of a political party or coalition

- a) the statement of the candidate listed in the list of candidates, which must be confirmed by the handwritten signature of the candidate, that they agree with their candidature, that they do not stand as a candidate in other list of candidates and have no obstacles to the right to be elected, \*\*)
- b) the notice of determination of the authorised representative of the political party or coalition and their substitute including the name, surname and the address, to which papers can be delivered; the acts of the authorised representative in electoral matters are binding on the political party or coalition; no candidate or recording clerk of the Local Electoral Commission may act as the authorised representative of a political party or coalition or their substitute.

(5) The political party or coalition may provide only one candidate in the list of candidates.

(6) The list of candidates of an independent candidate shall contain the name, surname, degree, date of birth, employment of the candidate at the time of submission of the list of candidates, address of permanent residence of the candidate and candidate's handwritten signature.

(7) The list of candidates of an independent candidate must be accompanied by the statement of the candidate, which must be confirmed by the handwritten signature of the candidate, that they agree with their candidature, that they do not stand as a candidate in other list of candidates and have no obstacles to the right to be elected. \*\*)

(8) The list of candidates of each independent candidate shall include the signature document signed by the voters supporting his/her candidature and permanently residing in the municipality, in which he/she stands as a candidate. When signing the signature document, each voter shall provide their name, surname, date of birth, permanent residence, which means the name of municipality, street name, if the municipality is divided to streets, and house number. Each sheet of the signature document shall contain the name, surname, degree, date of birth and permanent residence address of the candidate. One signature document can support only one candidate. The necessary number of signatures is provided in Annex No. 1. The number of municipality residents as at the date of call of elections shall be published by the municipality in the way usual at the place no later than 85 days before the date of elections.

(9) The candidate for municipality mayor may also stand as a candidate for municipal council member.

(10) The recording clerk of the Local Electoral Commission determines whether the submitted lists of candidates contain the particulars pursuant to Paragraphs 3 and 6 and whether they are accompanied by papers pursuant to Paragraphs 4, 7 and 8. If this is not the case, the recording clerk shall call upon the authorised representative of the political party or coalition, or the independent candidate to modify or supplement the list of candidates within the time limit specified by them.

(11) The recording clerk of the Local Electoral Commission submits the lists of candidates to the Local Electoral Commission for review and registration in its first session.

#### Article 177

#### **Registration of Candidates for Elections of Municipality Mayor**

(1) The Local Electoral Commission shall review the submitted lists of candidates and it shall not register the candidate

a) who has an obstacle to the right to be elected pursuant to Article 6,

b) who does not meet the condition listed in Article 165,

c) who failed to attach to the list of candidates the statement pursuant to Article 176 (4) (a) or Paragraph 7,

d) if the candidate is included in the lists of candidates of several political parties or coalitions, in the list of candidates not accompanied by the statement pursuant to Article 176 (4) (a) or Paragraph 7; if the candidate has signed the statement for several lists of candidates, they shall be deleted from all the lists of candidates,

e) who failed to attach to the list of candidates the signature document pursuant to Article 176 (8) or whose signature document is incomplete,

f) cancelled from 31 May 2017. \*\*)

(2) The Local Electoral Commission shall register the candidates no later than 45 days before the date of election and designate the registration of the candidates in the list of candidates. Registration of candidates is the precondition for printing the ballot papers.

(3) The Local Electoral Commission shall immediately prepare a decision on the registration or non-registration of candidates, which will be signed by its Chairman, and it shall call upon the political parties, coalitions, and independent candidates to take over the decision within 24 hours. If a political party or coalition or an independent candidate fail to take over the decision within the specified period, the decision shall be considered taken over.

(4) Against the decision of the Local Electoral Commission on non-registration of a candidate, the affected political party or coalition or the affected independent candidate may submit to an administrative court a proposal for the issuance of a decision on the registration of the candidate. The proposal can be submitted within three days from the date of take-over of the decision of the Local Electoral Commission.

(5) If the administrative court makes decision on the registration of the candidate, the Local Electoral Commission shall execute the decision of the administrative court within 24 hours from its delivery by designating the registration in the list of candidates.

#### Article 178

### **List of Registered Candidates for Elections of Municipality Mayor**

(1) The list of registered candidates shall contain the serial number, name and surname, degree, age, employment of the candidate pursuant to the list of candidates, and the name of the political party or names of the political parties creating a coalition, which proposed the candidate, or information that the candidate is independent. The candidates are listed in the list in alphabetical order by surnames.

(2) The municipality shall publish the list of registered candidates no later than 25 days before the date of elections in the way usual at the place.

#### Article 179

### **Withdrawal of the List of Candidates, Abandonment and Revocation of the Candidature for Elections of Municipality Mayor**

The provision of Article 174 shall also apply to elections of municipality mayor.

#### Article 180

### **Ballot Papers for Elections of Municipality Mayor**

(1) A ballot paper for elections of municipality mayor common for all the registered candidates shall be executed. All the registered candidates must be listed on one side of the ballot paper. The Local Electoral Commission shall verify the correctness of the data provided in the ballot paper and it shall attach municipality's official seal to the original of the ballot paper. The original of the ballot paper shall represent the background document for printing of ballot papers.

(2) The necessary number of ballot papers pursuant to Paragraph 1 shall be provided for by the Local Electoral Commission through the District Office.

(3) The ballot paper shall contain the date of elections, candidates in alphabetical order, each of them with the serial number, name and surname, degree, age, employment of the candidate according to the list of candidates, and name of the political party or names of the political parties creating a coalition that proposed the candidate or information that the candidate is independent. The candidates must be listed in the ballot paper in alphabetical order by surnames.

(4) The provisions of Article 175 (4) to (6) shall also apply to elections of municipality mayor.

#### Article 181

### **Call of Elections**

(1) Elections to bodies of local government of municipalities shall be announced by the Speaker of the National Council of the Slovak Republic no later than 110 days before the date of elections.



(2) Elections to bodies of local government of municipalities shall take place on the last 14 days of their electoral term.

(3) The Speaker of the National Council of the Slovak Republic shall announce elections to bodies of local government of municipalities also if

- a) elections pursuant to this Act have not been carried out in any municipality for any reason,
- b) the Constitutional Court has declared elections invalid or cancelled the election result,
- c) the candidates for municipality mayor have obtained equal number of votes,
- d) the mandate of a municipal council member has expired and there is no substitute for this place, or if the mandate of municipality mayor has expired.

(4) If the fact pursuant to Paragraph 3 (a) occurs, the Speaker of the National Council of the Slovak Republic shall announce elections within 30 days from the publishing of election results by the State Commission.

(5) The application for calling elections to bodies of local government of municipalities pursuant to Paragraph 3 (d) shall be submitted by the municipality to the Ministry of Interior.

(6) The time limits for election execution pursuant to Paragraph 3 shall be attached to the decision of the Speaker of the National Council of the Slovak Republic on calling elections.

(7) Elections to bodies of local government of municipalities pursuant to Paragraph 3 shall not take place in the last 6 months of their electoral term.

#### Article 182 **Voting Procedure**

(1) The District Electoral Commission shall add the voter, who appears in the respective polling station according to the place of permanent residence on the date of election and is not included in the electoral roll, in the electoral roll based on the identity card or residence card for an alien. The District Electoral Commission shall issue ballot papers and an empty envelope to the voter.

(2) The District Electoral Commission shall add the voter, who appears in the respective polling station according to the place of permanent residence on the date of election with the decision of court pursuant to Article 10 (2), in the electoral roll after the voter submits the identity card or residence card for an alien. The District Electoral Commission shall issue ballot papers and an empty envelope to the voter.

(3) In the polling booth, the voter shall put into the envelope one ballot paper for elections to the municipal council and one ballot paper for elections of municipality mayor. The voter shall ring the serial numbers of candidates, which they vote in favour of, in the ballot paper for elections to the municipal council. The voter can ring the serial numbers of maximum such number of candidates, as is the number of municipal council members to be elected in the respective constituency. The voter shall ring the serial number of the candidate, which they vote in favour of, in the ballot paper for elections of municipality mayor.

#### Article 183 **Counting Votes in the District Electoral Commission**

After taking out the ballot papers from envelopes, the District Electoral Commission shall divide the ballot papers separately for elections to the municipal council and separately for

elections of municipality mayor. Afterwards, it shall determine the number of votes validly cast for individual candidates for elections to municipal council and separately for elections of municipality mayor. It provides the results in the record of the voting process and results in the electoral district.

#### Article 184

### **Assessment of Validity of Ballot Papers**

(1) If the voter designates by ringing none of the candidates or designates by ringing more candidates than is the number of municipal council members to be elected in the constituency, or if the voter rings none of the candidates for elections of municipality mayor or rings more than one candidate for elections of municipality mayor, the ballot paper shall be invalid.

(2) If the envelope contains several ballot papers for elections to the municipal council, all the ballot papers are invalid. If the envelope contains several ballot papers for elections of municipality mayor, all the ballot papers are invalid. The ballot papers, which are not in the prescribed form, shall also be invalid.

#### Article 185

### **Record of the District Electoral Commission**

(1) In the record of the voting process and results in the electoral district, the District Electoral Commission shall provide

- a) the time of voting beginning and end or its interruption,
- b) the number of voters included in the electoral roll,
- c) the number of voters that have participated in the voting,
- d) the number of voters that have handed over the envelope,
- e) the number of votes validly cast for individual candidates for members of the municipal council,
- f) the number of votes validly cast for individual candidates for municipality mayor.

(2) The District Electoral Commission shall deliver one counterpart of the record of the voting process and results in the electoral district without undue delay to the Local Electoral Commission. The District Electoral Commission shall end its activity as instructed by the Local Electoral Commission.

#### Article 186

### **Determination of Election Results in the Local Electoral Commission**

The Local Electoral Commission shall determine the election results based on the records of District Electoral Commissions of the voting process and results in the electoral district. In case of any doubts concerning the data included in the record, the Local Electoral Commission shall be entitled to request explanatory notes and other information from the District Electoral Commission; it shall correct obvious mistakes itself based on an agreement with the District Electoral Commission, otherwise it shall ask the District Electoral Commission to eliminate the found deficiencies. Members and recording clerks of electoral commissions, members of their professional summarising units, observers sent by international organisations, as well as other persons, whose presence has been approved by the Local Electoral Commission, may be present during this activity.

Article 187

**Record of the Local Electoral Commission of Election Results in the Constituency**

(1) The Local Electoral Commission shall prepare the record of election results in the constituency in two counterparts. The record of election results in the constituency shall be signed by the Chairman and the other members of the Local Electoral Commission. If any of the members of the Local Electoral Commission fails to sign the record, they can provide reasons for not signing it. A failure to sign the record of election results in the constituency shall not affect its validity.

(2) In the record of the election results in the constituency, the Local Electoral Commission shall provide

- a) the number of electoral districts and the number of District Electoral Commissions that have delivered the record of voting process and results in the electoral district,
- b) the number of voters included in the electoral rolls,
- c) the number of voters that have participated in the voting,
- d) the number of voters that have handed over the envelope,
- e) the number of votes validly cast for individual candidates for members of the municipal council,
- f) the names and surnames of the candidates elected members of the municipal council, the name of the political party or names of the political parties creating the coalition, which proposed the candidates, or information that the candidates are independent,
- g) the names and surnames of the substitutes, the name of the political party or names of the political parties creating the coalition, which proposed the candidates, or information that the candidates are independent,
- h) the number of votes validly cast for individual candidates for municipality mayor.

(3) The record pursuant to Paragraph 1 shall not be produced in the municipality, in which only one constituency was created.

Article 188

**Record of the Local Electoral Commission of Election Results in the Municipality**

(1) The Local Electoral Commission shall prepare the record of election results in the municipality in two counterparts. The record of election results in the municipality shall be signed by the Chairman and the other members of the Local Electoral Commission. If any of the members of the Local Electoral Commission fails to sign the record, they can provide reasons for not signing it. A failure to sign the record of election results in the municipality shall not affect its validity.

(2) In the record of the election results in the municipality, the Local Electoral Commission shall provide

- a) the number of constituencies,
- b) the number of electoral districts and the number of District Electoral Commissions that have delivered the record of voting process and results in the electoral district,
- c) the number of voters included in the electoral rolls,

- d) the number of voters that have participated in the voting,
- e) the number of voters that have handed over the envelope,
- f) the number of votes validly cast for individual candidates for members of the municipal council,
- g) the names and surnames of the candidates elected members of the municipal council, out of it the number of elected women and the number of elected men, the name of the political party or names of the political parties creating the coalition, which proposed the candidates, or information that the candidates are independent,
- h) the names and surnames of the substitutes, the name of the political party or names of the political parties creating the coalition, which proposed the candidates, or information that the candidates are independent,
- i) the number of votes validly cast for individual candidates for municipality mayor,
- j) the name and surname of the elected municipality mayor, the name of the political party or names of the political parties creating the coalition, which proposed the candidate, or information that the candidate is independent.

(3) The Local Electoral Commission shall deliver one counterpart of the record of election results in the municipality without undue delay to the County Electoral Commission. The Local Electoral Commission shall end its activity as instructed by the County Electoral Commission. It shall handover the election documents to the municipality for safekeeping.

(4) The City Electoral Commission in the capital of the Slovak Republic Bratislava and the City Electoral Commission in the city of Košice shall send the signed record of election results in electronic form without undue delay to the State Commission and ensures the delivery of one counterpart of the record to the State Commission by post within three days. The City Electoral Commission in the capital of the Slovak Republic Bratislava and the City Electoral Commission in the city of Košice shall end its activity as instructed by the State Commission. It shall handover the election documents to the city for safekeeping.

#### Article 189 **Election Results**

(1) The candidates, who received the most valid votes in the constituency, are elected members of the municipal council.

(2) If several candidates from the same political party or coalition receive an equal number of valid votes in the constituency, the candidate in the order provided in the list of candidates of the respective political party or coalition is elected municipal council member.

(3) If several candidates from several political parties or coalitions or independent candidates receive an equal number of valid votes in the constituency, the Local Electoral Commission shall determine the municipal council member by lot.

(4) The candidate, who received the most valid votes, is elected municipality mayor. In case of equality of votes, new elections shall take place.

#### Article 190 **Publishing the Election Results**

The Local Electoral Commission shall publish the results of elections to the municipality council and the results of elections of municipality mayor in the way usual at the place.

Article 191  
**Credentials**

The Local Electoral Commission shall issue credentials to the candidates elected municipal council members and to the candidate elected municipality mayor.

Article 192  
**Substitutes**

(1) If the mandate of a municipality council member expires, the vacancy shall be filled by the substitute - the candidate who received the biggest number of valid votes in the constituency, in which the mandate expired. In case of equality of votes, Article 189 (2) and (3) shall be followed accordingly.

(2) The accession of the substitute shall be notified by the municipality mayor on the official notice board of the municipality within 15 days after the mandate expired; the municipality mayor shall hand over the credentials to the new municipality council member. The credentials shall be signed by the Municipality mayor.

Article 193  
**Verification of Records by the County Electoral Commission**

The County Electoral Commission shall gather the records of Local Electoral Commissions of the results of elections in the municipality and verifies their completeness through their professional summarising unit. In case of any doubts concerning the data included in the record, the County Electoral Commission shall be entitled to request explanatory notes and other information from the Local Electoral Commission; it shall correct obvious mistakes itself based on an agreement with the Local Electoral Commission, otherwise it shall ask the Local Electoral Commission to eliminate the found deficiencies. Members and recording clerks of electoral commissions, members of their professional summarising units, observers sent by international organisations, as well as other persons, whose presence has been approved by the County Electoral Commission, may be present during this activity.

Article 194  
**Record of the County Electoral Commission**

(1) In the record of election results, the County Electoral Commission shall provide

- a) the number of Local Electoral Commissions, which have delivered the record of election results in the municipality,
- b) the number of voters included in the electoral rolls,
- c) the number of voters that have participated in the voting,
- d) the number of voters that have handed over the envelope,
- e) the number of members elected to municipal councils by individual political parties, coalitions, and independent candidates, out of it the number of elected women and the number of elected men,
- f) the number of municipalities, in which the municipal council has been elected,
- e) the number of municipality mayors elected by individual political parties, coalitions, and independent candidates, out of it the number of elected women and the number of elected men.

(2) The County Electoral Commission shall send the signed record of election results in electronic form without undue delay to the State Commission and ensures the delivery of one counterpart of the record to the State Commission by post within three days. The County Electoral Commission shall end its activity as instructed by the State Commission. It shall handover the election documents to the District Office for safekeeping.

Article 195  
**Record of the State Commission**

In the record of the election results, the State Commission shall provide

- a) the number of County Electoral Commissions, which have delivered the record of election results,
- b) the number of voters included in the electoral rolls,
- c) the number of voters that have participated in the voting,
- d) the number of voters that have handed over the envelope,
- e) the number of members elected to municipal councils by individual political parties, coalitions, and independent candidates, out of it the number of elected women and the number of elected men,
- f) the number of municipalities, in which the municipal council has been elected,
- e) the number of municipality mayors elected by individual political parties, coalitions, and independent candidates, out of it the number of elected women and the number of elected men.

**The title enters into force on 1 January 2021**

Article 195a  
**It enters into force on 1 January 2021**

Article 195b  
**It enters into force on 1 January 2021**

Article 195c  
**It enters into force on 1 January 2021**

Article 195d  
**It enters into force on 1 January 2021**

**PART EIGHT**

**REFERENDUM**

Article 196  
**Right to Vote**

The citizen of the Slovak Republic, who has the right to vote in the elections to the National Council of the Slovak Republic, has the right to vote in referendum.

Article 197  
**Special Electoral Roll**

(1) The special electoral roll shall be prepared and kept by the Ministry of Interior. The voters without permanent residence in the territory of the Slovak Republic are included in the special electoral roll.

(2) Voters are kept in the special electoral roll in alphabetical order according to surnames.

(3) The special electoral roll contains the following voter's data:

- a) name and surname,
- b) personal ID number, and if the personal ID number has not been assigned, the date of birth,
- c) address of residence abroad.

(4) The voter is included in the special electoral roll based on the application for voting by post. The application can be filed in paper form or in electronic form.

(5) If the application for voting by post does not contain the data specified by law or if it is not accompanied by the specified enclosures, the Ministry of Interior shall take measures ensuring that the applicant for voting by post supplements the missing data. If the applicant fails to deliver the data or specified enclosures 35 days before the date of referendum at the latest, the Ministry of Interior shall not add them to the special electoral roll.

(6) The Ministry of Interior shall hand over the special electoral roll to the District Electoral Commission created for the special district in two counterparts on the date of referendum.

Article 198  
**Voter Certificate**

The provisions of Article 46 apply to voter certificate.

Article 199  
**County Electoral Commission**

(1) The political party or coalition, which is represented in the National Council of the Slovak Republic, may delegate one member and one substitute for the County Electoral Commission. If the referendum is called based on a petition of citizens, the petitions committee for referendum can also delegate one member and one substitute. The political party, coalition or petitions committee for referendum shall deliver the notice of delegation of a member and substitute to the District Office Head within the time limit provided in the decision on the call of referendum.

(2) The notice of delegation of a member and substitute shall contain

- a) the name, surname and date of birth of the member, including the address for the delivery of papers,
- b) the name, surname and date of birth of the substitute, including the address for the delivery of papers,
- c) name, surname and signature of the person
  1. authorised to act on behalf of the political party and the seal of the political party,
  2. authorised to act on behalf of each political party creating a coalition and its seal, if a coalition

is concerned,

3. appointed to be in contact with a central government authority, if a petitions committee for referendum is concerned.

(3) The notice of delegation of a member and substitute can be delivered in paper form or in electronic form. The time limit for the delivery of the notice shall end upon the expiry of the last day of the time limit. The notices delivered after the expiry of such time limit shall not be taken into account.

(4) If the County Electoral Commission is not created in the way laid down in Paragraph 1 or if the number of its members decreases below five and there is no substitute, the missing members shall be appointed by the District Office Head.

(5) The first session of the County Electoral Commission shall take place within the time limit provided in the decision on the call of referendum; the session shall be summoned by the District Office Head.

(6) The membership of the County Electoral Commission shall cease to exist on the date of delivery of a written notice of recall of the member by the political party, coalition or petitions committee for referendum, which delegated them, or upon the delivery of a written notice of the member's resignation to the Chairman of the County Electoral Commission, who will call the substitute. The membership of the County Electoral Commission shall also cease to exist if the member fails to take an oath no later than ten days before the date of referendum; this shall not apply to the substitute.

(7) The County Electoral Commission

- a) supervises the readiness of District Electoral Commissions to fulfil the tasks hereunder,
- b) negotiates information of the District Office on the organisational and technical preparation of the referendum,
- c) negotiates information on the securing of the activity of its professional summarising unit,
- d) supervises the processing of voting results,
- e) prepares a record of voting results,
- f) hands over the referendum documents to the District Office for safekeeping.

(8) The territory of the County Electoral Commission is identical with the territory of the District Office.

#### Article 200

#### **Recording Clerk of the County Electoral Commission**

The recording clerk of the County Electoral Commission shall be appointed and recalled by the District Office Head.

#### Article 201

#### **District Electoral Commission**

(1) The political party or coalition, which is represented in the National Council of the Slovak Republic, may delegate one member and one substitute for the District Electoral Commission. If the referendum is called based on a petition of citizens, the petitions committee for referendum can also delegate one member and one substitute. The notice of delegation of a member and substitute shall be delivered by the political party, coalition or petitions committee for



referendum to the municipality mayor within the time limit provided in the decision on the call of referendum; the notice of delegation of a member and substitute to the District Electoral Commission created for the special district shall be delivered by the political party or coalition to the State Commission Chairman.

(2) The notice of delegation of a member and substitute shall contain

a) the name, surname and date of birth of the member, including the address for the delivery of papers,

b) the name, surname and date of birth of the substitute, including the address for the delivery of papers,

c) name, surname and signature of the person

1. authorised to act on behalf of the political party and the seal of the political party,

2. authorised to act on behalf of each political party creating a coalition and its seal, if a coalition is concerned,

3. appointed to be in contact with a central government authority, if a petitions committee for referendum is concerned.

(3) The notice of delegation of a member and substitute can be delivered in paper form or in electronic form. The time limit for the delivery of the notice shall end upon the expiry of the last day of the time limit. The notices delivered after the expiry of such time limit shall not be taken into account.

(4) If the District Electoral Commission is not created in the way laid down in Paragraph 1 or if the number of its members decreases below five and there is no substitute, the missing members shall be appointed by the municipality mayor; the missing members of the District Electoral Commission created for the special district shall be appointed by the State Commission Chairman.

(5) The first session of the District Electoral Commission shall take place within the time limit provided in the decision on the call of referendum; the session shall be summoned by the municipality mayor. The first session of the District Electoral Commission created for the special district shall be summoned by the Chairman of the State Commission.

(6) The membership of the District Electoral Commission shall also cease to exist on the date of delivery of a written notice of recall of the member by the political party, coalition or petitions committee for referendum, which delegated them, or upon the delivery of a written notice of the member's resignation to the Chairman of the District Electoral Commission, who will call the substitute. The membership of the District Electoral Commission shall also cease to exist if the member fails to take an oath no later than ten days before the date of referendum; this shall not apply to the substitute.

(7) The District Electoral Commission

a) ensures the correct process of voting,

b) adds voters to the electoral roll on the date of referendum,

c) counts votes and prepares a record of the voting process and results in the electoral district,

d) hands over the referendum documents to the municipality for safekeeping.

(8) The District Electoral Commission established for the special district

a) takes over the return envelopes from the Ministry of Interior,

- b) designates election by post in the special electoral roll,
- c) puts the envelopes into the ballot box,
- d) counts votes and prepares a record of results of voting by post by the voters not permanently residing in the territory of the Slovak Republic,
- e) hands over the election documents to the Ministry of Interior for safekeeping.

### **Call of Referendum**

#### Article 202

(1) Referendum is called by the President.

(2) The decision on calling a referendum shall include information on whose proposal the referendum is called, the date of adoption of the resolution of the National Council of the Slovak Republic or the date of petition receipt, the proposal or proposals submitted to citizens for decision-making. If the subject of referendum is broader and the proposals submitted in the referendum need explanation, it shall be provided in an annex to the proposal; the annex shall be part of the decision.

(3) The proposal or proposals submitted for decision-making in the referendum must be formulated so that they can be answered unambiguously “yes” or “no” and they must not be mutually conditional.

(4) The proposal for calling a referendum is submitted by the Speaker of the National Council of the Slovak Republic to the President within five days from the adoption of the resolution of the National Council of the Slovak Republic on calling the referendum.

(5) If the referendum is to be called based on a petition of citizens, the petition right shall be exercised pursuant to a special regulation. Citizens shall submit the petition requesting the call of referendum to the President.

#### Article 203

(1) The President shall review whether the content of the proposal for the call of referendum corresponds to the Constitution of the Slovak Republic and special regulation and whether the prescribed particulars are included in the proposal.

(2) If the conditions provided in Paragraph 1 are not met, the President shall refuse the call of referendum. The President shall inform the representative of the petitions committee for referendum on their decision.

#### Article 204

##### **Ballot Paper**

(1) The ballot paper shall contain the proposal or proposals in the form of questions with serial numbers. The answer “yes” and the answer “no” is provided at each proposal.

(2) The Ministry of Interior shall provide for the necessary number of ballot papers.

(3) The State Commission shall attach its official seal to the original of the ballot paper. The original of the ballot paper shall represent the background document for printing of ballot papers.

(4) Ballot papers must be printed in the same font type and size, in the paper of the same colour and quality and with the same dimensions.

(5) The Ministry of Interior shall deliver ballot papers to municipalities through District Offices. Municipalities shall ensure that the ballot papers are delivered to District Electoral Commissions no later than on the date of referendum.

(6) The voter voting in the territory of the Slovak Republic shall receive the ballot paper in the polling station.

#### Article 205 **Election Procedure**

(1) The voter can vote in the territory of the Slovak Republic

- a) in the electoral district, in whose electoral roll the voter is registered or
- b) in any electoral district based on the voter certificate.

(2) The voter can vote out the territory of the Slovak Republic by post.

(3) Voting by post is permitted to

- a) the voter, who does not have the permanent residence in the territory of the Slovak Republic and based on an application has been included in the special electoral roll,
- b) the voter, who is permanently residing in the territory of the Slovak Republic, at the time of referendum is staying out of its territory and applies the municipality, in which they are permanently residing, for voting by post.

#### Article 206 **Voting Procedure**

(1) The District Electoral Commission shall add the voter, who appears in the polling station on the date of referendum with a voter certificate, in the electoral roll after the voter submits the identity card. The District Electoral Commission shall attach the voter certificate to the electoral roll and issue the ballot paper and an empty envelope to the voter.

(2) The District Electoral Commission shall add the voter, who appears in the respective polling station according to the place of permanent residence on the date of referendum and is not included in the electoral roll, in the electoral roll based on the identity card. The District Electoral Commission shall issue the ballot paper and an empty envelope to the voter.

(3) The District Electoral Commission shall add the voter, who appears in the respective polling station according to the place of permanent residence on the date of referendum with the decision of court pursuant to Article 10 (2), in the electoral roll after the voter submits the identity card. The District Electoral Commission shall issue the ballot paper and an empty envelope to the voter.

(4) The voter puts the ballot paper into the envelope in the polling booth. They shall ring the answer "yes" or "no" in the ballot paper put into the envelope.

(5) If the decision on several proposals is made in the referendum, the provision of Paragraph 4 shall apply to each of the proposals separately.

Article 207

**Voting by Post by a Voter not Permanently Residing in the Territory of the Slovak Republic**

(1) The voter not permanently residing in the territory of the Slovak Republic may apply for voting by post in writing or in electronic form. The application for voting by post must be delivered to the Ministry of Interior no later than 50 days before the date of referendum. The application delivered after the specified period shall not be taken into account.

(2) The application for voting by post must contain the following data on the candidate:

- a) name and surname,
- b) personal ID number, and if the personal ID number has not been assigned, the date of birth,
- c) address of residence abroad.

(3) The voter shall attach the following to the application for voting by post

- a) declaration on oath in the official state language that he/she is not permanently residing in the territory of the Slovak Republic,
- b) a photo copy of the part of the travel document of the Slovak Republic with the voter's personal data or a photo copy of the certificate of citizenship of the Slovak Republic.

(4) No later than 35 days before the date of referendum, the Ministry of Interior shall send to the voter, who has applied for voting by post, to the address of residence abroad

- a) the envelope pursuant to Article 22 (3) equipped with official seal of the Ministry of Interior,
- b) ballot paper,
- c) return envelope,
- d) voting procedure instruction.

(5) The return envelope must be designated with the password "VOTING BY POST". It must contain the address of the seat of the Ministry of Interior as addressee and the voter's address as sender.

(6) The voter shall ring the answer "yes" or the answer "no" in the ballot paper.

(7) The voter shall put the ballot paper into the envelope and the sealed envelope into the return envelope, which is sent. The postal charges are paid by the voter.

(8) The voting results shall include the votes in the ballot papers delivered to the Ministry of Interior no later than on the last business day before the date of referendum. The Ministry of Interior shall hand over the return envelopes to the District Electoral Commission established for the special district on the date of referendum.

(9) The District Electoral Commission established for the special district shall ring the serial numbers of the voters and designate voting by post in the special electoral roll. After opening the return envelopes and taking out the envelopes with the ballot papers, it shall put the envelopes into the ballot box.

(10) The provisions of Article 29 (2) to (4) and Articles 209 and 210 shall apply accordingly to the procedure in determining the voting results.

(11) The District Electoral Commission established for the special district shall prepare a record of results of voting by post. The record shall be signed by the Chairman and the other members of the District Electoral Commission established for the special district. If any of the members of the District Electoral Commission established for the special district fails to sign the record, they can provide reasons for not signing it. A failure to sign the record of voting result shall not affect its validity.

(12) The District Electoral Commission established for the special district shall provide in the record of results of voting by post

- a) the number of voters included in the special electoral roll,
- b) the number of voters who have sent a return envelope from abroad,
- c) the number of ballot papers cast,
- d) the number of ballot papers validly cast,
- e) the number of votes "yes" and the number of votes "no".

(13) To determine the participation in the referendum, the number of voters, who took over the envelope for voting, and the number of voters, who have sent the return envelope from abroad, which was delivered on the last business day before the date of referendum, shall be decisive.

(14) The District Electoral Commission established for the special district shall deliver one counterpart of the record of results of voting by post by the voters not permanently residing in the territory of the Slovak Republic to the State Commission.

(15) The District Electoral Commission established for the special district shall end its activity as instructed by the State Commission.

(16) The record of the District Electoral Commission established for the special district pursuant to Paragraph 12 is also the record of the County Electoral Commission.

#### Article 208

#### **Voting by Post by a Voter Permanently Residing in the Territory of the Slovak Republic, who Stays out of its Territory at the Time of Referendum**

(1) The voter permanently residing in the territory of the Slovak Republic, who stays out of its territory at the time of referendum, may ask the municipality of permanent residence for voting by post in writing or in electronic form. The application for voting by post must be delivered no later than 50 days before the date of referendum. The application delivered after the specified period shall not be taken into account.

(2) The application for voting by post must contain the following data on the candidate:

- a) name and surname,
- b) personal ID number,
- c) address of permanent residence,
- d) address of residence abroad.

(3) No later than 35 days before the date of referendum, the municipality shall send to the voter to the address of residence abroad

a) an envelope pursuant to Article 22 (3),

b) ballot paper,

c) return envelope,

d) voting procedure instruction.

(4) The return envelope must be designated with the password "VOTING BY POST". It must contain the address of the seat of the Municipality Office of the municipality as addressee and the voter's address as sender.

(5) The voter shall ring the answer "yes" or the answer "no" in the ballot paper.

(6) The voter shall put the ballot paper into the envelope and the sealed envelope into the return envelope, which is sent. The postal charges are paid by the voter.

(7) The voting results shall include the votes in the ballot papers delivered to the voter's municipality of permanent residence no later than on the last business day before the date of referendum.

(8) The return envelopes delivered within the time limit pursuant to Paragraph 7 shall be handed over by the municipality to the respective District Electoral Commission after the voting has been declared commenced.

(9) In the presence of a representative of the municipality, the District Electoral Commission shall ring the serial numbers of the voters and designate voting by post in the electoral roll. After opening the return envelopes and taking out the envelopes with the ballot papers, the representative of the municipality shall put these envelopes into the ballot box.

#### Article 209

### **Counting Votes in the District Electoral Commission**

After taking the ballot papers out of the envelopes, the District Electoral Commission shall exclude invalid ballot papers and determine the number of votes "yes" and the number of votes "no" for each of the proposals. It provides the results in the record of the voting process and results in the electoral district.

#### Article 210

### **Assessment of Validity of Ballot Papers**

If a ballot paper is not modified in the specified way, it shall be invalid. If the envelope contains several ballot papers, all the ballot papers are invalid. The ballot papers, which are not in the prescribed form, shall also be invalid.

#### Article 211

### **Record of the District Electoral Commission**

(1) In the record of the voting process and results in the electoral district, the District Electoral Commission shall provide

a) the time of voting beginning and end or its interruption,

b) the number of voters included in the electoral roll,

c) the number of voters that have participated in the voting,

- d) the number of voters that have handed over the envelope pursuant to Article 24,
- e) the number of voters who have sent a return envelope from abroad,
- f) the number of ballot papers cast and sent,
- g) the number of valid ballot papers,
- h) the number of votes "yes" and the number of votes "no".

(2) To determine the participation in the referendum, the number of voters, who took over the envelope for voting, and the number of voters, who have sent the return envelope from abroad, which was delivered on the last business day before the date of referendum, shall be decisive.

(3) The District Electoral Commission shall deliver one counterpart of the record of the voting process and results in the electoral district without undue delay to the County Electoral Commission. The District Electoral Commission shall end its activity as instructed by the County Electoral Commission.

#### Article 212

#### **Verification of Records by the County Electoral Commission**

The County Electoral Commission shall determine the referendum results based on the records of District Electoral Commissions of the voting process and results in the electoral district. In case of any doubts concerning the data included in the record, the Local Electoral Commission shall be entitled to request explanatory notes and other information from the District Electoral Commission; it shall correct obvious mistakes itself based on an agreement with the District Electoral Commission, otherwise it shall ask the District Electoral Commission to eliminate the found deficiencies. Members and recording clerks of electoral commissions, members of their professional summarising units, observers sent by international organisations, as well as other persons, whose presence has been approved by the County Electoral Commission, may be present during this activity.

#### Article 213

#### **Record of the County Electoral Commission**

(1) In the record of the voting results, the County Electoral Commission shall provide

- a) the number of electoral districts and the number of District Electoral Commissions that have delivered the record of voting process and results in the electoral district,
- b) the number of voters included in the electoral roll,
- c) the number of voters that have participated in the voting,
- d) the number of voters that have handed over the envelope pursuant to Article 24,
- e) the number of voters who have sent a return envelope from abroad,
- f) the number of ballot papers cast and sent,
- g) the number of valid ballot papers,
- h) the number of votes "yes" and the number of votes "no".

(2) The County Electoral Commission shall send the signed record of voting results in electronic form without undue delay to the State Commission and ensures the delivery of one counterpart of the record to the State Commission by post within three days. The County Electoral Commission shall end its activity as instructed by the State Commission. The County Electoral Commission hands over the referendum documents to the District Office for safekeeping.

#### Article 214

#### **Record of the State Commission**

(1) In the record of the referendum results, the State Commission shall provide

- a) the number of County Electoral Commissions, which have sent the records,
- b) the number of electoral districts,
- c) the number of voters included in the electoral roll,
- d) the number of voters that have participated in the voting,
- e) the number of voters that have handed over the envelope pursuant to Article 24,
- f) the number of voters who have sent a return envelope from abroad,
- g) the number of ballot papers cast and sent,
- h) the number of valid ballot papers,
- i) the number of votes "yes" and the number of votes "no".

(2) The State Commission shall hand over the record to the National Council of the Slovak Republic.

#### Article 215

#### **Announcement of Referendum Results**

(1) The announcement of referendum results by the National Council of the Slovak Republic must contain

- a) the date of referendum,
- b) the number of voters included in the electoral rolls,
- c) the number of voters that have participated in the voting,
- d) the number of voters, who answered "yes" to the proposal,
- e) the number of voters, who answered "no" to the proposal,
- f) the statement, which proposal has been adopted by the referendum.

(2) In case of several proposals, the data pursuant to Paragraph 1 (d) and (e) shall be provided separately for each proposal.



## **PART NINE**

### **COMMON, TRANSITIONAL AND FINAL PROVISIONS**

#### Article 216

Based on an agreement with the Statistical Office and the Ministry of Finance of the Slovak Republic, the Ministry of Interior shall determine through a generally binding legal regulation individual types of expenditures connected with elections to be covered by the State Budget and the way of settlement.

#### Article 217

(1) The Ministry of Interior

- a) provides for the printing of methodical and information materials, manuals, and the envelopes,
- b) provides guidance to municipalities and District Offices in
  - 1. creating the electoral districts,
  - 2. preparing the electoral rolls,
  - 3. providing and equipping the polling stations,
  - 4. the safekeeping of ballot papers and other election documents.

(2) Based on an agreement with the Ministry of Interior, the Statistical Office shall issue the methodology for processing the voting results.

#### Article 218

(1) If a municipality is divided or several municipalities are united, the tasks imposed upon municipality, municipal council or municipality mayor by this Act, shall be fulfilled for the new municipality or new municipalities by the District Office in cooperation with the divided municipality or united municipalities.

(2) The tasks, which municipalities and Self-Governing Regions fulfil pursuant to this Act, represent the transferred performance of state government.

#### Article 219

(1) The electoral commissions established for elections to bodies of local government of municipalities in 2014 fulfil the functions pursuant to current regulations until the call of elections to bodies of local government of municipalities in 2018.

(2) The electoral commissions established for elections to Self-Governing Region bodies in 2013 fulfil the functions pursuant to current regulations until the call of elections to Self-Governing Region bodies in 2017.

(3) If the need arises to perform elections to local government bodies in the current electoral term, the elections will take place pursuant to the current regulations.

(4) Elections to the National Council of the Slovak Republic, elections of President, plebiscite on the recall of President, and a referendum called before 30 June 2015, if they are to take place after 1 July 2015, they shall be carried out pursuant to the current regulations.

(5) The first State Commission pursuant to this Act shall be created by 31 August 2015 pursuant to the results of elections to the National Council of the Slovak Republic performed in 2012. Chairmen of the respective political parties, President of the Constitutional Court of the Slovak Republic, President of the Supreme Court of the Slovak Republic, General Prosecutor,

and President of the Supreme Audit Office of the Slovak Republic shall notify the Speaker of the National Council of the Slovak Republic, no later than on 31 July 2015, of the name, surname, degree, date of birth, completed education, and address of permanent residence of the State Commission member; the notification shall be accompanied by the extract from the Criminal Record of the State Commission member no older than three months and the document on the education completed by the State Commission member.

#### Article 219a

The elections pursuant to Article 219 (3) may be called until 31 October 2017.

#### Article 219b

Political parties shall submit the list pursuant to Article 50 (4) (c) for elections to the National Council of the Slovak Republic and the list pursuant to Article 80 (4) (b) for elections to the European Parliament first time for the elections called after 30 June 2019.

#### Article 220

Where the term "Slovak Electoral Commission" or "Central Electoral Commission" is used in generally binding legal regulations, it shall mean the "State Commission for Elections and Control of Funding of Political Parties".

#### Article 220a

### **Measure in Connection with the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union**

(1) If the United Kingdom of Great Britain and Northern Ireland is a Member State of the European Union at the beginning of the electoral term 2019 – 2024, the elected candidate of the political party or coalition with the smallest division remainder shall not take office based on the results of elections to the European Parliament in 2019 until the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union comes into legal effect. In case of equality of division remainders, the elected candidate of the political party or coalition, which obtained a lower number of votes, shall not take office. In case of equality of the valid votes, the decision shall be made by lot.

(2) The State Commission shall notify the name and surname of the elected candidate pursuant to Paragraph 1 to the Speaker of the National Council of the Slovak Republic. In addition to the record of election results pursuant to Article 95 (3), the Speaker of the National Council of the Slovak Republic shall also hand over the name and surname of the elected candidate pursuant to Paragraph 1 to the European Parliament.

#### Article 221

### **Transposition Provision**

2. This Act transposes the legally binding acts of the European Union specified in Annex No.

#### Article 222

### **Repealing Provision**

The following is repealed:

1. Act of the Slovak National Council of the Slovak Republic No. 346/1990 Coll. on elections to bodies of local government of municipalities as amended by Act of the Slovak National Council of the Slovak Republic No. 8/1992 Coll., Act of the National Council of the Slovak Republic No. 60/1993 Coll., Act of the National Council of the Slovak Republic No. 252/1994 Coll., Act of the

National Council of the Slovak Republic No. 222/1996 Coll., Act No. 233/1998 Coll., Ruling of the Constitutional Court of the Slovak Republic No. 318/1998 Coll., Act No. 331/1998 Coll., Act No. 389/1999 Coll., Act No. 302/2000 Coll., Act No. 36/2002 Coll., Act No. 515/2003 Coll., Act No. 335/2007 Coll., Act No. 112/2010 Coll., Act No. 204/2011 Coll. and Act No. 180/2014 Coll.,

2. Act of the National Council of the Slovak Republic No. 564/1992 Coll. on the way of performing referendum as amended by Act of the National Council of the Slovak Republic No. 158/1994 Coll., Act of the National Council of the Slovak Republic No. 269/1995 Coll., Ruling of the Constitutional Court of the Slovak Republic No. 153/1996 Coll., Act No. 515/2003 Coll., Act No. 192/2007 Coll. and Act No. 204/2011 Coll.,

3. Act No. 46/1999 Coll. on the way of election of the President of the Slovak Republic, on plebiscite on the recall of the President of the Slovak Republic, and on the amendment to certain acts as amended by Act No. 515/2003 Coll., Act No. 445/2008 Coll. and Act No. 204/2011 Coll.,

4. Act No. 303/2001 Coll. on elections to self-governing region bodies and on the amendment to the Code of Civil Procedure as amended by Act No. 335/2007 Coll. and Act No. 204/2011 Coll.,

5. Act No. 331/2003 Coll. on elections to the European Parliament as amended by Act No. 515/2003 Coll., Act No. 324/2004 Coll., Act No. 464/2005 Coll., Act No. 445/2008 Coll., Act No. 599/2008 Coll., Ruling of the Constitutional Court of the Slovak Republic No. 126/2009 Coll., Act No. 58/2010 Coll., Act No. 204/2011 Coll. and Act No. 495/2013 Coll.,

6. Act No. 333/2004 Coll. on elections to the National Council of the Slovak Republic as amended by Act No. 464/2005 Coll., Act No. 192/2007 Coll., Act No. 445/2008 Coll., Ruling of the Constitutional Court of the Slovak Republic No. 126/2009 Coll., Act No. 58/2010 Coll., Act No. 266/2010 Coll. and Act No. 204/2011 Coll.,

7. Decree of the Ministry of Finance of the Slovak Republic No. 122/1994 Coll. on the amount of remuneration, on the way of settlement and payment of the remuneration and compensations to electoral commission members as amended by Decree of the Ministry of Finance of the Slovak Republic No. 372/1998 Coll. and Decree of the Ministry of Finance of the Slovak Republic No. 609/2006 Coll.,

8. Decree of the Ministry of Interior of the Slovak Republic No. 467/2001 Coll. on the settlement of claims of electoral commission members in elections to self-governing region bodies,

9. Decree of the Ministry of Interior of the Slovak Republic No. 443/2009 Coll. determining the types of expenditures connected with elections to self-governing region bodies and the way of their settlement,

10. Decree of the Ministry of Interior of the Slovak Republic and Statistical Office of the Slovak Republic No. 313/2004 Coll. on expenditures connected with elections to the European Parliament as amended by Decree of the Ministry of Interior of the Slovak Republic and Statistical Office of the Slovak Republic No. 562/2007 Coll.

## Section II

**Repealed from 01/07/2016**

## Section III

**Repealed from 31 May 2017 \*\*)**

## Section IV

**Repealed from 31 May 2017 \*\*)**

## Section V

Act No. 595/2003 Coll. on income tax as amended by Act No. 43/2004 Coll., Act No. 177/2004 Coll., Act No. 191/2004 Coll., Act No. 391/2004 Coll., Act No. 538/2004 Coll., Act No. 539/2004 Coll., Act No. 659/2004 Coll., Act No. 68/2005 Coll., Act No. 314/2005 Coll., Act No. 534/2005 Coll., Act No. 660/2005 Coll., Act No. 688/2006 Coll., Act No. 76/2007 Coll., Act No. 209/2007 Coll., Act No. 519/2007 Coll., Act No. 530/2007 Coll., Act No. 561/2007 Coll., Act No. 621/2007 Coll., Act No. 653/2007 Coll., Act No. 168/2008 Coll., Act No. 465/2008 Coll., Act No. 514/2008 Coll., Act No. 563/2008 Coll., Act No. 567/2008 Coll., Act No. 60/2009 Coll., Act No. 184/2009 Coll., Act No. 185/2009 Coll., Act No. 504/2009 Coll., Act No. 563/2009 Coll., Act No. 374/2010 Coll., Act No. 548/2010 Coll., Act No. 129/2011 Coll., Act No. 231/2011 Coll., Act No. 250/2011 Coll., Act No. 331/2011 Coll., Act No. 362/2011 Coll., Act No. 406/2011 Coll., Act No. 547/2011 Coll., Act No. 548/2011 Coll., Act No. 69/2012 Coll., Resolution of the Constitutional Court of the Slovak Republic No. 188/2012 Coll., Act No. 189/2012 Coll., Act No. 252/2012 Coll., Act No. 288/2012 Coll., Act No. 395/2012 Coll., Act No. 70/2013 Coll., Act No. 135/2013 Coll., Act No. 318/2013 Coll. and Act No. 463/2013 Coll. shall be amended as follows:

In Article 5, Paragraph 7 shall be supplemented with subparagraph (k) reading:

"(k) rewards pursuant to Paragraph 1 (j).".

## Section VI

This Act shall come into effect on 1 July 2014 except for Sections I and II, which shall come into effect on 1 July 2015, and Section V, which shall come into effect on 1 January 2016.

Resolution of the Constitutional Court of the Slovak Republic No. 239/2014 Coll. came into effect on 17 September 2014.

Act No. 356/2015 Coll. came into effect on 9 December 2015.

Acts No. 160/2015 Coll. and No. 125/2016 Coll. came into effect on 1 July 2016.

Act No. 69/2017 Coll. came into effect on 31 March 2017.

Rulings of the Constitutional Court of the Slovak Republic No. 130/2017 Coll. and 131/2017 Coll. came into effect on 31 May 2017.

Act No. 165/2017 Coll. came into effect on 1 July 2017.

Acts No. 177/2018 Coll. and No. 344/2018 Coll. came into effect on 1 January 2019.

**Ivan Gašparovič m.p.**

**Pavol Paška m.p.**

**Robert Fico m.p.**

## ANNEX 1

**MINIMUM NUMBER OF SIGNATURES OF THE VOTERS SUPPORTING THE  
CANDIDATURE OF AN INDEPENDENT CANDIDATE FOR ELECTIONS OF  
MUNICIPAL COUNCIL MEMBERS AND ELECTIONS OF MUNICIPALITY MAYOR**

Number of municipality residents	Number of signatures of voters in the signature document
up to 50	10
51 - 100	20
101 - 500	40
501 - 2,000	100
2 001 - 20 000	200
20,001 - 100,000	500
over 100,000	1,000

## ANNEX 2

### LIST OF TRANSPOSED LEGALLY BINDING ACTS OF THE EUROPEAN UNION

1. Council Directive 93/109/EC of 6 December 1993 laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals (Special edition of OJ, Chap. 20/Volume 1; OJ L 329, 30.12.1993) as amended by Council Directive 2013/1/EU of 20 December 2012 (OJ L 26, 26.1.2013).

2. Council Directive 94/80/EC of 19 December 1994 laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals (Special edition of OJ, Chap. 20/Volume 1; OJ L 368, 31.12.1994) as amended by Council Directive 96/30/EC of 13 May 1996 (Special edition of OJ, Chap. 1/Volume 1; OJ L122, 27.5.1996), as amended by Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded (OJ L 236, 23.9.2003), as amended by Council Directive 2006/106/EC of 20 November 2006 (OJ L 363, 20.12.2006), as amended by Commission Implementing Decision 2012/412/EU of 19 July 2012 (OJ L 192, 20.7.2012), as amended by Council Directive 2013/19/EU of 13 May 2013 (OJ L 158, 10.6.2013).

\*) Note of the editorial office:

Pursuant to Ruling of the Constitutional Court of the Slovak Republic No. 130/2017 Coll., the provisions of Article 4 (b) and (c) of the Act are not in compliance with Article 1 (1) first sentence, Article 2 (1), Article 12 (1) and (2), Article 13 (3) and (4) in conjunction with Article 30 (1) first sentence and (3) first sentence of the Constitution of the Slovak Republic, Article 3 of the Additional Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms in conjunction with Article 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms, Article 25 (a) and (b) in conjunction with Article 2 (1) of the International Covenant on Civil and Political Rights, Article 29 in conjunction with Article 5 (1) and (2) and Article 12 (1) and (2) of the Convention on the Rights of Persons with Disabilities and Article 39 (2) of the Charter of Fundamental Rights of the European Union.

The provisions of Article 4 (b) and (c) shall lose effect on 31 May 2017 and validity on 30 November 2017.

\*\*) Note of the editorial office:

Pursuant to Ruling of the Constitutional Court of the Slovak Republic No. 131/2017 Coll., the provisions of:

- Section I Article 165 of the Act in the part "and meets the preconditions for the discharge of the function of mayor pursuant to a special regulation",
- Section I Article 176 (4) (a) of the Act in the part "and the document certifying the fulfilment of the precondition for the discharge of the function of mayor pursuant to a special regulation",
- Section I Article 176 (7) of the Act in the part "as well as the document certifying the fulfilment of the

precondition for the discharge of the function of mayor pursuant to a special regulation“,

- Section I Article 177 (1) (e) of the Act (formerly Point (e) of the Act - until and including 30 March 2017),

- Section III of the Act, and

- Section IV of the Act

are not in compliance with Article 1 (1), Article 12 (1) and (2), and Article 13 (4) in conjunction with Article 30 (1), (3) and (4), and Article. 31 of the Constitution of the Slovak Republic.

These provisions shall lose effect on 31 May 2017 and validity on 30 November 2017.

"1) Article 10 (4) (a) of Act No. 330/2007 Coll. on the Criminal Record and on the amendment to certain acts as amended by Act No. 91/2016 Coll. ".